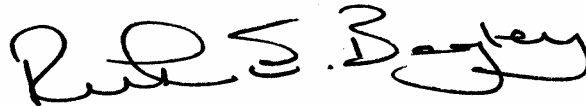


Date of issue: 27th October, 2009

MEETING	LICENSING COMMITTEE (Councillors Davis (Chair), Chohan, Bains, Dale-Gough, Dodds, Jenkins, Long, Maclsaac, Rasib, Qureshi and Shine)
DATE AND TIME:	WEDNESDAY, 4TH NOVEMBER, 2009 AT 6.30 PM
VENUE:	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 875013

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.



AGENDA
ITEM

REPORT TITLE

PAGE

WARD

CONSTITUTIONAL MATTERS

1. Declaration of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct).

2. Minutes of the Last Meeting held on 29th September 2009 1 - 6

LICENSING ISSUES

3. Policy of not licensing Private Hire Operators outside the Borough of Slough. 7 - 32 All
4. Minimum size of vehicles to be licensed for Hackney Carriage and Private Hire 33 - 40 All
5. Best Practice Guidance in relation to Stretch Limousines and Introduction of a Vehicle Age Policy for Stretch Limousines. 41 - 82 All

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Licensing Committee – Meeting held on Tuesday, 29th September, 2009.

Present:- Councillors Davis, Chohan, Bains, Dale-Gough, Jenkins, Long, Maclsaac, Rasib and Shine.

Apologies for Absence:- Councillor Qureshi.

PART I

6. Declarations of Interest

Councillor Davis declared a personal interest as a member of his family worked for Burnham Cabs.

7. Minutes

The minutes of the meeting held on 1st June, 2009 were approved as a correct record.

8. Appointment of Designated Chair to the Licensing Sub Committee

This report was withdrawn.

9. Gambling Act 2005, Statement of Principles (2009)

The Senior Licensing Officer advised the Committee that the authority was required to put in place a policy, known as the Statement of Principles, which would be applied when the Council exercised its functions under the Gambling Act 2005. The original policy was placed before the Committee on 8th November, 2006 and subsequently approved by the Council in December of that year. It was required to be reviewed at least every three years. Officers had revised the Statement in accordance with the Gambling Commission's "Guidance to Local Authorities, Third Edition" and the amended document was presented for the Committee's approval prior to formal submission to the Council.

Consultation on the revised document had taken place between April and August 2009, by way of press releases, an interview on local radio, through the Council's website and by writing to a range of organisations and individuals. Very little feedback had been received as the draft Statement was comprehensive and in line with legislation and the Gambling Commission's guidance, and consultees were generally in agreement with it. Moreover, the feature of the Gambling Act which tended to give most cause for public concern related to casinos and provisions for the regulation of casinos were not included in the draft Statement as the Council had recently reiterated its policy that no casinos should be allowed in the Borough.

Reference was made to the proposed amendments to the currently approved Statement of Principles which were minor in nature and complied with national guidance.

Licensing Committee - 29.09.09

Recommended unanimously – That the Council be recommended that the Gambling Act Statement of Principles 2009, as now submitted, be adopted as the authority's gambling policy.

10. Review of Delegated Powers

The Committee considered a report recommending that the level of delegation to Officers in respect of the licensing of hackney carriages and private hire vehicles be increased. Currently, where any new applicant for a driver's licence was deemed not to be a "fit and proper" person in accordance with the legislation or with the current policy on convictions and cautions, the application was submitted to the Licensing Sub-Committee for consideration. Similarly, where a current licence holder had received any caution, conviction or sentence for particular offences, or where there was a matter of misconduct and, in the opinion of Licensing Officers, the driver was not deemed to be "fit and proper", the matter also required referral to the Sub-Committee.

Officers were then required to prepare a Sub-Committee report setting out all relevant information and make arrangements for a Sub-Committee meeting to be held which required the attendance not only of the three sitting Members, but staff from the Licensing Department, a Legal Officer and a Democratic Services Officer. Partly due to the large number of such cases requiring consideration, there could be a considerable time between the Licensing Officer preparing the report and the matter being heard. This was considered to be prejudicial to the applicant or licence holder as the matter was not dealt as expeditiously as possible. In addition, it was considered important for such matters to be dealt with in a more efficient manner as it was inappropriate for a long period of time to elapse between a particular issue coming to light and a decision being taken on it. Moreover, there had been an increase in the number of appeals against the Sub-Committee's decisions to the Magistrates' Court which, depending on court availability, could add an additional three to nine months before an appeal was heard.

Reference was also made to the fact that the level of staffing within the Licensing Team had recently been reduced and the proposed delegation would enable such cases to be dealt with more efficiently and this was considered to be of benefit to all parties. In addition, a reduction in the number of Sub-Committee meetings called would lead to significant savings in the recharge made to the licensing budget for Member allowance claims, officer time in Democratic and Legal Services preparing for and attending the meetings, and the cost of providing accommodation and refreshments, etc.

A benchmarking exercise had been conducted of twelve other local authorities in the area which demonstrated that most had introduced an officer delegation scheme similar to that now being proposed. Officers pointed out that, as at the present time, applicants unhappy with the decision made by officers could appeal to the Magistrates' Court as was the case currently in respect of Sub-Committee decisions.

Licensing Committee - 29.09.09

The report outlined the proposed delegated powers as well as highlighting those areas where matters would continue to be brought to the Sub-Committee. These included misconduct matters involving complaints and/or evidence from members of the public, the police or other persons which may require the evidence to be given orally. In addition, a licence holder may deny the misconduct and/or provide mitigation on the matter and it may be appropriate for such an issue to continue to be heard by Members.

In conclusion, Officers commented that decisions would be made by officers using the policy on convictions and cautions previously approved by Members which had been tested at appeals in the Magistrates' Court and had been proved to be a sound and reliable policy document. In using this policy, it would be the responsibility of the Assistant Director, Public Protection and the Licensing Manager to ensure that all decisions made under delegated powers were made in a consistent, reasonable and proportionate, transparent, legal, accountable, necessary and justifiable, non-discriminatory manner. Every decision made would necessitate written justification being provided to the applicant or licence holder and this would be the evidence as to why the decision had been made. This written justification would be the basis on which the Council would defend any appeal that may be made against the decision.

Members raised the following issues in the subsequent debate:

- Members sought clarification as to those issues which would continue to be submitted to the Sub-Committee and whether for example drivers who had received a caution would have the opportunity to explain the position before Members. Officers commented that, generally speaking, any individual who had received a conviction or a caution would be dealt with by Officers under delegated powers. However, any representations made by the driver would be fully taken into account. Moreover, it was stressed that drivers aggrieved by an officer decision would still have the option of appealing to the Magistrates' Court as they did currently in respect of Sub-Committee decisions. Where, for example, an allegation was received from a member of the public, then such matter would still be brought before Members. Each case would be looked at on its individual merits and if a particular case was borderline, then officers would normally refer such matter to Members for a final decision.
- Concern was expressed by some Members at an increase in delegation to officers as it reduced the decision-making powers of the elected Members. Officers reiterated that the thinking behind the proposal was to lead to greater efficiency and cost-effectiveness, particularly in cases where there was a clear cut conviction which should not need to be formally considered by Members.
- A Member referred to the cost to drivers of taking an appeal to the Magistrates' Court. Officers pointed out that this was already the case where a driver appealed against the Sub-Committee's decision and, where the Court found in the driver's favour, costs would normally be awarded against the Council.

Licensing Committee - 29.09.09

- A Member asked whether stakeholders had been consulted on the current proposal. Members were advised that formal consultation was not required as the decisions to be taken at officer level would be based on the previously agreed and consulted upon policy which had been praised recently at the Magistrates' Court for its clarity.
- Some Committee Members expressed the view that, whilst accepting in principle that an increased level of delegation may be desirable, costs should not be the only consideration. There was felt to be a case for issues to be referred to a three Member Sub-Committee as many of the cases were not straightforward and the representations made by the driver may lead to a different outcome at the Sub-Committee than if the matter was considered by a single officer. Moreover, there was a perception by amongst some drivers that officers were less likely to be sympathetic to their case given that the officer may be working more strictly to the agreed policy and may be less inclined to take mitigating circumstances into account.
- Some Members commented that whilst they did not have an issue with officers having an increased level of delegation in dealing with serious convictions, they were less comfortable with cautions and concern was expressed at the phrase "any other reasonable cause" as being too vague. It was pointed out that this wording had been lifted from the relevant legislation.
- The Sub-Committee was informed that officers would not simply take decisions strictly in accordance with the policy. As with Members, they would need to collate all of the relevant information, speak to the applicant allowing him or her to make representations, and would consider each case on its individual merits. Every decision made would need to be properly justified and put in writing to the applicant.

Members felt unable to approve the report as currently submitted but requested that officers take away the comments raised and submit a revised report to the next meeting of the Committee taking into account the following issues:

- A clear indication in tabular form of the precise matters that would continue to be dealt with by the Sub-Committee, those areas which were proposed for delegation to officers and any "grey areas" in between.
- The report to include details of the currently approved policy on convictions and cautions.
- A clear explanation of the procedure to be adopted for dealing with these cases to be set out.

Concern was also expressed in the course of discussion at the number of requests for deferral made by applicants in respect of their cases before the Sub-Committee. Some Members thought there was a perception amongst some drivers that if they asked for a deferral, a more "favourable" Sub-Committee might be appointed for a future hearing. It was suggested that a clear policy should be set out for the guidance of Sub-Committee Members in future and this would be taken into account in the report back.

Licensing Committee - 29.09.09

Resolved – That the recommendations be not adopted but that officers report back to the next meeting of the Committee in the terms indicated.

Chair

(Note: The Meeting opened at 6.30 p.m. and closed at 7.30 p.m.)

