



Technical, Economic and Environmental  
Services  
Scrutiny Panel

Stretched Limousines  
(An Evaluation of their Regulation  
and Operation)

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# Technical, Economic And Environmental Services Scrutiny Panel

## Stretched Limousines (An Evaluation of their Regulation and Operation)

### 1. Summary By Chair Of The Panel

There has been a steady increase in the popularity of American style “stretched limousines” in the country over recent years. In this Borough, the local papers contain full page advertisements from companies advertising the hire of these vehicles for many different occasions.



As this business continues to thrive, the Panel is keen to ensure that passenger safety is paramount, particularly as these vehicles are hired extensively for private functions, including children’s parties. Therefore, when the Members of the Panel were informed that these vehicles, which basically function under the regulation of Private Hire or Public Service Vehicle legislation, were operating without a licence, this was considered to be an area of concern.

The Panel learned that the Council’s present local Private Hire Vehicle Conditions preclude the licensing of stretched limousines, due to the very nature that they have side facing seats and are mainly left hand drive vehicles.

The Panel was pleased to note however, that the Association of Greater Manchester Authorities’ Public Protection Managers’ Group (initiated by Tameside Metropolitan Borough Council), had been seeking to address this matter for some time, and intended to recommend a number of proposals, which aimed to standardise the regulation and operation of stretched limousines, with a uniform licensing regime throughout the Greater Manchester Authorities.

The Members of the Technical, Economic and Environmental Services Scrutiny Panel and myself, have pleasure in presenting this report, which assesses the regulation and operation of stretched limousines and seeks to evaluate and where possible, endorse the proposals recommended by the Association of Greater Manchester Authorities’ Public Protection Managers’ Group.

In completing this Review, I would like to thank Mr D Waterhouse and Mr J Morkhill, two local businessmen who kindly allowed the Panel Members to inspect their vehicles in order to gain first hand knowledge of their structure and composition. With their co-operation and input, the Panel was also able to appreciate the challenges faced by stretched limousine operators in the present climate. I also wish to thank Mr Frank Ashurst, Vehicle and Operator Services Agency, for his expert help that has contributed to the production of this report.

A handwritten signature in cursive script, reading "P J Robinson".

Councillor P J Robinson, Chair

## **2. Background To The Evaluation**

### **2.1 Reasons for the Evaluation**

- 2.1.1 Stretched limousines are becoming an increasingly popular means of transport for special occasions. However, despite their extensive use, they are not licensed by this Local Authority as Private Hire Vehicles. Some stretched limousines with no more than eight passenger seats have been certified by the Vehicle and Operators Services Agency with Restricted Operators' Licences and under certain circumstances they may be licensed as small Public Service Vehicles.
- 2.1.2 The vehicles, by their very nature, do not fulfil the conditions which are required to license them as Private Hire Vehicles in Tameside. The Traffic Commissioners have however, issued some Restricted Operator Licences, under which vehicles with eight passenger seats or less may be operated as Public Service Vehicles. This provides that any journey must be over 15 miles and passengers charged individual fares as if on a normal bus route. In addition the operators of large buses may operate stretched limousines as small Public Service Vehicles for some private hire work, providing the operation does not exceed a small part of the overall business (this is taken as a rule of thumb to represent 10% of the overall fleet licensed under a single Public Service Vehicle Operators' Licence).
- 2.1.3 In these circumstances the vehicles cannot be classified as Private Hire Vehicles. Therefore, the vehicles, drivers and operators (if applicable) are not required to comply with the conditions imposed by this Local Authority on Private Hire Vehicles that have been introduced for the safety and protection of the general public. Stretched limousines licensed as Public Service Vehicles are required to meet the conditions for small Public Service Vehicles. Such vehicles are subject to the Single Vehicle Approval scheme which is a pre registration (i.e. before a Registration number is allocated) inspection for cars and light goods vehicles that have not been type-approved to British or European standards. The main purpose of the 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. (Single Vehicle Approval Scheme guidance). Owners/Operators of vehicles already registered whilst unable to obtain a Single Vehicle Approval Certificate can be issued with a "Letter of Compliance" by the Vehicle Inspector, if the vehicle meets the appropriate standards.
- 2.1.4 Unless the limousines are licensed as Public Service Vehicles, drivers and operators (if applicable) are generally unregulated. This means that such vehicles are not legally required to undertake regular stringent roadworthiness tests and the drivers are not legally required to undertake

strict trade control measures such as regular criminality checks with the Criminal Records Bureau.

