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| LICENSING COMMITTEE | AGENDA ITEM No. 3 |
| 13 MARCH 2014 | PUBLIC REPORT |

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| Cabinet Member(s) responsible: | Cllr Marco Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement | |
| Contact Officer(s): | Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell | Tel. 454437 Tel. 453429 |

CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING - LIMOUSINE AND SPECIALITY VEHICLES

| R E C O M M E N D A T I O N S | |
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| FROM : Licensing Department Licensing Manager Adrian Day | Deadline date : N/A |
| <p>That the Committee:</p> <ol style="list-style-type: none"> 1. Approves the licensing of limousine and speciality vehicles as set out in this report with or without changes. Under Section 75 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976; and 2. Approves the draft licensing conditions for limousine and speciality vehicles with or without changes. | |

1. ORIGIN OF REPORT

- 1.1 This report is of a result of a 12 week consultation in relation to the review of the council's Hackney Carriage and Private Hire Vehicle licensing policy.
- 1.2 There is a need for officers to review the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remains appropriate and fit for purpose.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Following the approval from the licensing committee on 21st January 2013, a 12 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy a full consultation was launched. The consultation was launched on 1st February 2013 with an end date of 25th April 2013.
- 2.2 The purpose of the consultation was to seek responses from all stakeholders who have an interest in or may be affected by the Hackney Carriage and Private Hire Policy.
- 2.3 A list of consultee's can be found at **Appendix 1**.
- 2.4 It should be noted that although the consultation covered many areas of Hackney Carriage and Private Hire Licensing for the purposes of this report the licensing committee are asked to consider only the licensing of Limousine and Speciality vehicles. Therefore only responses relating to this area have been included. The other areas of the consultation will be included in further reports to the committee at a later date.

- 2.5 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.
- 2.5 Following the committee's decision the outcome will form part of the Peterborough City Council's Taxi and Private Hire Licensing Policy and Guidance document.
- 2.6 This report is for the Committee to consider under its terms of reference 2.4.1.3 'To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed in section 2.4.3, namely; (a) hackney and private hire vehicle licensing'.

3. TIMESCALE

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| Is this a Major Policy Item /Statutory Plan? | No |
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4. BACKGROUND INFORMATION

- 4.1 Since the implementation of Section 53 of the Road Safety Act 2006, there is a need to licence limousines & speciality vehicles.
- 4.2 Since 2008 the council has a statutory requirement under Section 75(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 to licence limousine and speciality vehicles.
- 4.3 It is anticipated that only a small number of vehicles in this category exist within this authority and therefore the numbers presented for licensing will be minimal.
- 4.4 During this period options have been explored to licence vehicles in this category, however until just recently testing facilities have not been available in order to accommodate stretched limousines. This facility is now available and can be carried out by Amey the council's current testing centre.
- 4.5 Officers now seek the approval to amend its hackney carriage and private hire conditions to permit the licensing of special event vehicles, including Prestige Vehicles, Stretched Limousines and Classic Cars as Private Hire Vehicles in Peterborough.
- 4.6 It is anticipated that only a small number of vehicles in this category exist within this authority and therefore the numbers presented for licensing will be minimal.
- 4.7 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.8 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.9 Peterborough City Council has various individual policies relating to Hackney Carriage and Private Hire Licensing many of which have remained unchanged for many years. Some of the aspects of licensing have been reviewed recently such as the vehicle age policy and the testing requirements for new driver applications. Also the conditions of fitness relating to Hackney Carriage Vehicles have been amended recently approving certain models of the Peugeot E7 as being suitable to be licensed as Hackney Carriage Vehicles.
- 4.10 Currently Peterborough has several companies that undertake offering the services of

limousines and special event vehicles. None of the companies (operators), vehicles or drivers are regulated by Peterborough City Council, meaning any person, as long as they hold the appropriate DVLA licence can drive a vehicle.

Special event vehicles fall in to the following categories: -

- Prestige Vehicles
- Stretched Limousines
- Classic Cars
- Novelty Vehicles

- 4.11 At present there is no system in place to have speciality vehicles and limousines licensed by Peterborough City Council. The operators, drivers and vehicles are not subject to any form of checks as is the usual private hire trade.
- 4.12 The council has a statutory requirement under Section 75(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 to licence limousine and executive hire vehicles. Officers seek the approval to amend its hackney carriage and private hire conditions to permit the licensing of special event vehicles, including Prestige Vehicles, Stretched Limousines and Classic Cars as Private Hire Vehicles in Peterborough.