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SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 4th November 2009

CONTACT OFFICER: Rachael Rumney – Licensing Officer
01753 477338
Mick Sims – Licensing Manager
01753 477387

WARD(S): **ALL**

PART I

FOR DECISION

POLICY OF NOT LICENSING PRIVATE HIRE OPERATORS OUTSIDE THE BOROUGH OF SLOUGH

1. **Purpose of Report**

For Members to consider the proposed new policy for Slough Borough Council to cease licensing Private Hire Operators whose operating base is not within the Borough boundary.

2. **Recommendation to Council**

That the Committee consider the recommendations detailed within the report and recommend to Council to approve the new policy not to licence any new Private Hire Operator based outside the Borough and for current Private Hire Operators based outside the Borough to be given 12 months written notice of this new policy.

3. **Community Strategy Priorities**

- Adding years to life and Life to years
- Being Safe, Feeling safe
- Prosperity for All

4. **Other Implications**

(a) **Financial**

Refusing to grant or renew Private Hire Operators Licenses based outside the Borough will result in a reduced income in Operator fees. In addition if the policy was approved there would be further reduction in income as drivers and vehicles used by the Operator may have to get licensed by another local authority where the Operator is based. However the majority of those Operators licensed outside the Borough are small companies or 'one man bands' which means that the reduction in income will be minimal. There will be estimated reduced income of approximately £18,000 in a full financial year.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigations
From Section 2	The Council will be able to refuse to accept or grant an application for a Private Hire Operators Licence for outside the Council boundary	The new policy will ensure enhanced enforcement and checks of Operator bases, drivers and vehicles.

(c) Human Rights Act and other Legal Implications

Articles 1 and 6 of The Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the licensing authority to suspend, revoke or refuse to renew an operator's licence on any of the following grounds;

- (a) any offence under, or non-compliance with, the provisions of this act;
- (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operators licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

(d) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for one group or any other reason.

5. Supporting Information

Background

- 5.1 Slough Borough Council currently has 85 licensed Private Hire Operators. Of those Operators, 25 are located and physically based outside the Borough. A full list is attached at **Appendix A** including details of location, number of vehicles operated under the licence and the expiry date of the licence.
- 5.2 Historically, Private Hire Operator licences have been granted to Operators based outside of the Borough of Slough as there is nothing specific within the Local Government (Miscellaneous Provisions) Act 1976 that forbids it, but the three licence rule must apply in that if the Operator is licensed by Slough

Borough Council so must all the drivers and vehicles. In addition some Private Hire Operators were originally based in Slough when first licensed but have over the years moved to locations outside the Borough. It is a matter for the licensing authority to create a policy whereby only Operators physically based within the Borough can be licensed and that the policy may or may not include grandfather rights for a given period of time.

- 5.3 South Bucks District Council already has a policy in place for not licensing Private Hire Operators outside their Borough boundary and on 19th October 2009 the Royal Borough of Windsor and Maidenhead (RBWM) also approved a policy of not licensing private Hire Operators out their Borough Boundary
- 5.4 Licensing Private Hire Operators who are not located in Slough present a range of logistical problems. Enforcement has been and would remain impractical and costly due to the distances Officers would be required to travel to carry out routine inspections of the distant operating bases. Furthermore, with this logistical problem Officers would never know if unlicensed drivers and vehicles are being used.
- 5.5 Some Private Hire Operators have Operators Licenses not only for their physical base in Slough but also with RBWM for the same premises. These are referred to as dual Operating Licenses and this again has caused Officers from both Slough and RBWM considerable problems in ensuring the companies are operating legally. In essence the ruling by way of case stated in ***Dittah v Birmingham City Council [1993] RTR 356*** must apply in that where an Operator is licensed with a district council i.e. Slough Borough Council then the Operator must only use drivers and vehicles licensed by Slough Borough Council, likewise if the Operator is licensed by RBWM then they must only use drivers and vehicles licensed by RBWM.
- 5.6 The problems that have been encountered over the last year are that some Operators have failed to comply with the above ruling and in addition they have not been maintaining separate records for each Operators Licence with regards to taking bookings, licensed drivers, vehicles and call signs and also separate telephone numbers. This has necessitated officers carrying out regular time consuming inspections to advise and educate some operators to ensure that they are complying with the requirements of the above ruling. The implementation of this policy for Slough Borough Council and by RBWM will negate this area of possible non-compliance.
- 5.7 A full consultation has been conducted with all Private Hire Operators licensed by Slough Borough Council on 16th July 2008, 15th June 2009 and finally notifying them of the proposals on 5th August 2009. Copies of the consultation letters are attached at **Appendix B** and responses to the consultation attached at **Appendix C**.
- 5.8 It is believed that a number of Private Hire Drivers and their vehicles currently licensed by RBWM will instead apply to be licensed by Slough Borough Council as the physical base is situated in Slough which will reduce the reduction in income by a considerable amount. One Operator has already taken this particular route to ensure compliance.

5.9 **Proposed New Policy**

- That the Council will not accept any new applications for Private Hire Operator Licences, to be based outside the Borough boundary.
- That any Private Hire Operator currently licensed by Slough Bough Council based outside the Borough boundary will be given written notice that their Operators licence will only continue for maximum period of 12 months from the date of the Council decision.
- That any Private Hire Operator currently licensed by Slough Bough Council based outside the Borough boundary may renew their Operators licence but only for the maximum period of 12 months from the date of the Council decision.

5.10 These proposals will ensure that sufficient time is given to the Operators and if necessary the drivers and vehicles used by that Operator to be licensed by the Local Authority in which they are based.

6. **Comments of Other Committees**

None.

7. **Conclusion**

The Committee is asked to consider the proposals detailed within this report and approve the new policy and to place an immediate restriction on licensing of new Private Hire Operators whose operating base is not located within Slough.

8. **Appendices attached**

'A'- List of Operators

'B'- Copy of consultation letters

'C'- Responses to consultation

9. **Background Papers**

1. The Local Government (Miscellaneous Provisions) Act 1976
2. Court ruling '*Dittah v Birmingham City Council [1993] RTR 356*'
3. Equality Impact Assessment Screening

#	Operator Name	Address 1	Town/City	County	Postcode
1	1st Choice Cars (Slough) Ltd		Slough	Berkshire	
2	511 Viking Cars		Slough	Berkshire	
3	711 Radio Cars		Slough	Berkshire	
4	820 Cars		Slough	Berkshire	
5	A K Chauffeurs		Datchet	Berkshire	
6	A&B Executive Cars		Slough	Berkshire	
7	A4 Cars		Langley	Berkshire	
8	AAA Area Cars		Slough	Berkshire	
9	ADT Executive Car Service		Hemel Hempstead	Hertfordshire	
10	Airlink Limosines		Slough	Berkshire	
11	Airport Link		Slough	Berkshire	
12	Airport Radio Cars Ltd.		Slough	Berkshire	
13	All Transport Solutions		Slough	Berkshire	
14	Ambassador Chauffeur Services		Burnham	Berkshire	
15	Apex Cars		Slough	Berkshire	
16	Arrow Partnership Ltd		Slough	Berkshire	
17	Atlas Cars of Asco Ltd		Ascot	Berkshire	
18	Burnham Cars		Slough	Berkshire	
19	Burnham Executive Travel		Slough	Berkshire	
20	Cab Point (Y2K)		Slough	Berkshire	
21	Cabs Direct (Contracts)		Walton On The Hill	Surrey	
22	Capital Contracts E.) LTD		Farnham Royal	Buckinghamshire	
23	Chauffeurs of Windsor Ltd		Slough	Berkshire	
24	Chem's Chauffeur		Slough	Berkshire	
25	Chiltern Carriages Co		Bracknell	Berkshire	
26	Colins Car Hire		Slough	Berkshire	
27	Compass Radio Cars		Slough	Berkshire	
28	Crest Cars of Heathrow Ltd		Colnbrook	Berkshire	
29	David J Manning		Bourne End	Buckinghamshire	
30	David Partridge Chauffeur Services		Iver	Buckinghamshire	
31	Dial-A-Cab		Slough	Berkshire	
32	Diamond Executive Cars		Slough	Berkshire	
33	Eton Cars Ltd		Windsor	Berkshire	
34	Executive Club		Slough	Berkshire	
35	Executive Direct		Earley	Reading	
36	Executive-Chauffeur Com		Slough	Berkshire	
37	Express Big Cabs		Slough	Berkshire	
38	Fone-a-Cab		Slough	Berkshire	
39	Four Seasons Executive Cars		Slough	Berkshire	
40	Fox Transport		Slough	Berkshire	
41	Gerrard Beacon Executive Cars		Slough	Berkshire	
42	Graham Robertson Private Chauffeur		Windsor	Berkshire	
43	Hafiz Travel		Slough	Berkshire	
44	Heathrow Cars		Slough	Berkshire	
45	Independent		Slough	Berkshire	
46	Interpoint Cars		Slough	Berkshire	
47	J. M. Stephens		Slough	Berkshire	
48	James Walters		Marylebourne	London	
49	JAP Cabs		Slough	Berkshire	
50	JME Chauffeur Services		Slough	Berkshire	
51	John Fisher		Slough	Berkshire	
52	John Rowan Executive Chauffeurs		Slough	Berkshire	
53	K. L. Benford		High Wycombe	Buckinghamshire	
54	Ken Ede Chauffeur Services		Slough	Berkshire	
55	LA Stretch		Slough	Berkshire	
56	Lent Rise Cars		Taplow	Buckinghamshire	
57	Leslie Sleep		Staines	Middlesex	
58	LHR Chauffeurs/607 Cars		Slough	Berkshire	
59	Limousine Hire Limited		Slough	Berkshire	
60	M. H. Cars		Slough	Berkshire	
61	Mainline Chauffeurs		Colnbrook	Berkshire	
62	Meridian Executive Ltd		Slough	Berkshire	
63	Millenium Executive Cars		Slough	Berkshire	
64	Montem Transport		Slough	Berkshire	
65	N M Perry		Slough	Berkshire	