- 2.1.5 The Association of Greater Manchester Authorities' Public Protection Managers Group, which includes representation from Blackpool, Blackburn with Darwen, Bolton, Bury, City of Manchester, Oldham, Rochdale, City of Salford, Stockport, Trafford, Wigan and Tameside, has expressed concern regarding this issue, and proposes to introduce standard licensing regulations for stretched limousines with eight or less passenger seats, in order that a uniform policy can be adopted throughout Greater Manchester, which they anticipate will eventually lead to a conformity throughout the country of legislation and improved public protection.
- 2.1.6 The Technical, Economic and Environmental Services Scrutiny Panel shares these concerns and believes that the current situation leaves the passengers of the vehicles in a potentially unacceptable, vulnerable position.
- 2.1.7 Having received a presentation from the Head of Licensing and Enforcement, the Panel Members assessed the present policies and practices, the potential problems associated with unregulated stretched limousines and the proposals for the adoption of a standardised licensing policy and additional conditions for stretched limousines to be licensed as Private Hire Vehicles, across the Greater Manchester Authorities.
- 2.1.8 Finally, the Scrutiny Panel considered and evaluated the proposals by the Association of Greater Manchester Authorities' Public Protection Managers' Group and added its comments to each recommendation in order to support the adoption of a standard licensing policy, in anticipation of the introduction of a national policy in respect of the licensing of stretched limousines as Private Hire Vehicles.

## **2.2 How This Evaluation Was Conducted**

- 2.2.1 The Panel Members decided that this review would be a short, focussed analysis, as opposed to a comprehensive major review, mainly because of the thorough research already undertaken by officers within the Association of Greater Manchester Authorities.

The Project Plan for this review is contained in Appendix 1 to this report.

### **• Consultees**

- 2.2.2 Mr I Saxon Head of Environmental Enforcement, Mrs J Hicks, Licensing Team Leader and Mr P Lambert, Enforcement Supervisor outlined the reasons why stretched limousines with eight or less passenger seats could not be licensed as Private Hire Vehicles, and reported on how the

Association of Greater Manchester Authorities were seeking to address this issue.

- 2.2.3 Mr F Ashurst from the Department for Transport's Vehicle and Operator Services Agency informed the Panel of the legal reasons why stretched limousines carrying over 8 passengers could not be certified as Public Service Vehicles and generally informed the Panel about the respective licensing regimes.
- 2.2.4 Mr J Morkhill a local stretched limousine operator arranged for the Panel Members to inspect one of his stretched limousines. He then attended a meeting of the Scrutiny Panel, provided information on the current situation, and clarified the reasons why the majority of stretched limousine operators would welcome a licensing regime for both vehicle and driver. He also explained the view of the National Association of Limousine Operators and contract arrangements that he employed. The National Limousine Association (UK) (NLA(UK)) was instituted to achieve two principle objectives. The first objective is to bring together professional chauffeured car service providers in the United Kingdom into a single organisation which will establish standards of service and conduct throughout the industry. The second objective is to provide the public with a benchmark enabling customers to hire with confidence from any operator displaying the NLA(UK) logo.
- 2.2.5 Police Constable Rob Wilson attended a meeting of the Scrutiny Panel, and explained the limited powers of enforcement currently available to Greater Manchester Police, as a consequence of the lack of legislation governing stretched limousines.
- 2.2.6 Mr D Waterhouse a local executive travel operator allowed the Chair, Deputy Chair and Designated Research Officer to inspect his fleet and explained his concerns regarding the present lack of regulations.
- 2.2.7 Councillor Piddington the Cabinet Deputy for Environmental Services attended a meeting of the Scrutiny Panel and explained how she would welcome the introduction of a Local Authority licensing regime for stretched limousines with eight or less passenger seats, and highlighted concerns regarding the current situation.

- **Research**

- 2.2.8 Having spoken to key officers and the Cabinet Deputy for Environmental Services, and having undertaken research from national policy documents and local policies, the Panel was able to produce accurate and comprehensive information on stretched limousines and their operation.
- 2.2.9 The Panel (also) examined and considered existing legislation and Tameside Metropolitan Borough Council's local policy for Hackney

Carriages and Private Hire Vehicles. The Panel also examined the legislation for the use of stretched limousines as Public Service Vehicles.

- 2.2.10 Finally, the Panel assessed the existing processes, by considering information from the Association of Greater Manchester Authorities' Public Protection Managers' Group, with a view to making recommendations for improvements within the Greater Manchester area.