5. CONSULTATION RESPONSES

- 5.1 For purposes of the consultation we asked stakeholders for their comments in relation to the regulation of Limousine and Speciality Vehicles in Peterborough.
- 5.2 The consultation was launched on 1st February 2013 for a 12 week period, ending on 25th April 2013. A public notice was published in the Peterborough Telegraph on Thursday 31 January 2013. A copy is attached at **Appendix 2**.
- 5.3 We received three responses in relation to the regulation of Limousine and Speciality Vehicles, these are documented below.
- 5.4 Police Superintendent Dan Vajzovic said. *"The introduction of the regulation of vehicles and operators in this category is welcomed and supported"*.
- 5.5 Mr Brian Gascoyne (Previous Secretary of the Peterborough Hackney Carriage Federation) said. *"I have no experience in the Limousine and Speciality Vehicles trade and therefore am in no position to comment with the exception that there must be a mechanism for testing and safety of the vehicle and ensuring that the drivers are as robustly checked in the same way as Hackney and Private Hire drivers"*.
- 5.6 Amey (previously Enterprise said. *"Enterprise would like to make PCC aware that VOSA permit the workshop at Nursery Lane to accommodate limousines for MOT and inspection purposes.*
- 5.7 Mr Wayne Fitzgerald said. *"I have no issue with option 1. Save for the fees being reasonable and proportionate given the restrictions stated elsewhere about general use as standard day to day private hire work. If you are placing restrictions on the vehicles then there should be lower fees than normal private hire fees as the ability to earn money is surely lessened"*.

"I do not think the council can do option 2 as in "do nothing" as you may also face a legal challenge at some point if you cannot or refuse to licence a limousine".

"I have no particular issue about the PH operator fees".

"I have no issue with limousines being tested twice a year".

"I do though have an issue with speciality vehicles being tested or treated in the same way as Limousines or general PH Vehicles"

“The test for these cars type or licence should be the standard annual MOT test, given that they are not used for "Standard Day to Day Private Hire Work e.g. 7 days a week 24 hours a day. There should also be no age restriction on licensing these cars either e.g. for classics and executive / prestige vehicles provided that they are roadworthy (MOT'd, Insured) and in a tidy and serviceable condition the same as any other current PH licensed vehicle might be or in fact probably better”.

“I also think on the Vehicle Licensing fees in speciality vehicles. You should consider having 2 price bands one lower band for occasional vehicle use such as proms, birthday treats, and days out etc which might most likely apply to classic / speciality vehicles and one for full time executive vehicles used such as those for airports runs and general chauffeuring work at the higher rate of £180.00”.

“Otherwise the cost for occasional use might be prohibitive and will lead to people not applying and continuing to use unlicensed vehicles”.

“Speciality Vehicles only (I) - £100 with a standard MOT test annually (for occasional use including classics & the like. Parties, Proms & so on) mainly classic & vintage cars etc”.

“Speciality/ Prestige Vehicles (II) - £180.00 with a standard MOT test annually (For executive & chauffeur work inc PH) Jaguar Rolls Mercedes BMW ect”.

“Plate Exemption - I do not see the need to make or carry a physical plate that is hidden in the boot. Surely we can use a security foil sticker in the window that states is it is a licensed PH vehicle. In London they do this why can't we. I would only offer this option currently to those who can demonstrate that they are in the executive / chauffeur market or for speciality vehicles”.

6. VEHICLE CLASIFICATION

- 6.1 For purposes of classification vehicles considered to be prestige vehicles in terms of licensing would be a Rolls Royce, Daimler, Bentley, Jaguar or other high end models from manufacturers such as BMW or Mercedes Benz; however this list is non-exhaustive and approval will be at the councils discretion; Also incorporated into this section would be vintage or classic cars.
- 6.2 Other vehicles that the authority may be asked to licence could be Kit cars, or something of a more retro nature such as those from television, examples being a Ford Capri or a Reliant three wheeler and even decommissioned fire engines.

7. AGE RESTRICTIONS

- 7.1 Vehicles licensed within the class of limousine or speciality vehicles would not be subject to the normal age restrictions as those that apply to standard private hire vehicles as this is deemed to be inappropriate considering the nature of the vehicle. Therefore vehicles will be exempt from age restrictions.
- 7.2 All vehicles presented for licensing within this class of limousine or speciality vehicles must pass the councils MOT exemption test and be mechanically and cosmetically sound in order to be considered for licensing.

8. VEHICLE TESTING

- 8.1 Due to the fact that Limousines are invariably much longer and heavier than normal private hire vehicles to be licensed and tested, testing facilities must therefore be able to handle this specialised type of vehicle.
- 8.2 Amey have confirmed that VOSA have inspected their workshop and deemed it suitable to inspect stretched limousines, therefore limousines and speciality vehicles will be subject to

MOT exemption testing carried out by Amey. Confirmation of this and testing requirements can be seen at **Appendix 3**.