#	Operator Name	Address 1	Town/City	County	Postcode
66	New Sovereign Cars		Slough	Berkshire	
67	Nigel Birtchnell		Slough	Berkshire	
68	Paul's Chauffeur Cars		Slough	Berkshire	
69	PDL Cars		Crawley	West Sussex	
70	Perseus Chauffeur Services		Slough	Berkshire	
71	Peter Thomas Barkus		Swindon	Wiltshire	
72	PJ Chauffeur + Courier Services		Slough	Berkshire	
73	PJA Cars		Slough	Berkshire	
74	R M Harduzzo		Watford	Hertfordshire	
75	Rajtar Chauffeur Services		Slough	Berkshire	
76	Read Chauffeur Dri		Slough	Berkshire	
77	RICS Chauffeur Hire		Maidenhead	Berkshire	
78	Ridesmart		Heston	Middlesex	
79	Riviera Cars		Taplow	Berkshire	
80	Rizwan Rameez		Slough	Berkshire	
81	Robert Ellis Chauffeur Services		Slough	Berkshire	
82	Robin Plastow		Slough	Berkshire	
83	Samin Travel		Slough	Berkshire	
84	Sheba Cars		Slough	Berkshire	
85	Silver Arrows Ltd.		High Wycombe	Buckinghamshire	
86	Silver Cars Executive Hire		Slough	Berkshire	
87	Silverline of Berkshire Ltd		Slough	Berkshire	
88	SLK Services		Slough	Berkshire	
89	Sovereign Carriages (Heathrow)		Slough	Berkshire	
90	Speed Links		Slough	Berkshire	
91	Station Cars		Slough	Berkshire	
92	Sundeep Sharma		Wokingham	Berkshire	
93	Synergy Cars Limite		Slough	Berkshire	
94	T.W. Lacey Car Hire		Slough	Berkshire	
95	TDK Cars		Windsor	Berkshire	
96	The Car Hire People Ltd		Slough	Berkshire	
97	Time Corporate		Colnbrook	Berkshire	
98	Total Care Travel		Slough	Berkshire	
99	UK Airport Executiv Transfers Ltd.		Slough	Berkshire	
100	UK Cars		Slough	Berkshire	
101	Village Cars		Taplow	Berkshire	
102	VIP Chauffeur Services		Slough	Berkshire	
103	Zee Executive		Slough	Berkshire	

16th July 2008

Department: Public Protection Services
Contact Name: Mick Sims
Contact No: 01753 477387
Fax: 01753 875221
Email: Michael.sims@slough.gov.uk
Our Ref:
Your Ref:

To the Licensed Private Hire Operator

Dear Licensed Operator

Re: Licensed Private Hire Operators outside the Borough of Slough

You were written to on 25th June 2008 inviting you to attend a Consultative Meeting at the Town Hall, Slough which was originally scheduled for 16th July 2008, as the Licensing Team were looking to discuss with you a new policy to refuse to licence Private Hire Operators outside of the Borough of Slough. Unfortunately it was necessary for this meeting to be cancelled.

The reasons for the Licensing Team looking at the possible implementation of this policy are that:

- The Licensing Team cannot enforce the compliance with the legislation and conditions as a number of licensed Operators are based some considerable distance from Slough
- The Licensing Team do not have the relevant powers to exercise our enforcement powers outside the Borough boundary
- It would be more convenient and beneficial to the licensed Operators and their drivers and vehicles to be licensed with the local authority where the companies are based.

The meeting will be rescheduled for this proposal to be discussed with you, however, I would welcome any comments or opinions you may have this time and would ask for these to be forwarded to the Licensing Team in writing as soon as possible.

If you have any queries please do not hesitate to contact me.

Yours sincerely,

Mick Sims
Licensing Manager
Public Protection Services

15th June 2009

Department: Public Protection Services
Contact Name: Mick Sims
Contact No: 01753 477387
Fax: 01753 875221
Email: Michael.sims@slough.gov.uk
Our Ref:
Your Ref:

To the Licensed Private Hire Operator



COPY

Dear Licensed Operator

Re: Licensed Private Hire Operators outside the Borough of Slough

You were originally written to on 16th July 2008 with regards to a proposed new policy ceasing the licensing of Private Hire Operator's outside the Borough boundaries. A written consultation regarding the implementation of this new policy will commence on Tuesday 16th June 2009 and any responses are to be with the Licensing Department, in writing by Friday 10th July 2009.

The reasons for the Licensing Team looking at the possible implementation of this policy are that:

- The Licensing Team cannot enforce the compliance with the legislation and conditions as a number of licensed Operators are based some considerable distance from Slough
- The Licensing Team do not have the relevant powers to exercise our enforcement powers outside the Borough boundary
- It would be more convenient and beneficial to the licensed Operators and their drivers and vehicles to be licensed with the local authority where the companies are based.

I would welcome any comments or opinions you may have regarding the proposed new policy and if you have any queries please do not hesitate to contact me.

Yours sincerely

Mick Sims
Licensing Manager
Public Protection Services

5th August 2009

Taking pride in our communities and town

Department: Public Protection Services
Contact Name: Mick Sims
Contact No: 01753 477387
Fax: 01753 875221
Email: Michael.sims@slough.gov.uk
Our Ref:
Your Ref:

To the Licensed Private Hire Operator

Dear Licensed Operator

Re: Licensed Private Hire Operators outside the Borough of Slough

You were originally written to on 16th July 2008 and 15th June 2009 with regards to a proposed new policy ceasing the licensing of Private Hire Operator bases outside the boundary of Slough Borough Council.

The Licensing Team are now preparing formal proposals to be put before the Licensing Committee in November 2009 for policy to be adopted with regards to Private Hire Operators. The proposals are as follows:

- That the Council will not accept any new applications for Private Hire Operator Licences, to be based outside the Borough boundary.
- That any Private Hire Operator currently licensed by Slough Bough Council based outside the Borough boundary will be given written notice that their Operators licence will only continue for maximum period of 12 months from the date of the Council decision.
- That any Private Hire Operator currently licensed by Slough Bough Council based outside the Borough boundary may renew their Operators licence but only for the maximum period of 12 months from the date of the Council decision.

These proposals will ensure that sufficient time is given to the Operators and if necessary the drivers and vehicles used by that Operator to be licensed by the Local Authority in which they are based.

Yours sincerely

Mick Sims
Licensing Manager
Public Protection Services

5th July 2009

Mick Sims
Licensing Manager
Public Protection Services
Slough Borough Council
Landmark Place
Slough
SL1 1JL

From: Richard Addison
PH Operator Licence no

Ref. Your letter 16th June 2009 concerning the licensing of PH Operators outside the Borough boundary.

Dear Mr.Sims,

Some thoughts for your consultation from a sole proprietor who arrived at your department by default - after 30 years licensed by the RBWM, I suffered a mid-life crisis and took 9 months off to write a book. My only affordable route back was to purchase an already-licensed car, which just happened to be licensed in Slough. I began under a Slough operator and only became my own operator when the fee structure changed several years ago. To answer your points in order:

1. The Licensing Team cannot enforce compliance..... Not so, surely?: if you can send a licensing officer to Heathrow T3, as you did recently, then Maidenhead should pose no problem.
2. The Licensing team do not have the relevant powers..... Not so, surely?: If you revoke my licences, they are revoked: no matter where I live.
3. It would be more convenient..... Again, not so: Slough is 15 minutes by car from Maidenhead.

I accept that your concerns can certainly apply to large operators with many drivers. But individuals such as myself are surely easy to police. Perhaps the logical answer would be for any new policy to recognise the fundamental difference between sole-operators and multi-driver operators.

cont'd/

It would also be harsh and unfair to make any new policy retrospective for existing operators.

My position is simple - I have always found your staff a pleasure to deal with, and your department seems a little more relaxed than the regime at RBWM - a very good thing in this age of ever-increasing regulation - so I would love to stay licensed in Slough!

Yours faithfully

A handwritten signature in black ink, appearing to read 'Richard Addison', with a long horizontal flourish extending to the right.

Richard Addison

NB Could I also make a simple plea on behalf of everyone "out here" to pass on to those making the decisions. Trading conditions are extremely tough this year, whether at the cash or the corporate end of our trade. Incomes are dramatically down (my own by 40% in the first five months of 2009), and many drivers and operators will be worrying themselves sick about family finances. Please do not add to their woes !! Thanks.

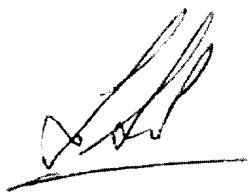
07/07/09

Private Hire Operator Licence
Licensing operators Outside The Borough Boundries

Dear Mick

In Reply to your letter dated the 15th June 2009 , I cant see what difference it makes where you Live if most of your work is in and around the slough Area and your licensed for the Slough area , And also it is generating revenue for slough borough council, most of the small Operators are mainly one man bands who freelance around local companys in the area with the exception of a few larger organisations who have operators licenses for other areas which i dont really understand why they also want want one for slough unless the have an office in Slough, Most Small Operators like myself dont need an office in slough as most of their work comes via a Mobile Phone , Also now their are many Cab Companies in and around the Slough area who have Operators licenses for other boroughs I;E Windsor & Maidenhead but do not have an office in that area, But a lot of their drivers have Windsor plates and are allways picking up in the Slough or Langley areas then surely it amounts to the same thing if these companies have Windsor operators licenses the they should have an office in Windsor As well as Langley or Slough

Yours Sincerely
Leslie Sleep

A handwritten signature in black ink, appearing to read 'Leslie Sleep', written over a horizontal line.