## **2.3 Terms of Reference**

- 2.3.1 The Panel agreed the following Terms of Reference, which encompassed the whole spectrum of issues regarding stretched limousines.

“To consider the operation of stretched limousines in the interests of public safety and to decide whether there is a need to introduce regulations and licensing”.

## **2.4 Membership**

- 2.4.1 The evaluation was carried out by all the Members of the Technical, Economic and Environmental Services Scrutiny Panel. They involved:-

- Councillor P Robinson (Chair)
- Councillor Welsby (Deputy Chair)
- Councillor Bailey
- Councillor Downs
- Councillor Grundy
- Councillor Meredith
- Councillor S Quinn
- Councillor Seabourne
- Councillor S Smith

- 2.4.2 Mr Tony Moss of the Citizens' Panel assisted the Panel Members with this Review.

## 3. Private Hire Vehicles And Hackney Carriages<sup>1</sup>

### 3.1 General Information

- 3.1.1 In order to operate lawfully, Hackney Carriages and Private Hire Vehicles, together with their drivers and operators (if applicable) must be licensed.
- 3.1.2 Under the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847, the Licensing Section of a Local Authority is the organisation responsible for the issuing of licences for Hackney Carriages and their drivers and Private Hire Vehicles and their drivers and operators.
- 3.1.3 In Tameside, Hackney Carriage Vehicles and Private Hire Vehicles are easily distinguishable from each other as all Hackney Carriages are purpose built 'London style' cabs, known as 'black cabs', and Private Hire Vehicles are usually 'saloon type' vehicles, but include minibuses with up to and including 8 passenger seats.
- 3.1.4 The Local Licensing Authority is **not** responsible for licensing passenger carrying vehicles which comprise more than eight passenger seats. This is wholly the responsibility of the Traffic Commissioners (although none have been approved in the UK), whereas both the Local Authority and the Traffic Commissioners can licence limousines with eight or less passenger seats.
- 3.1.5 The main difference in the operation of the two types of vehicle is that Hackney Carriage Vehicles can be 'flagged down' from the street or on a rank, but Private Hire Vehicles must be pre-booked through an Operator.
- 3.1.6 Both types of vehicle can only be driven by a licensed Hackney Carriage/Private Hire driver, who has successfully completed a number of trade control measures, including regular criminality checks.
- 3.1.7 Any vehicle that is used for the commercial carriage of passengers, with eight or less passenger seats, and is not a Hackney Carriage Vehicle, can only be a Private Hire Vehicle as detailed in paragraph 2.1.2 or a small Public Service Vehicle.

The only exceptions to this are:-

- Vehicles used exclusively for weddings/funerals;
- Vehicles used under a contract for a period of not less than seven days.

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<sup>1</sup> Source: Tameside MBC website – [www.tameside.gov.uk/licensing/taxi.html](http://www.tameside.gov.uk/licensing/taxi.html)

## **3.2 Hackney Carriage Vehicles in Tameside**

3.2.1 Hackney Carriage Vehicles are governed by the Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976.

3.2.2 In order to operate lawfully, the vehicle and the driver must each have a licence issued by the Local Licensing Authority which confirms that a number of conditions have been fulfilled.

3.2.3 These conditions include:-

- The licences are renewable on an annual basis;
- The driver and vehicle must pass compliance tests;
- The vehicles must be London Style Cabs;
- The vehicles must have disabled access;
- The vehicles must be insured for Public Hire (Road Traffic Act 1988);
- The driver is subject to Criminal Record Bureau checks and medical checks;
- The vehicles can be flagged down at the road side or on the rank;
- Conditions are attached to the licences.

## **3.3 Private Hire Vehicles in Tameside**

3.3.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a Private Hire Vehicle as *“a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than a Hackney Carriage or Public Service Vehicle) which is provided for hire with the services of a driver for the purpose of carrying passengers.”*

3.3.2 Private Hire Vehicles, with eight or less passenger seats, are governed by the Local Government (Miscellaneous Provisions) Act 1976.

3.3.3 Section 48 of this legislation states *....“a District Council shall not grant a licence unless they are satisfied –*

*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.”*

These are the basic conditions imposed by Local Government legislation.

- 3.3.4 In addition to the conditions applied by legislation, each individual Local Licensing Authority may attach additional local conditions, which it deems to be suitable for the issuing of licences for Private Hire. Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*“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.”*

- 3.3.5 Tameside Metropolitan Borough Council has produced its own document entitled “Conditions for Private Hire Vehicles” and has subsequently attached additional conditions for Private Hire Vehicle licences, which it considers necessary for the safeguarding of the general public. All the conditions contained in the document must be met, in order that the Private Hire Vehicle licence can be granted. (See Appendix 2) This includes a vehicle inspection regime and the current practice is to inspect vehicles that are less than three years old once a year and vehicles that are more than three years old twice a year.