8.3 Due to the structural nature and the increased age of limousines they will be subject to 6 monthly MOT exemption tests.

8.4 Speciality vehicles due to their age and class will be subject to 6 monthly MOT exemption tests. Consultation feedback in paragraph 5.7 suggests that vehicles in this group should only be subject to standard annual MOT tests, the committee may consider this request.

9. LICENCE CONDITIONS

9.1 The proposed draft conditions for limousine and speciality vehicles can be seen at **Appendix 4**.

9.2 Vehicles licensed within the class of limousine or speciality vehicles will not be permitted to be used for standard day to day private hire work.

10. OPERATOR LICENSING REQUIREMENTS

10.1 To operate a vehicle within the class of limousine or speciality vehicles the operator requires a private hire operator's licence.

10.2 The licence will be subject to the usual checks and is renewable on an annual basis. All existing terms and conditions apply.

11. DRIVERS LICENCE

11.1 In order to drive a vehicle within the class of limousine or speciality vehicles the driver requires a private hire driver's licence.

11.2 The licence will be subject to all the usual safety checks and testing requirements and is renewable on an annual basis. All existing terms and conditions apply.

12. PROPOSED FEES

12.1 It should be noted that fees are set in order to meet the costs of providing the licensing function, legislation does not allow local authorities to make a profit from licensing fees.

12.1 **Operator licence:** The operator licence is the same as the operator's licence for private hire vehicles.

Current Private Hire Operator Licence charges are as follows: -

- 1 vehicle - 5 vehicles = £171
- 6 vehicles – 10 vehicles = £347
- 11 vehicles – 15 vehicles = £523
- 16 vehicles – 20 vehicles = £693
- 21 or more vehicles = £869

12.2 **Vehicle Licence:** The fees for vehicle licenses listed below.

Limousines

- Annual and new application fee - £231 inclusive of test
- Six monthly fee £110 inclusive of test

Speciality Vehicles

- Annual and new application fee - £198 inclusive of test

- Six monthly fee £72 inclusive of test

The proposed fees above for speciality vehicles are set at the same figure as for private hire vehicles, this is due to the process for licensing being the same. Consultation response has suggested that this fee should be less due to the fact that speciality vehicles will not be permitted to carry out standard private hire work and will not be used to the same extent as normal vehicles private hire vehicles.

The committee can decide if it so wishes to set an alternative to the proposed fee, however it should be mindful that fees are set in accordance with cost recovery needs rather than the frequency of which the vehicle is used. Consultation feedback in paragraph 5.7 requests reduced fees for limited or occasional usage, the committee may consider this request.

12.3 **Drivers Licence:** The current fee for a private hire driver's licence is £110.

12.4 The fees above were correct at the time of completing this report, fees are currently subject to consultation with a proposed increase of 4%.

13. EXEMPTIONS

13.1 Section 75(2) &(3) of the Local Government (Miscellaneous Provisions) Act 1976, allows for an exemption from the display of drivers badge and vehicle licence plates.

13.2 Companies providing executive and limousine type services may use high quality vehicles and therefore prefer not to secure plates and signage to the vehicle.

14. CONSIDERATIONS

14.1 In considering the adoption of the licensing of limousine and speciality vehicles as set out in this report the committee should consider the comments submitted during the consultation process; in particular those in relation to the level of fees for speciality vehicles and the testing frequency.

14.2 The committee should consider the implications, risks and consequences of not adopting the policy in particular the statutory requirement to licence such vehicles and the safety implications of non-regulation.

15. RISKS

15.1 There are no anticipated risks in approving the regulation of limousine and speciality vehicles and adopting the associated licensing conditions.

15.2 There are risks associated with not approving the regulation of limousine and speciality vehicles and adopting the associated licensing conditions. The council has a statutory requirement to licence limousine and speciality vehicles and may face legal challenge if this function is not adopted.

16. ANTICIPATED OUTCOMES

16.1 The Licensing Committee to approve the licensing of limousine and speciality vehicles and adopt the draft licensing conditions with or without amendments, this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

17. REASONS FOR RECOMMENDATIONS

- To regulate the licensing of limousine and speciality vehicles in order to set measures to protect the public and promote safety.
- To comply with statutory requirements.
- To ensure that the policies and procedures continue to be fit for purpose.

18. ALTERNATIVE OPTIONS CONSIDERED

18.1 Retain the status quo.

19. IMPLICATIONS

19.1 Financial – There are costs associated with undertaking a public consultation exercise, however there are also costs associated where a policy is challenged due to it not being fit for purpose.

19.2 Legal – Legal support has been provided by the council's legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation. Some advice has also been provided by counsel.

20. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Local Government (Miscellaneous Provisions) Act 1976

The Town and Police Clauses Act 1847

Equality Act 2010

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