Burnham Cars
www.burnhamcars.com

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6th July 2009

Taxi Licensing Office

Ref: Licensing Operators Outside the Borough Boundaries

It is my opinion that Slough Borough Council should continue to License Operators whose premises are outside the Boundary.

In answer to your letter dated 15th June 2009 on this subject I reply to the three reasons you give for ceasing to License Operators outside the District as follows.

- 1 You have managed to enforce the compliance with the legislation for the numerous years that Slough Borough Council has adopted the Local Government Miscellaneous Provisions Act 1976 so why can you not continue to do so?
- 2 If the Licensing Team do not have the powers to exercise their enforcement powers outside the Borough boundary then how are the majority of exercises currently taking place outside the Borough boundary – i.e. at Heathrow or Windsor.
- 3 It would not be more convenient and beneficial to Operators and Drivers currently Licensed by Slough to change to the local authority where the companies are based or they would of already changed by choice rather than being forced to - indeed it would be impossible for some companies to change without vast expense because of the different licensing regulations imposed by different Boroughs and in the current financial climate could have devastating effects on all the Operators, Drivers and their families.

As well as the three reasons you have given for Not licensing these Operators and Drivers / Vehicles I list the following reasons to continue to do so:

- 1 In the Local Government Miscellaneous Provisions Act 1976, which Slough Borough Council chose to adopt, it states that “an Operator should give the address at which it intends to Operate from whether within the District or not” Quite clearly defining that an Operator can be Licensed outside the District – as agreed at a Licensing Committee meeting with my company and South Bucks District Council on 8th November 2006.
- 2 Most companies currently Licensed by Slough carry out a larger proportion of their journeys in the Slough District and this is why they choose to be Licensed in Slough in the first place.
- 3 Any company refused their renewal by Slough would have to start Licensing procedures with a new council, which would be costly financially and time wise, obtaining new CRB’s etc. and only after this time scale could they start the procedure for their Drivers / Vehicles therefore they would be working illegally during the change over period or they would loose ALL the work that they have built up since they started trading, All this in the middle of the worst recession we have had in this country.
- 4 The revenue lost from the fees currently being paid by these Drivers / Operators to Slough Borough council would be vast. At a time when Slough council has just made two Licensing Officers redundant because of financial reasons it would be foolish to turn away such revenue.

These are just a few of my reasons as I only received the letter requesting my comments or opinions yesterday, as it was sent to my old address, and the deadline for my reply is four days time!

Yours sincerely



D A MURPHY
[Proprietor }

4th July 09

Private Hire Operatr Licence No

Dear Mr Sims

Regarding your letter dated 16/6/09 relating to Licensing Operators Outside Slough Borough Council boundaries. I have spoken with yourself on the telephone and as requested you require my comments in writing.

I live just outside the boundary in Bourne End which is my Operators Licence address which has a Slough Postal Code, which is not a considerable distance from Slough as stated in your letter

All my work is contract work out of Pinewood Studios. I work on on films for several months at a time and the film productions require me to be fully licensed. None of my work is with the general public on a telephone booking system, therefore I could be easily checked

I have been with Slough Borough Council for a considerable time as I lived in Langley before I moved to Bourne End, the removal of the license would put me out of business. Therefore I would appreciate it if you would consider not removing me from being under SBC. Being Licensed under High Wycombe would not be an option as I would have to take a test of the area of which I would fail as I do not know it.

Yours sincerely,



David Manning

07/07/09

Dear Sir,

I am writing in regards to a proposed new policy to cease licensing of 'Private Operators outside the Slough Borough'

I have been a private hire driver licensed with Slough Borough Council for over 20 years and now Hold an Operators licence also with Slough.

I run a successful business based on my local knowledge, experience and hard work. By implementing this new policy I feel you will be pulling the rug from under my feet by putting me out of work.

If I owned or sub-contracted a large fleet of cars this decision would not be so disastrous for me as I could move business premises into the Slough Borough but as a sole trader it would obviously not be financially viable to rent or buy business premises in Slough.

I trust you will take these points into account especially as other operators will no doubt be affected in similar ways.

Yours sincerely



Fox Transport



Private Hire Operator Licence No:

13th August 2009

Dear Mr Sims,

In reply to your letter of 10th August, I am extremely concerned about your proposed new policy regarding Operators based outside the boundary of Slough.

My company I believe, is based just outside the boundary (100 metres) although my Post Code is SL1 which is the same as Slough Council itself, I have been extremely satisfied with your office and have no desire to move to any other Licensing Authority.

I don't believe that my company in any way has any issues regarding Public Protection and we make sure that all of our vehicles are serviced and are roadworthy at all times.

Yours Sincerely

John R Rowan



ETON CARS LIMITED



LICENSED SCHOOL TRANSPORT



14

3rd July 20

Mr M Sims
Licensing Manager
Slough Borough Council
MyCouncil
Landmark Place
High Street
Slough
SL1 1JL

Dear Sirs

RE: LICENSING OPERATORS OUTSIDE THE BOROUGH BOUNDARIES
Private Hire Operator Licence No:

Thank you for notifying us of the Councils consultation regarding licensing operators outside of the borough boundaries.

Our submission is:-

1. Though we are licensed as private hire operators/drivers and vehicles, we do not carry out standard 'mini-cab' work. We solely transport 'special needs' children to and from local schools within the Borough.
2. We have been compelled by recent government legislation to have our cars licensed as private hire cars.
3. We have recently been awarded a three year contract with Slough Borough Council to transport their children.
4. We live and operate from only two miles outside of the Borough boundaries and have always complied with all requirements the Council have made.

5. In these very difficult financial times, it would be a shame for a small business such as ours to be forced to cease trading simply because of a rule change.
6. I hope because of our trading relationship with Slough Borough Council you will see fit to consider us a special case in your deliberations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Townsend', written in a cursive style.

P. Townsend
Director

Mr M Sims
Licensing Manager
Slough Borough Council
Landmark Place
High Street
Slough
SL1 1JL

24th June 2009

Dear Mr Sims
Licensing Operators outside the Borough Boundaries
Private hire operator license no. : _____

I have been licensed as an operator and driver with Slough Borough Council for a number of years now as an independent executive chauffeur working mainly but not exclusively within the film industry. Over the years I have enjoyed a good relationship with the Licensing department at Slough and would be sorry to have to leave and go elsewhere.

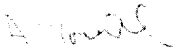
Whilst I can understand the concerns that have been raised in your letter regarding enforcement etc, I am sure that my operations have not given you cause for concern.

When I approached my local authority regarding licensing I explained I was working mainly out of Pinewood Studio, Iver and Leavesden Studio, Watford. The main office for the company is based at Pinewood, I was advised that I should licence in the area in which I work.

My main concerns are:

- A) Can I continue to operate until the expiry of my current licence?
- B) Can a reference or any other information regarding my time as an operator with Slough Borough Council be forwarded to my new local authority, to ensure the smooth transfer from one Borough to another?
- C) The large cost to me to licence with a new Borough e.g. CRB checks, medical fees plus all the associated costs for re-licensing within a new Borough.

I would appreciate your thoughts and comments regarding the above.

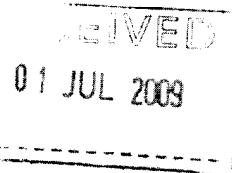


A D Trimby

Sole proprietor
Anthony D Trimby

30th June 2009

Mick Sims, Esq.
Licensing Manager,
Public Protection Services,
MyCouncil,
Landmark Place,
High Street,
Slough SL1 1JL



Dear Mr Sims,
Private Hire Operator Licence No. _____

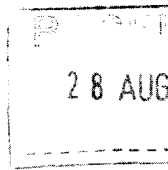
Thank you for your letter dated 15th June 2009 and for our conversation this morning. As requested, I now outline my modus operandi with regard to my business commitments.

I am the sole driver for my company, Chilston Carriage Company and have now been operating for over 10 years. Since 2001 I have held a Private Hire Licence and Operator's licence with Slough Borough Council. I do not do general private hire work, it is all client hire business. Over the years, I have done less and less and now wish to be semi-retired and, therefore, only take on work from long-established clients which necessitates being called upon for 6 maybe 10 jobs per week.

I hope this clarifies my position.

Yours sincerely,

Suzie McRory



19th August 2009

Dear Mick,

Just wanted to drop a line to you regarding the Slough Councils decision not to allow existing Private Hire Drivers/Operators to continue to be licensed by the Borough etc...

I am licensed with yourselves as you know as a one-man band Operator/Driver.

I have always argued that there should be different rules for mini-cabs as opposed to chauffeurs, but as you know the law changed to the current state of affairs.

I myself licensed with Slough, although I live in Windsor, as my two main lines of work come from Slough. I assist Silver Cars with work regularly and I also move two senior lawyers from Mars (Slough) factory regularly myself. Having said that, one of them lives in Kent and the other in Essex and we only ever travel to London or Heathrow.

Anyway all that aside, I have a 2001 Mercedes Benz E320 as you may recall that has still only done 54,000 miles and is in pristine condition and the perfect car for my clients and the job I do.

I have a non-display certificate as my clients don't wish to be transferred with a car displaying a licence plate.

My fear is, if you no-longer accept me to be licensed by your Borough as I live in Windsor, then, will Windsor accept my car or dig their heels in regarding this "age of vehicle" criteria that is set in stone by some boroughs?

I have never understood the logic of having a vehicle test done by a local council and then selecting an age criteria. Surely, if a car is tested thoroughly (as per London Black-cabs) and is in perfect condition (both in appearance and mechanically), then why would age matter?

Mercedes Benz have a solid reputation for doing a good 500k miles with no troubles and they are after all a prestige car.

My own vehicle has done less miles than your average 2 year old mini-cab.

