

SLOUGH BOROUGH COUNCIL

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

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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