## **4. Public Service Vehicles**

### **4.1 General Information**

- 4.1.1 Vehicles with 9 or more passenger seats, if they are to be used for hire or reward, will need to be certified as Public Service Vehicles by the Department for Transport’s Vehicle and Operator Services Agency, and be operated under a licence issued by the Traffic Commissioners. To do this the vehicle must have a Certificate of Initial Fitness (COIF) and to date no limousine has achieved this. Limousines with eight or less passenger seats must have a Single Vehicle Approval as explained above.
- 4.1.2 In order to obtain a licence, the vehicle must comply with the regulations governing the Public Service Vehicle Operator Licence.
- 4.1.3 All vehicles require a Certificate of Initial Fitness or a Certificate of Conformity and must be tested on an annual basis by the Vehicle and Operator Services Agency.
- 4.1.4 Significantly, unlike Hackney Carriage and Private Hire drivers, the drivers of Public Service Vehicles are not, as yet, required to undertake criminality checks with the Criminal Records Bureau as a condition of their driver licence, but Public Service Vehicle operators are required to make such checks where the operation makes this appropriate. Legislation for Public

Service Vehicle drivers is likely to be aligned with that for Private Hire and Hackney Carriage drivers in the very near future. Consequently, there could be a situation where a Private Hire or Hackney Carriage Vehicle driver has his/her licence revoked, or refused because of information received from the Criminal Records Bureau, but goes on to drive a Public Service Vehicle. This is an area of concern to the Panel.

## 5. Stretched Limousines

### 5.1 General Information

- 5.1.1 Stretched limousines are extremely popular and are generally available for commercial use. They can be hired for all sorts of special events, most commonly, group parties, school proms, hen nights etc.
- 5.1.2 Stretched limousines with eight or less passenger seats are more likely to fall within the legislative definition of a Private Hire Vehicle (ie. Section 80 of the Local Government (Miscellaneous Provisions) Act 1976) and should not be used for the carriage of passengers for hire or reward without the appropriate Private Hire Vehicle licence, Driver Licence and Operator Licence, provided by the Local Authority. The terms of the Act state that a vehicle should not be licensed unless it complies with Section 48 of this Act (see paragraph 3.3.3 page 7) and local conditions. The only exception to this is where a vehicle is used under a contract for a period of not less than seven days. (Current Local Authority Conditions for Private Hire Vehicles preclude stretched limousines from being classified as Private Hire Vehicles – please refer to Appendix 2 Tameside MBC Conditions for Private Hire Vehicles for more details.
- 5.1.3 At the time of initial application and during the period of the licence, all Private Hire Vehicles should undergo mechanical inspections, and both the driver of the vehicle and the person proposing to operate the vehicle should be the subject of criminality checks via the Criminal Records Bureau, as part of the criteria to satisfy the Tameside Metropolitan Borough Council condition that they are a “Fit and Proper” person to hold a licence.
- 5.1.4 In addition, the driver of the vehicle, in order to comply with regulations, should complete a compliance test and show a basic skills and knowledge of the area and in accordance with the Act, should produce a “Certificate of Medical Fitness” signed by his/her General Practitioner.
- 5.1.5 The licensing of vehicles carrying between 9-16 passengers, comes under the control of the Traffic Commissioners. These vehicles have to comply with the regulations governing Public Service Vehicle Licences, as

detailed in the Road Vehicles Construction and Use Act 1986 (as amended).

5.1.6 During discussions, it has become apparent that many stretched limousines allow passengers to consume alcohol. It is however, unclear whether or not the passengers are allowed to purchase the alcohol whilst travelling in the vehicle, or whether it is complimentary and made available at the commencement of the journey.

5.1.7 Section 156 of the Licensing Act 2003, however, provides that the sale of alcohol is prohibited in a moving vehicle or indeed if it is stationary to facilitate such a transaction. If alcohol is supplied for free as part of the service then this would be deemed as a sale of alcohol which would need to be licensed. It is evident from advertising and the experience of a member of the Scrutiny Panel that alcohol is available as part of the service and that it is consumed from ordinary glassware. The Panel is concerned that in the event of an incident, extensive damage could be inflicted on passengers by broken glassware.