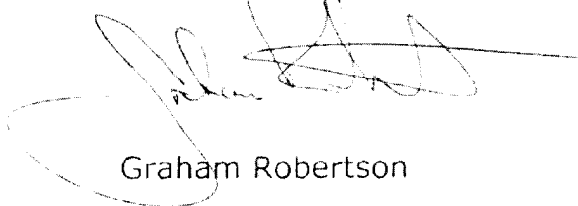
My question therefore is, will Slough Council provide any guarantee that I will be accepted by Windsor/Maidenhead (regarding my car age etc) when the requirement to transfer comes into force?

I ask, as according to my M.P., he states that a council would not have the right to force you to lose your means to earn a living, nor indeed, force you to take on lending for a prestigious car purchase that maybe beyond your means.

There must surely be some sensible leeway on this?

I hope you appreciate where I am coming from and your views (assuming you have time to respond) would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graham Robertson', written over a large, light-colored circular scribble or stamp.

Graham Robertson

3rd September 2009

Department: Public Protection Services
Contact Name: Mick Sims
Contact No: 01753 477387
Fax: 01753 875221
Email: Michael.sims@slough.gov.uk
Our Ref:
Your Ref:

 **COPY**

Dear Mr Robertson

Re: Change in policy for Private Hire Operators

Thank you for your recent letter dated 19th August 2009 regarding the proposed change in policy regarding licensed Private Hire Operators.

I do accept that with the recent changes in legislation additional burdens have been put upon your self and others who have always operated your business legally under the previous 'contract exemption' and I also accept that if this new policy were to be approved, further burdens will be placed upon you with a requirement be licensed with a new local authority.

I will be working with other local authorities and in particular the Royal Borough of Windsor and Maidenhead, to enable a smooth transition, and as with Slough where there are exemptions to vehicle age policies, for those exemptions to be used to enable vehicles such as yours to continue to be licensed.

I will be writing to all licensed Operators after the new proposals going before the Licensing Committee, with the Committee decision and to provide advice on any approved policy changes may affect you.

In the mean time if you have any further queries please do not hesitate to contact me.

Yours sincerely,

Mick Sims
Licensing Manager
Public Protection Services

Rumney Rachael

From: Sims Michael
Sent: 30 June 2009 13:49
To: Rumney Rachael
Subject: FW: operator Licence no: PO0026

Rachael

Can you print this off and keep it with the responses to the letter sent out to the Operators.

Many thanks

Mick

From: Shabaz Younis - Silver Arrow Cars [mailto:shabaz@silverarrowcars.co.uk]
Sent: 30 June 2009 11:39
To: Sims Michael
Subject: operator Licence no: PO0026

Good morning Mick,

As per our telecom this morning, please find listed a brief summary of the work we do:

1. Slough address is 100 High Wycombe, Slough, my 2nd address is 100 High Wycombe.
2. Silver Arrows provides chauffeur drivers to O2, Slough only on contract basis.
3. We have an exemption certificate for our cars.
4. We have no cash work.

Will I get a letter to confirm the new policy on operators outside the boundaries will not affect Silver Arrows?

Many thanks and best regards
Shabaz Younis
T: 0753 822222

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SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 4th November 2009

CONTACT OFFICER: Tola Idowu – Licensing Officer
01753 875675
Mick Sims – Licensing Manager
01753 477387

WARD(S): **ALL**

PART I

FOR DECISION

MINIMUM SIZE OF VEHICLES TO BE LICENCED FOR HACKNEY CARRIAGE AND PRIVATE HIRE

1. **Purpose of Report**

The Committee are asked to consider the recommendations regarding the size of prospective Hackney Carriage and Private Hire saloon vehicles as follows:

- (a) Any vehicle that is to be licensed by Slough Borough Council must not be below Committee approved Euro NCAP or European Classification groups.
- (b) Any vehicle that is presented for licensing by Slough Borough Council that does not meet these minimum standards will not be licensed.

2. **Recommendation to Council**

The Committee recommend to Council to approve the implementation of a new policy in respect of the minimum sizes to be met by Hackney Carriage and Private Hire saloon vehicles in that:

- (a) Any vehicle that is to be licensed by Slough Borough Council must be in the Euro NCAP or European Classification groups laid out in this report
- (b) Any vehicle that is presented for licensing by Slough Borough Council that does not meet these minimum standards, will not be licensed

3. **Key Priorities – Taking Pride in Slough and making a Difference to Communities and our Environment.**

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

Aims

- 1.3 Protect and enhance public health and well being

Licensing regulation directly contributes to the aim of protecting and enhancing public health and well being.

4. **Other Implications**

(a) **Financial**

None.

(b) **Human Rights Act and other Legal Implications**

Articles 1, 6 and 8 of the Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

5. **Supporting Information**

- 5.1 On the 1st of August 2001, the Licensing Committee approved a policy that set out the minimum interior seating dimensions that must be met by all prospective Private Hire or Hackney Carriage vehicles
- 5.2 Since 2001 a the number of vehicle brands and models available to current and prospective drivers has obviously increased, with officers on occasion having to search the internet to find images of vehicle models that have not been licensed previously, as not all car makes and models are common in all countries and names for the same vehicle can differ by region.
- 5.3 Currently, should a prospective licence holder present for licensing, a vehicle which is of a make and model that Licensing Officers are unfamiliar with, Officers must take measurements of the interior dimensions to ascertain the vehicle's suitability and these results may be inaccurate.
- 5.4 If however the prospective licence holder has not yet purchased a vehicle, and wants to know if his intended purchase will be suitable, finding the correct interior dimensions can be very difficult and time consuming.
- 5.5 It is also worth noting that the suitability of a vehicle for Private Hire or Hackney Carriage licensing can be subjective, with the owner of the vehicle on occasions disagreeing with the Licensing Officers view that the vehicle is not fit for more than 3 adults.
- 5.6 Using an industry-wide recognised method of classifying passenger vehicle into categories and then choosing the groups that are suitable to be licensed, allows for clear and concise boundaries to be drawn. It also allows the Licensing Office to easily keep abreast with changes that are made to different vehicle manufacturers products.
- 5.7 Licensing Officers feel that the categories of vehicle listed in Appendix B, are suitable to be licensed as Private Hire and Hackney Carriage vehicles, (this does not refer to or affect in any way, the Policy on wheelchair accessible vehicles).

6. **Comments of Other Committees**

None

7. **Conclusion**

The Committee are asked to approve the immediate implementation of the new Policy which stipulates the Euro NCAP or European Commission classification categories for Hackney Carriage and Private Hire saloon vehicles as follows:

- (a) Only those vehicles that fall into the following Euro NCAP categories; Large family, Executive, Small MPV*, Large MPV, Large Off-Road 4x4 (European Commission classification D, E, F M* and J**)
- (b) In respect of the small MPV categories, these vehicles shall only be licensed to carry four passengers
- (c) Only the Large Off-Road 4x4 vehicles shall be licensed in the J segment

8. **Appendices Attached**

- A Previous dimensions approved
- B Car Classification groups
- C Car Classification groups to be licensed

9. **Background Papers**

- 1. Local Government (Miscellaneous Provisions) Act 1976 (As amended by the Transport Act 1985)

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APPENDIX "9"

Seat Dimensions - 20.3.01

Make	Model	Rear Seat Widths (inches) <small>(between arm rests)</small> 48" Standard	Rear Seat Height (inches) <small>(between seat & roof)</small> 34" Standard	Rear Seat Leg Room (inches) <small>(from back of front seat to front of rear seat pushed fully back)</small> 7" Standard
AUDI	A4	52	35	9½
CITROEN	Xantia	52	34	9
DAEWOO	Espero	50	34	8
"	Lagana	53	35	9
FORD	Escort	51	34	5½
"	Mondeo	50	35	7½
"	Granada	51	35	9
MERCEDES	190	51	33	3½
MITSUBISHI	Carisma	51	35	6
NISSAN	Primera	51	34	10
"	Bluebird	51	36	8
PEUGEOT	405	52	35	9
"	406	52	35	9
ROVER	400	51	34	6
"	600	50	34	6
TOYOTA	Avensis	53	34	8
"	Carina	53	35	7½
VAUXHALL	Astra	51	36	5
"	Cavalier	52	35	9½
"	Carlton	54	36	7
"	Vectra	52	34	7
"	Omega	52	36	10
VW	Passat	51	36	10
FORD MPV	Galaxy	59	37	11
SEAT MPV	Alhambra	59	37	11
VW MPV	Sharan	59	37	11

Vehicles failing to reach these minimum dimensions (as highlighted - with the exception of Mercedes 190 which has extended seat runners) will be issued with a licence to carry 3 passengers only

As passed by Licensing Committee 1.8.01

Car Classification				
<u>American English</u>	<u>British English</u>	European Commission classification	<u>Euro NCAP</u>	Examples
<u>Microcar</u>	<u>Microcar, Bubble car</u>	-	-	<u>BMW Isetta, Smart Fortwo</u>
-	<u>City car</u>	<u>A-segment</u>	<u>Supermini</u>	<u>Daewoo Matiz, Renault Twingo, Toyota Aygo, VW Lupo</u>
<u>Subcompact car</u>	<u>Supermini</u>	<u>B-segment</u>		<u>Hyundai Accent, Ford Fiesta, Opel Corsa, Suzuki Swift</u>
<u>Compact car</u>	<u>Small family car</u>	<u>C-segment</u>	<u>Small family car</u>	<u>Ford Focus, Toyota Corolla, Opel Astra, VW Golf</u>
<u>Mid-size car</u>	<u>Large family car</u>	<u>D-segment</u>	<u>Large family car</u>	<u>Ford Mondeo, Opel Vectra, Toyota Avensis, VW Passat</u>
<u>Entry-level luxury car</u>	<u>Compact executive car</u>			<u>Audi A4, BMW 3 Series, Mercedes C-Class, Volvo S60</u>
<u>Full-size car</u>	<u>Executive car</u>	<u>E-segment</u>	<u>Executive car</u>	<u>Ford Crown Victoria, Holden Commodore, Opel Omega, Chrysler 300C</u>
<u>Mid-size luxury car</u>				<u>Audi A6, BMW 5 Series, Jaguar XF, Mercedes E-Class</u>
<u>Full-size luxury car</u>	<u>Luxury car</u>	<u>F-segment</u>	-	<u>Audi A8, BMW 7 Series, Jaguar XJ, Mercedes S-Class</u>
<u>Sports car</u>	<u>Sports car</u>	<u>S-segment</u>	-	<u>Chevrolet Corvette C6, Porsche 911</u>
<u>Grand tourer</u>	<u>Grand tourer</u>		-	<u>Jaguar XK, Maserati GranTurismo</u>

<u>Supercar</u>	Supercar		-	<u>Bugatti Veyron</u> , <u>Ferrari Enzo</u> , <u>Lamborghini Gallardo</u>
<u>Convertible</u>	<u>Convertible</u>		-	<u>Mercedes CLK</u> , <u>Volvo C70</u> , <u>VW Eos</u>
<u>Roadster</u>	Roadster		<u>Roadster sports</u>	<u>Audi TT</u> , <u>BMW Z4</u> , <u>Porsche Boxster</u> , <u>Lotus Elise</u>
-	<u>Leisure activity vehicle</u>			<u>Peugeot Partner</u> , <u>Škoda Roomster</u>
-	<u>Mini MPV</u>	<u>M-segment</u>	<u>Small MPV</u>	<u>Opel Meriva</u> , <u>Fiat Idea</u> , <u>Ford Fusion</u>
Compact minivan	<u>Compact MPV</u> , <u>Midi MPV</u>			<u>Mazda5</u> , <u>Opel Zafira</u> , <u>Renault Scénic</u> , <u>VW Touran</u>
<u>Minivan</u>	<u>Large MPV</u>		<u>Large MPV</u>	<u>Ford Galaxy</u> , <u>Toyota Previa</u> , <u>Renault Espace</u>
<u>Mini SUV</u>	Mini 4x4			<u>Daihatsu Terios</u> , <u>Mitsubishi Pajero Pinin</u> , <u>Suzuki Jimny</u>
<u>Compact SUV</u>	Compact 4x4		<u>Small Off-Road 4x4</u>	<u>BMW X3</u> , <u>Ford Escape</u> , <u>Honda CR-V</u> , <u>Subaru Forester</u> , <u>Toyota RAV4</u>
	Coupé SUV	<u>J-segment</u>	-	<u>Isuzu VehiCross</u> , <u>SsangYong Actyon</u> , <u>BMW X6</u>
<u>Mid-size SUV</u>	Large 4x4		<u>Large Off-Road 4x4</u>	<u>Ford Explorer</u> , <u>BMW X5</u> , <u>Jeep Grand Cherokee</u> , <u>VW Touareg</u> ,
<u>Full-size SUV</u>				<u>Cadillac Escalade</u> , <u>Chevrolet Suburban</u> , <u>Range Rover</u> , <u>Toyota Land Cruiser</u> Audi Q7
<u>Pickup truck</u>	<u>Pick-up</u>	-	Pick-up	<u>Ford F-150</u> , <u>Mitsubishi Triton/L200</u> , <u>Nissan Navara</u>

<u>American English</u>	Car Classification			<u>Examples</u>
	<u>British English</u>	<u>European Commission classification</u> ^[4]	<u>Euro NCAP</u>	
Mid-size car	Large family car	D-segment	Large family car	Ford Mondeo, Opel Vectra, Toyota Avensis, VW Passat
Entry-level luxury car	Compact executive car			
Full-size car	Executive car	E-segment	Executive car	Ford Crown Victoria, Holden Commodore, Opel Omega, Chrysler 300C
Mid-size luxury car				Audi A6, BMW 5 Series, Jaguar XF, Mercedes E-Class
Full-size luxury car	Luxury car	F-segment	-	Audi A8, BMW 7 Series, Jaguar XJ, Mercedes S-Class
Compact minivan	Compact MPV, Midi MPV	M-segment	Small MPV	Mazda5, Opel Zafira, Renault Scénic, VW Touran
Minivan	Large MPV		Large MPV	Ford Galaxy, Toyota Previa, Renault Espace, VW Sharan
Mid-size SUV				Ford Explorer, BMW X5, Jeep Grand Cherokee, VW Touareg,
Full-size SUV	Large 4x4	J-segment	Large Off-Road 4x4	Cadillac Escalade, Chevrolet Suburban, Range Rover, Toyota Land Cruiser Audi Q7

4 ^ European Commission classification

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 4th November 2009

CONTACT OFFICER: Tolani Idowu – Licensing Officer
01753 875675
Mick Sims – Licensing Manager
01753 477387

WARD(S): **ALL**

PART 1

DECISION

Adoption of the Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance in Relation to Stretch Limousines & Introduction of a Vehicle Age Policy for Stretch Limousines

1. **Purpose of Report**

To inform the Committee of the proposed adoption of the Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance and for the Committee to approve the introduction of a Vehicle Age Policy for stretch limousines.

2. **Recommendation to Council**

That the Committee note the contents of the report with the proposed adoption of the Best Practice Guidance and to recommend to Full Council the implementation of the new Vehicle Age Policy.

3. **Community Strategy Priorities**

- Adding years to life and Life to years
- Being Safe, Feeling safe
- Prosperity for All

4. **Other Implications**

(a) **Financial**

None

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigations
From Section 2	None	By adopting the DFT Best Practice Guidance, the Council will ensure that all such vehicles have undergone the SVA

		Test, ensuring public safety and public health and well being.
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(c) Human Rights Act and other Legal Implications

Articles 1 and 6 of The Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides as follows:

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [\[Part VI of the Road Traffic Act 1988\]](#),

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

(d) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for one group or any other reason.

5 Supporting Information

- 5.1 The Licensing Team have for some time been carrying out a review of existing policy documents pertaining to all aspects of Private Hire licensing in order to bring them in line with best practice guidance as well as neighbouring local authorities.
- 5.1 Slough Borough Council has only previously licensed vehicles that have been manufactured within the European Union or manufactured specifically for the European market and this vehicle have met the European Whole Vehicle Type Approval or UK Low Volume approval.
- 5.2 In recent years there has been an influx of stretch limousines imported from North America. These vehicles are hired out to members of the public for weddings, funerals, hen nights and more recently, Prom nights which are a formal dance, held by a high school or college class at the end of an academic year.
- 5.3 A stretch 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 and is capable of carrying more passengers than the original donor vehicle.
- 5.4 Some of these limousines may also be able to carry up to 12 passengers or more at a time. This is achieved by way of seats that are set along the sides of the passenger compartment.
- 5.5 The Local Government (Miscellaneous Provisions) Act 1976 makes it clear that vehicles that are constructed to carry more than 8 passengers cannot be licensed by local authorities (these vehicles require a Public Service Vehicle (PSV) Licence granted by the Traffic Commissioner. It is to this end that this policy shall only apply to those vehicles that are constructed to carry no more than 8 passengers.
- 5.6 Many Local Authorities refuse to licence stretch limousines as they feel that they do not meet the vehicle criteria in their policies. The Department for Transport however, has encouraged Local Councils not to impose a blanket ban on stretch limousines but to consider licensing them on a case by case basis.
- 5.7 It is with the Department for Transport's guidance in mind that Licensing Officers feel that should a limousine proprietor wish to licence their vehicle that Slough Borough Council should not refuse to licence such a vehicle so long as it meets the criteria approved by the Licensing Committee.
- 5.8 The proposed criteria to be met by stretch limousines to be licensed by Slough Borough Council are as follows
 - (a) All vehicles must be constructed to carry no more than 8 passengers.

- (b) A valid Single Vehicle Approval (SVA) certificate must accompany a licence application without which, no licence shall be issued.
- (c) All vehicles must obtain a Slough Borough Council issued Certificate of Compliance from a designated garage every six months so long as the vehicle is licensed.
- (d) Appropriate seat belts must be provided for all passengers in the forward and rearward facing seats.
- (e) All tyres and rims must comply with or exceed the vehicle manufacturer's requirements or specifications.
- (f) All windows in the drivers cab area shall conform to current legislation with regards to tints.
- (g) All glassware provided by the proprietor for use in the vehicle shall be in polycarbonate or shatter-proof glass.
- (h) There will be no limit on the age of stretch limousines to be licensed, however all vehicles must be presented for inspection by Licensing Officers prior to licensing.

6. **Comments of Other Committees**

None

7. **Conclusion**

The Committee are asked to take note of the information contained in this report and approve the immediate implementation of the new criteria and Stretch Limousine Age Policy

8. **Appendices attached**

- (A) Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance
- (B) Department for Transport Guidance for Operators of Stretch Limousines

9. **Background Papers**

1. The Local Government (Miscellaneous Provisions) Act 1976
2. Equality Impact Assessment Screening

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

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October 2006

Introduction

1. This Guidance is issued with the aim of assisting those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of taxis and PHVs in the UK. One of the recommendations of that study was that the Department for Transport (DfT) should produce guidance on best practice for the local licensing authorities concerned. The Guidance is issued in fulfilment of that recommendation.
3. However, it will be appreciated that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
4. The Department consulted on a draft version of the guidance in the autumn of 2005. We are grateful for all the views expressed on that draft. A summary of the consultation responses and our reaction to them is available on the DfT web-site. Some respondents to the consultation draft felt that the document should be made more prescriptive whilst others felt that the draft struck the right balance in this respect. Taxi and private hire vehicle legislation makes it clear that it is primarily for local licensing authorities to make decisions on the matters covered in this guidance. Furthermore, it is right that local circumstances and requirements are taken into account in making these decisions in each licensing area. So we have in general resisted the calls for the guidance to be more prescriptive. The key purpose of the guidance remains, as proposed in the draft version, to assist local decision-making by setting out the main considerations authorities might wish to take into account in reaching the right balance between costs and benefits in determining the licensing policies for their area.