## **5.2 Stretched Limousines with Eight or Less Passenger Seats - Are they Private Hire Vehicles?**

5.2.1 The Local Government (Miscellaneous Provisions) Act 1976 stipulates that in order to operate lawfully, Private Hire Vehicles, drivers and operators must be licensed by their Local Licensing Authority, and their licences must be renewed on an annual basis.

5.2.2 Tameside Metropolitan Borough Council, as the Licensing Authority for the Borough of Tameside, has a statutory duty, under this legislation, to license Private Hire Vehicles, with eight or less passenger seats. It is a matter for the local authority to set conditions which may exclude stretched limousines from meeting the requirements to obtain a licence from that particular authority. Private Hire Vehicle licences only cover vehicles with up to eight passenger seats and anything larger is the sole responsibility of the Traffic Commissioners (Private Hire Vehicle licences currently allow for limousines with more than eight passenger seats to carry eight passengers or less).

A letter received from the Department of Transport dated 9<sup>th</sup> September 2002. (see Appendix 3) advises that vehicles can be licensed under both regimes although they are more likely to fall within the licensing regime for Private Hire Vehicles. The letter also recommends that Local Authorities carefully consider all aspects of the suitability of such vehicles, especially safety considerations taking into account local needs and services.

5.2.3 However, although stretched limousines are used extensively throughout the Borough and Greater Manchester, none are licensed as Private Hire Vehicles.

- 5.2.4 Basically, in order to obtain a licence as a Private Hire Vehicle, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the local conditions, agreed by the Local Licensing Authority, must be met. If any of the conditions cannot be met, then the licence application will be refused. If a licence is refused, the applicant can appeal against the decision to the local magistrates or if he/she believes that the policy (local conditions) that the Council is applying is unreasonable, they can judicially review them in the High Court.
- 5.2.5 Within the terms of the Council's current local conditions, stretched limousines **do not** comply with the Council's requirement that Private Hire Vehicles can only have forward facing seats, must be right hand drive, etc. Moreover, this condition appears to have been adopted by all the Local Authorities in Greater Manchester.
- 5.2.6 Consequently, in order to licence stretched limousines as Private Hire Vehicles in Tameside, amendments to the existing local conditions, would be required.
- 5.2.7 Therefore, at the moment, stretched limousines for use as Private Hire Vehicles in Tameside, remain unlicensed and unregulated unless they have been licensed as Public Service Vehicles as explained earlier in this report.
- 5.2.8 At the time of the preparation of this report however, the Panel has received no information that any local stretched limousine operators, have licensed their vehicles in accordance with Public Service Vehicle regulations.
- 5.2.9 The operators have indicated that they would welcome the introduction of a reasonable local licensing regime, and have added that this would benefit not only the businesses, but also their customers.
- 5.2.10 It should be noted however, that the preferred position of the National Limousine Association (UK) is for Public Service Vehicle licensing rather than Private Hire Vehicle licensing because there is a clearer regulatory framework with a single set of licensing conditions as well as more frequent vehicle inspections. (This was confirmed with the Legislation Officer, National Limousine Association (UK)).

### **5.3 Stretched Limousines Seating Between 9 and 16 Passengers - Are they Public Service Vehicles?**

- 5.3.1 The responsibility for licensing vehicles which carry 9 to 16 passengers lies with the Traffic Commissioners.
- 5.3.2 Nationally, there are eight Traffic Commissioners appointed by the Secretary of State for Transport and have responsibility in their areas for:

- The licensing of the operators of Heavy Goods Vehicles (HGVs) and of buses and coaches (Public Service Vehicles or PSVs).
- The registration of local bus services.
- Granting vocational licences and taking action against drivers of HGVs and PSVs.

The Traffic Commissioner with responsibility for the **North West** is based in **Leeds**.

Commissioners are statutorily independent in their licensing functions. When necessary, they hold Public Inquiries, in particular to consider the environmental suitability of HGV operating centres and the possibility of disciplinary action against operators who have not observed the conditions of their licences.

5.3.3 The Vehicle and Operator Services Agency was formed on 1 April 2003, in order to demonstrate “the Government’s commitment to customer service improvements, through the joined-up delivery of modern services”.

5.3.4 The aim of the agency is to contribute to the improvement of road safety and environmental standards and to the reduction of vehicle crime.

5.3.5 The customers of the Vehicle Operator Services Agency include:-

- The Road Haulage and Public Service Vehicle Industries;
- Trade associations;
- Vehicle manufacturers;
- Ministry of Transport (MOT) testing stations;
- The public.