The Role of Taxis and PHVs

5. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around £3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
6. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 63-66).

The Role of Licensing: Policy Justification

7. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest - and can, indeed, have safety implications.
8. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

9. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

Scope of the Guidance

10. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

Consultation at the Local Level

11. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

Accessibility

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).

13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

14. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

Existing duties under the Disability Discrimination Act 1995 (DDA)

15. Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

16. Enforcement of the duties is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

Duties under the DDA , as amended by the Disability Discrimination Act 2005

17. The Disability Discrimination Act 2005 amended the DDA 1995 to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services, These Regulations come into force on 4 December 2006 and will effectively apply certain duties in Part 3 of the DDA 1995 to providers of transport services who provide such services through the use of specified vehicles. In order to meet these new duties, licensing authorities will be required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at www.drc-gb.org. The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.

Vehicles

Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, www.homeoffice.gov.uk (and see for instance, www.crimereduction.gov.uk/cctv/cctvminisite4.htm).

Vehicle Identification

24. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- **a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.** The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- **a licence condition which requires a sign on the vehicle in a specified form.** This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

Stretched Limousines

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).

28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some

circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on www.vosa.gov.uk/vosacorp/contactus/vosalocations/vosaenforcementoffices.htm).

Quantity Restrictions of Taxi Licences outside London

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

Drivers

Duration of Licences

39. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Under this new guidance the police are requested to notify the appropriate local licensing authority of convictions and other relevant information when it comes to their attention that an individual is working as a Taxi or PHV driver. (Further details are contained in Home Office Circular 6/2006. Further information can be obtained from the Criminal Records Section, Safeguarding Vulnerable Persons Team, Police Leadership and Powers Unit, Home Office, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail Robin.Manson@homeoffice.gsi.gov.uk)

40. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

41. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

Criminal Record Checks

42. A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau; this level of disclosure includes details of spent convictions and police cautions. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

43. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline

(0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

44. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

Medical Criteria

45. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries); the position is summarised at Annex B to the Guidance. In the light of the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

46. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

47. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Other training

48. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

49. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

50. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations.

PHV Operators

51. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

52. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; the Home Office during 2006/07 will be undertaking a new feasibility study in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

53. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. That will, for example, enable police checks to be made if any mishap should befall a passenger and may also be of use to licensing authorities in enforcement enquiries. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

54. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

55. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Enforcement

56. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.

57. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise.

58. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

59. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

Taxi Zones

60. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

62. It should be noted that the Government intends to make a Regulatory Reform Order which will remove the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. It is intended that the RRO should be introduced for Parliamentary scrutiny during 2006.

Flexible Transport Services

63. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

64. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It

also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

65. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs - advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis - immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

66. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' (available from dft@twoten.press.net). The document itself can be accessed at: www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504004.hcsp.

Local Transport Plans

67. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance was published in December 2004 asking for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. Authorities report each year on their delivery of policies and programmes in Annual Progress Reports.

68. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to make to the LTP process. The key policy themes for such services could be availability and accessibility. LTP input could include statements of policy on:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;

- encouragement of flexible services.

69. There should also be a statement of changes in policy since the last LTP and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;

- a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

Annex B: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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Guidance for operators of stretch limousines

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Introduction

This Guidance tries to answer basic questions to assist owners and operators of stretched limousines.

It is only intended for general help; it is not a legal document. For details of the law you will need to refer to the relevant legislation or seek independent legal advice.

Section 1 and 2 cover the requirements to get your vehicle registered at DVLA; the remainder covers the licensing requirements for your vehicle, and the sanctions available to the enforcement authorities in relation to illegally operated vehicles.

IMPORTANT- Operations which involve hiring a vehicle out with a driver, or receipt of payment or any other kind of reward in return for the carriage of passengers, will require some form of licence, either for use as a public service vehicle (PSV) or as a private hire vehicle (PHV), depending on the size of vehicle and the way it is used. Failure to adhere to these requirements may result in your vehicle being impounded, and ultimately, destroyed.

Please ensure that you are familiar with all the requirements set out in this Guidance Booklet.

Licences for PSVs are granted by traffic commissioners and authorise the use of licensed vehicles throughout Great Britain. Licences for PHVs are issued by Local Authorities.

Section 4 explains which type of licence is needed and where to obtain more information about the licensing requirements.

Further information on specific aspects of the law can be found in the documents listed in this Guidance and from the web links provided to Government websites. If after considering the additional information you are still unsure about any aspect of the law you should consider seeking independent legal advice.

1. How do I register my Limousine for use on the road in Great Britain?

If you buy a brand new vehicle in Great Britain (GB) the dealer will usually arrange for it to be registered for you.

Further information can be obtained from <http://www.direct.gov.uk>, by following the pathway below;

- **Motoring**
- **Buying and selling a vehicle**
- **Registering a vehicle**

A vehicle imported into GB for use on the public road must be licensed and registered immediately after arrival. Information on the procedures for importing, licensing and registering vehicles purchased outside Great Britain can be found on the website above under 'Registering an Imported vehicle'.

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 (very substantial modifications in the case of larger vehicles) before being compliant with GB requirements. Before purchasing a limousine, you should investigate the matter fully and satisfy yourself that the vehicle can be modified to meet the GB requirements and that you know the cost of these modifications - see below for more information on what these are.

Limousines with fewer than 9 passenger seats¹

Smaller limousines, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA). The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this 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.

Limousines with more than 8 passenger seats²

Traditionally a limousine of this size required a COIF (Certificate of Initial Fitness) from VOSA in order to be registered and used to carry paying passengers (referred to as "use for hire or reward"). Since April 2009 it has also been possible to apply for Individual Vehicle Approval (IVA) or type approval for such vehicles. From 29 October 2010, COIF will no longer be an acceptable route to registration, except for vehicles built more than 3 months prior to this date (i.e. manufactured prior to 29th July 2010).

There are very few limousine types that are currently compliant with COIF, IVA or type approval requirements. The Department is aware that vehicles not complying with GB, or EC, construction regulations have been registered in the past and has taken steps to prevent this. Operators need to consider, when purchasing a larger limousine, that most of these vehicles will require considerable expense to convert them in order that they can meet COIF or IVA requirements.

2. Can I convert a car that is already registered into a Limousine, by stretching it?

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. Once the vehicle has been converted you are legally required to notify DVLA of the changes, since the identity of the

¹The seating capacity is the number of passengers the vehicle is adapted to carry; Seating capacity can be defined by the number of seating positions - which could be defined by sculpting in the seat and/or seat belts.

²The seating capacity is the number of passengers the vehicle is adapted to carry; Seating capacity can be defined by the number of seating positions - which could be defined by sculpting in the seat and/or seat belts.

vehicle may be brought into question. It is possible that the passenger capacity, weight limits, or the taxation class of the vehicle would have changed, so the V5C registration document would no longer be valid.

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. The registration number will change because this is not the same vehicle as that described on the vehicle records and it would be misleading to retain the original registration number when the vehicle has undergone such major modifications. A vehicle undergoing major structural alterations is likely to require approval (IVA) in its modified condition.

IMPORTANT - you are legally required to notify DVLA of any changes to your vehicle or if any details shown on your registration certificate are incorrect; examples of changes are engine, replacing/modifying chassis and seating capacity.

DVLA has published a guide to the registration of rebuilt, radically altered and kit converted vehicles, in the form of an information leaflet INF 26, which is available from DVLA Local Offices.

Further information can be obtained from <http://www.direct.gov.uk>, by following the pathway below;

- **Motoring**
- **Buying and selling a vehicle**
- **Registering a vehicle**

You will be required to show receipts, build plans and photographs of the build if you are applying for kit conversion status. DVLA advises that before modifying a vehicle which has a cherished registration mark, the vehicle keeper may wish to consider securing the mark, which may be lost if the vehicle's identity is changed. Moreover if the capacity now exceeds 8 passengers then the applicant should ensure that it is compliant with the applicable requirements, which (as above) means submitting the vehicle for either a Certificate of Initial Fitness (COIF) examination or an IVA inspection.

If, following modification, the identity of the vehicle is changed then evidence of approval will be required in order to register the vehicle. This will normally be provided by issue of an IVA certificate.

Evidence required before undergoing Individual Vehicle Approval (IVA) testing

Before a converter submits his vehicle to VOSA for an IVA inspection evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where 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.

More information

Further information on registering a rebuilt, radically altered or kit converted vehicle can be obtained from <http://www.direct.gov.uk> by following the pathway below.

- **Motoring**
- **Buying and selling a vehicle**
- **Registering a vehicle**

3. Can I use my Limousine to carry fare paying passengers?

Yes, however motor vehicles used in Great Britain to carry passengers for hire or reward must be used in accordance with the appropriate licence. The type of licence required depends on the capacity of the vehicle and the type of operation undertaken - further advice is contained in section 4 below.

4. What type of Operator's licence do I need?

Vehicles constructed or adapted to carry more than 8 passengers require a PSV Operator's Licence

For vehicles constructed or adapted to carry more than 8 passengers used to carry passengers for hire or reward, the licence required is a public service vehicle (PSV) operator's licence granted by the Traffic Commissioner.

Vehicles constructed or adapted to carry 8 passengers or fewer, require either a private hire vehicle (PHV) licence or a Public Service Vehicle (PSV) operator's licence:

- (a) a private hire vehicle (PHV) licence is required if the vehicle is hired out, with a driver, as a whole (ie: an exclusive hiring). In England and Wales these licences are administered by the relevant local authority or, in London, Transport for London (TfL), who have discretion as to what vehicles they will licence. Where the PHV licensing regime applies the vehicle, the driver and the operator³ must all be licensed separately by the authority. The situation is similar in Scotland, where Local Authorities act as licensing agents for the Scottish Executive who have legislative responsibility.
- (b) a PSV operator's licence is required if the vehicle is used for carrying passengers at separate fares in the course of a business of carrying passengers. Such licences are granted by the Traffic Commissioner. This type of operation is known as a small PSV.

However, where certain conditions are met, vehicles constructed or adapted to carry fewer than 9 passengers will fall to be licensed as PHVs even if passengers pay separate fares. These conditions are essentially about private groups of individuals who make arrangements to share the vehicle, with those arrangements being made independently of

³The operator is the person who, in the course of business, makes provision for the invitation or acceptance of bookings for a private hire vehicle.

the operator and driver. The relevant conditions are as follows –

- the arrangement for the payment of separate fares must not be made by the owner, driver or operator of the vehicle, nor by any person who receives payment for making such arrangements;
- the journey must not be advertised to the public;

The following conditions may also be relevant-

- where the journey is to a particular destination, all the passengers must travel to, or within the vicinity of, that destination;
- no differentiation of fares for the journey must be made on the basis of distance or time.

IMPORTANT - where these conditions are met, the use of the vehicle falls within the PHV licensing regime even if passengers are carried at separate fares, and the appropriate licences must be held.

Information on the PSV operator licensing regime is contained in the guidance booklet PSV437 which can be obtained from any of VOSA's traffic area offices (for address and contact details see appendix 1) or can be accessed on the VOSA website

Publications can be viewed and downloaded from www.vosa.gov.uk by following the pathway below;

- **Publications**
- **Manuals and Guides**
- **Operator Licence Guides**

Information on the local private hire vehicle requirements can be obtained from your local licensing authority (district/borough councils, unitary authorities or TfL).

Contact details for your local authority can be found on <http://www.direct.gov.uk> by following the pathway below;

- **Directories**
- **Contacts**
- **Local Councils**

Given that most limousine operations are likely to be exclusive hirings the majority of operations using vehicles adapted to carry fewer than 9 passengers, are likely to fall within the requirements of the PHV operator regime.

If you need further information about the operation of small passenger-carrying vehicles (with 8 or fewer passenger seats) in Scotland ask the Scottish Traffic Area for a copy of the note Licensing of Small Passenger Carrying Vehicles.

You will also need to ensure that you have the appropriate vehicle and operator insurance for your operation.

Operating without a valid PSV operator licence (where applicable) or vehicle insurance could result in your vehicle being impounded. Other offences could result in prosecution through the Courts, the issue of a Fixed Penalty and Immobilisation of the vehicle

5. Operating services for hire or reward without the required Operator's licence is a criminal offence

Hire or reward is any sort of payment or other reward which gives a person a right to be carried on a vehicle regardless of whether a profit is made or not. The payment may be made by the person themselves or on their behalf. It may be a direct payment (such as a fare, hire charge or other payment made in respect of the journey) or an indirect payment (such as a membership subscription to a club, payment for a bed in a hotel or payment for concert tickets).

What's "dry hire" and what's wrong with it?

"Dry hiring" is the term used to describe the practice whereby a company leases out a limousine without a driver. If the person hiring the vehicle intends to drive it himself (and holds a suitable driver's licence and insurance), then this is a perfectly legitimate arrangement.

However, some operators have sought to adopt the practice of offering (or requiring) the hirer to hire a driver from a connected/related company under a separate agreement. VOSA considers that where this practice is adopted in an attempt to circumvent the PSV operator licensing requirements where passengers are being carried for hire or reward, it is illegal. This view is backed up by the courts, who have upheld decisions to bring legal action against operators who have used this practice. VOSA will continue to bring such cases to court, and limousine owners who continue to use "dry hiring" in this way could have their vehicles impounded.

Prohibition and Impounding of Unlicensed and Unsafe Vehicles

As from 1st October 2009 VOSA has the power, under new legislation⁴, to impound any vehicle constructed or adapted to carry more than 8 passengers which is being, or has been, used to carry passengers for hire or reward without a PSV operator's licence.

VOSA may also prohibit vehicles from further use where serious mechanical defects, overloading and drivers' hours offences are detected.

In addition to VOSA's powers the police have powers to seize a vehicle for other offences, for example, if it does not meet insurance requirements.

⁴The Public Service Vehicles (Enforcement Powers) Regulations 2009 (S.I. 2009/1964).

VOSA has widely publicised the requirements of the PSV and PHV licensing regimes to raise awareness and enable as many operators as possible to obtain the necessary licence. Where possible, suspected operators of unlicensed PSVs (including limousines) have been or will be notified individually in writing. Clearly VOSA cannot send notification to operators it is not aware of and it remains the responsibility of all vehicle operators to ensure that they fully understand their legal obligations and comply with the law. If you have any doubts as to whether your operations are compliant with the law, you should seek independent legal advice.

Ultimately, where vehicles are found unable to comply with COIF or IVA requirements, they may be destroyed.

Fixed Penalties and Immobilisation

On the 1st April 2009 the graduated fixed penalty, deposits and immobilisation scheme (GFP/DS) was launched. The Road Safety Act 2006 introduced powers to enable both police constables and VOSA examiners to:

1. Issue fixed penalties in respect of both non-endorsable and endorsable offences;
2. Request immediate financial deposits from non-UK-resident offenders (equivalent to an on-the-spot fine) - either in respect of a fixed penalty or as a form of surety in respect of an offence which is to be prosecuted in court; and,
3. Immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey or in any case where a driver declines to pay the requested deposit.

There are various offences covered by the scheme which are all driver related. The scheme includes offences such as failing to have a tachograph installed, failing to produce a driver CPC and failure to comply with Construction and Use Regulations.

More information on graduated fixed penalties, deposits and immobilisation schemes can be found on www.businesslink.gov.uk/transport

- This takes you to the BusinessLink (Transport and Logistics) home page
- Under the Heading 'Drivers' select Fixed Penalties

6. What can I do if my local authority will not license my vehicle as a PHV?

Each local licensing authority 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 license stretched limousines as PHVs, taking into account local circumstances.

It is important to note that only vehicles constructed or adapted to seat fewer than 9 passengers can be licensed as PHVs. Where a vehicle is licensed and used as a PHV, the operator and any person who drives the vehicle for hire must also hold the appropriate licence issued by the local authority.

The Department for Transport has issued best practice guidance to local licensing authorities in England and Wales (similar guidance has been issued by the Scottish Executive to Scottish Local Authorities) on the licensing of taxis and PHVs. This 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 licensing process, in England and Wales, 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 magistrate's court.

7. Are there any exceptions to the requirement to licence as a PHV operator?

Vehicles constructed or adapted to seat fewer than 9 passengers, including stretched limousines, are exempt from PHV licensing requirements while being used in connection with a funeral or a wedding, or where used wholly or mainly for the purpose of funerals by a person carrying on the business of an undertaker.

8. Can I licence my Limousines as Small PSVs?

Further details on the use of vehicles as Small PSVs are available in the leaflet PSV 437 available to view and download from the VOSA website following the link included at Section 4 of this guide.

9. Can I use a Limousine to carry more than 8 passengers?

You can only do so if your vehicle is constructed or adapted to carry more than 8 passengers, and if you have a PSV operator's licence that entitles you to do so. In order to obtain such a licence you will need to prove that your vehicle complies with legally required safety standards. In order to prove this, your vehicle will need to have evidence of whole vehicle type approval, a Certificate of Initial Fitness (COIF) or an IVA issued by VOSA.

However, most limousines imported from the USA cannot obtain such a certificate because they do not comply with GB, or EC, construction and use regulations. In particular, the regulations require any passenger vehicle carrying more than eight people to have exits big enough to get passengers out quickly in the event of an emergency. Many limousines do not comply with this requirement. In addition, the regulations require European-approved lamps, mirrors, tyres, seat belts and glass, which are not present on American vehicles, and the regulations on turning circle are not met by most stretched American vehicles.

If your vehicle is able to comply with the safety standards, guidance on obtaining a PSV licence is available in the booklet PSV 437. The guidance provides details of the type of

services that you may provide using such a licence but you will also need to consider the impact of the drivers' hours, tachograph, and driver licensing requirements for PSV vehicles. Guidance on drivers' hours is available in the document PSV 375 (also available from VOSA).

Publications can be viewed and downloaded from www.vosa.gov.uk by following the below pathway:

- Publications
- Manuals and Guides
- Operator Licence Guides

Driver licence information is available from <http://www.direct.gov.uk> by following the below pathway

- Motoring -
- Driver Licensing

10. For more information

PSV Operator Licensing

If you have a query about PSV Operator licensing contact:

Central Licensing Unit
Hillcrest House
386 Harehills Lane
Leeds
LS9 6NF
Tel 0300 123 9000

Private Hire Vehicle Licensing and Local Authorities

If you have a query regarding Private Hire Vehicle Licensing contact your Local Authority - contact information will be listed in your local phone book or can be found on <http://www.direct.gov.uk> by following this pathway -

- Directories
- Contacts
- Local Councils

Publications

The PSV Operator Licence Guide and other VOSA publications can be viewed and downloaded from the www.vosa.gov.uk website by following the following path from the site home page:

- Publications
- Manuals and Guides

Paper copies of VOSA guides are available by contacting the VOSA National Contact Centre on 0300 123 9000

Business Information

A wide range of information on transport as a business can be found on: www.businesslink.gov.uk/transport

The Department for Transport website address is: www.dft.gov.uk

The Transport for London website address is: www.tfl.gov.uk

The VOSA Contact Centre Telephone Number: **0300 123 9000**