5.3.6 The Vehicle and Operator Services Agency works with the Traffic Commissioners to:-

- Improve road safety and the environment and safeguard fair competition by promoting and enforcing compliance with commercial operator licensing requirements;
- Process applications for licences to operate lorries and buses;
- Register bus services;
- Operate and administer testing schemes for all vehicles, including the supervision of the Department for Transport Testing Scheme;
- Enforce the law on vehicles to ensure that they comply with legal standards and regulations;
- Enforce drivers’ hours and licensing requirements;
- Provide training and advice for commercial operators;
- Investigate vehicle accidents, defects and recalls.

5.3.7 Theoretically, stretched limousines carrying between 9 and 16 passengers could be classed as Public Services Vehicles.

5.3.8 However, by their very nature, usual stretched limousines do not comply with the requirements of the Road Vehicles (Construction and Use)

Regulations 1986 (as amended), **particularly that relating to emergency exits** which, for all vehicles designed or adapted to carry more than 8 passengers, but not more than 16 passengers, must be at least 1210 mm (4 ft) high and 530 mm (1ft 9ins) wide.

5.3.9 Although it is understood that vehicles which carry between 9 and 16 passengers do not fall within the remit of the Local Authority, and are subject to completely different conditions, the Association of Greater Manchester Authorities' Public Protection Managers' Group would encourage the introduction of similar conditions, for vehicles certified by the Vehicle and Operator Services Agency and licensed by the Traffic Commissioners, to those applied to Private Hire Vehicles.

5.3.10 The Panel feels that this is particularly important bearing in mind the fact that currently, unlike Hackney Carriage and Private Hire drivers, the drivers of Public Service Vehicles are not required to undertake criminality checks with the Criminal Records Bureau. Please refer to paragraph 4.1.4 for more details.

It is however, the current view of the Department for Transport that existing legislation and regulations are adequate. (See written answers to Parliamentary Questions below).

- ***Karen Buck Parliamentary Under-Secretary, Department for Transport. 13.03.2006 Written Answer.***

*We have no plans to revise regulations. There is nothing stopping a stretch limousine that fully meets the safety and construction and use requirements from being licensed to carry nine to sixteen passengers.*

- ***Karen Buck Parliamentary Under-Secretary, Department for Transport. 06.02.2006 Written Answer.***

*We are satisfied that current legislation adequately caters for the licensing of limousines. We are aware of the concerns over stretch limousines and will update or advise to the industry in the near future. We have no plans to set up a working party.*

## **6. The Association Of Greater Manchester Authorities' Public Protection Managers Group**

The Association of Greater Manchester Authorities' (AGMA) Public Protection Managers Group has considered and agreed a report on the current situation and problems encountered in respect of the licensing of stretched limousines as Private Hire Vehicles and other types of currently unlicensed vehicles, purportedly used for 'executive travel'. It was agreed that individual authorities in Greater Manchester would consider this matter and be recommended to adopt the proposed conditions in the report.

### **6.1 Licence Plates**

#### **Conditions Proposed by the AGMA Public Protection Managers Group**

*"That flexibility/discretion be given regarding the display of licence plates/private hire signage."*

#### **Reason for the Proposed Condition**

To require plates/signage, would damage the character of these vehicles.

#### **Comments by the Scrutiny Panel**

The Scrutiny Panel supports this condition but feels that each vehicle should be required to display a suitable form of identification signage both internally and externally (front and rear of the vehicle) as a Private Hire Vehicle, which is licensed and regulated by the local authority.

### **6.2 Tinted Glass**

#### **Conditions Proposed by the AGMA Public Protection Managers Group**

*"No tinted glass in windscreen or front doors – as VOSA standard "*

#### **Reason for the Proposed Condition**

To prohibit tinted glass in the passenger compartment would be impractical due to the nature of the vehicles, however the degree of tint should be considered during the Single Vehicle Approval assessment. (Single Vehicle Approval is a test for design and construction to ensure the vehicle meets modern safety and environmental standards).

### **Comments by the Scrutiny Panel**

The Scrutiny Panel supports this condition as the Members agree that due to the nature of stretched limousines, passengers would not wish to travel in vehicles with transparent glass in the passenger compartments.

The Panel's support however, is dependent upon the production of proof of receipt of Single Vehicle Approval or Letter of Compliance at the time of the Private Hire Vehicle Licence application. This would ensure that the vehicles meet the Single Vehicle Approval standard and allow 70% light transmission.

## **6.3 Alcohol**

### **Conditions Proposed by the AGMA Public Protection Managers Group**

*“That where alcohol is sold or supplied, the relevant licences should be in place in accordance with the Licensing Act 2003. “*

### **Reason for the Proposed Condition**

This condition would ensure compliance with other primary legislation on the sale or supply of alcohol.

### **Comments by the Scrutiny Panel**

As stated above, Section 156 of the Licensing Act 2003 provides that the sale of alcohol is prohibited in a moving vehicle or indeed if it is stationary to facilitate such a transaction (Hogan v Driscoll holds that if alcohol is supplied for free as part of the service then this would be deemed as a sale of alcohol which would need to be licensed. In addition the Scrutiny Panel strongly recommends the use of shatterproof glass for refreshments and refreshment cabinets.

## **6.4 Roadworthiness**

### **Conditions Proposed by the AGMA Public Protection Managers Group**

*“That all vehicles are compliant with UK Type Approval or have attained Single Vehicle Approval.”*

### **Reason for the Proposed Condition**

This condition would ensure that the vehicles pass a basic roadworthiness test prior to use on the United Kingdom roads.

### **Comments by the Scrutiny Panel**

The Scrutiny Panel supports this condition.

## **6.5 Approved Conversion**

### **Conditions Proposed by the AGMA Public Protection Managers Group**

*“That all vehicles have been altered under a manufacturer approved conversion scheme eg. Qualified Vehicle Modifier scheme.”*

### **Reason for the Proposed Condition**

This will ensure that a suitable donor vehicle has been used and that the conversion has been carried out to a prescribed standard.

### **Comments by the Scrutiny Panel**

The Scrutiny Panel sympathises with the sentiment of this proposal, but advice from the Vehicle and Operator Services Agency recommends caution. The term manufacturer is not defined. In the case of mainstream Public Service Vehicles, the manufacturer is considered in most cases to be the coach builder (vehicle body builder), not the company that constructed the base vehicle.

Extending this principle to stretched limousines would negate the intent of this proposal. There are only two approved manufacturers' approval schemes, General Motors'/Cadillac's CMC (Cadillac Master Coachbuilder Programme), and Ford/Lincoln's QVM scheme. Although vehicles approved under both schemes may be "lifer" at five years in their home country, it does not mean that manufacturers do not have long term confidence in vehicles covered by their schemes. This proposal could result in bias, in favour of a limited range of products at the expense of other vehicles. It is not clear how manufacturers' schemes would be approved.

## **6.6 Maximum Passengers**

### **Conditions Proposed by the AGMA Public Protection Managers Group**

*“That no vehicle be licensed to carry more than eight passengers.”*

#### **Reason for the Proposed Condition**

A vehicle licensed to carry more than eight passengers should be controlled by the Vehicle and Operator Services Agency

A vehicle licensed to carry eight or less passengers, but found to be carrying more than eight passengers, should be dealt with by enforcement.

#### **Comments by the Scrutiny Panel**

The Scrutiny Panel supports this condition and stresses the importance of having a licensing regime, in order that effective enforcement can be undertaken if required. Vehicles designed to carry more than eight passengers are outside the scope of Private Hire Regulations and should be controlled by Public Service Vehicle legislation. At the present time however, no limousine is licensed to carry more than eight passengers and the police and the Vehicle and Operator Services Agency have the powers to enforce this.

## **6.7 Vehicle Inspection**

### **Conditions Proposed by the AGMA Public Protection Managers Group**

*“Vehicles to be subject to twice yearly inspections.”*

#### **Reason for the Proposed Condition**

These vehicles are subject to significant loadings and unique wear characteristics.

There is a need to ensure that these vehicles are maintained in compliance with the relevant legislation.

#### **Comments by the Scrutiny Panel**

The Scrutiny Panel supports this condition although it is noted that vehicles licensed as Public Services Vehicles are required to undergo a full safety inspection every ten weeks.

## **7. Equalities Issues**

The Panel has considered the equal opportunities aspects of these vehicles and recognises that although they do not especially facilitate ease of access or egress, there are local examples where such vehicles have been extensively used to transport children, including children with physical disabilities on special trips. It would, however, benefit both passengers and operators if drivers received training on how to attend to and help passengers with disabilities.

## **8. Comments By The Head Of Environmental Enforcement**

The comments of the Head of Environmental Enforcement have been incorporated within the report.

## **9. Comments By The Vehicle And Operator Services Agency**

The comments of the Vehicle and Operator Services Agency have been incorporated within the report.

## **10. Comments By The Borough Solicitor**

The Borough Solicitor has commented:-

"I have extensively advised and commented on the report, and those comments are reflected herein".

## **11. Comments By The Borough Treasurer**

The Borough Treasurer has commented:-

"There are no direct financial implications arising from this report."

## 12. Summary Of Conclusions By The Scrutiny Panel

- 12.1 The public demand is such that, the hiring of stretched limousines is very popular for special events, and it is likely that the use of vehicles will continue to increase. Therefore, the Panel endorses the views of the Association of Greater Manchester Authorities that a uniform policy be adopted throughout Greater Manchester, which it is anticipated will lead to a nationwide multilateral conformity of current legislation and improved public protection.
- 12.2 The Department for Transport recognises that “local licensing authorities are sometimes asked to licence stretched limousines as Private Hire Vehicles.<sup>2</sup> 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 public demand.
- The Department for Transport therefore suggests that licence applications should not be automatically rejected (for example just because the vehicles may be left-hand drive).
- The Scrutiny Panel therefore believes that the current local licensing conditions should be **appropriately** amended, in order to allow the introduction of a reasonable licensing regime for these vehicles.
- The Scrutiny Panel, however, doubted the appropriateness of seven day contracts for the hire of stretched limousines to be used for a single event booking rather than a contract hire period of several days.
- 12.3 It is important for each vehicle to display a suitable form of identification signage both internally and externally, front and rear of the vehicle, for public protection.
- 12.4 There should be no restriction to the level of tint for the glass windows in the passenger compartment, to the rear of the driver, however, for the safety of passengers, tinted glass in the windscreen and front doors must meet the requirements of Single Vehicle Approval Standards ie. Allow 70% light transmission.
- 12.5 The Panel feels that as the sale and consumption of alcohol in stretched limousines is regulated in accordance with the provisions of Section 156 of the Licensing Act 2003, active enforcement should be undertaken, where appropriate.

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<sup>2</sup> Source: Department for Transport website  
([http://www.dft.gov.uk/stellent/groups/dft\\_localtrans/documents/page/dft\\_localtrans\\_039453-02.hcsp#P46\\_4628](http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_039453-02.hcsp#P46_4628) - paragraph 24

- 12.6 With regard to paragraph 5.1.6 above, the provision of glassware inside the vehicles does pose a safety issue, and glassware should be shatterproof glass or plastic.
- 12.7 Currently unlicensed stretched limousines, once they have received Single Vehicle Approval, are only subject to the ordinary MOT Tests on an annual basis. If however, they were licensed as either private hire or public service vehicles, the vehicle inspection regime would be more stringent.
- 12.8 The Scrutiny Panel believes that both local Licensing Authorities and the Vehicle and Operator Services Agency would benefit from the introduction of similar standards for both Private Hire Vehicles and Public Service Vehicles, in order that the vehicles and drivers can be licensed and regulated.

## 13. Recommendations

- 13.1 That the adoption, by all the Association of Greater Manchester Authorities, of the conditions for the licensing of stretched limousines with eight or less passenger seats as Private Hire Vehicles, with the same conditions as Private Hire Vehicles, drivers and operators, as detailed in Section 6 of this report, be endorsed and supported, with the exception of 6.5.
- 13.2 That each vehicle be required to display a suitable form of identification signage ie similar to private hire vehicle plate both internally and externally, front and rear of the vehicle, for public protection.
- 13.3 That there should be no restriction to the level of tint for the glass windows in the passenger compartment however, for the safety of passengers, tinted glass in the windscreen and front doors must be restricted to the requirements of Single Vehicle Approval Standards. This would be in line with the standards currently imposed by the Vehicle and Operator Services Agency.
- 13.4 That the sale and consumption of alcohol in stretched limousines, be regulated and enforced in accordance with the provisions of Section 156 the Licensing Act 2003.
- 13.5 That the use of any glassware in the vehicles be restricted to shatterproof glass or plastic ware.
- 13.6 That operators of all stretched limousines making applications for private hire vehicle licences for their stretched limousines be required to produce proof of Single Vehicle Approval or Letter of Compliance for that vehicle.
- 13.7 That all stretched limousines licensed by the local authority be subject to the same maintenance and inspection conditions as other Private Hire Vehicles.
- 13.8 That the Greater Manchester Authorities consider the implementation of a Vehicle Age Policy.
- 13.9 That drivers of stretched limousines receive training on how to attend to, and help, passengers with disabilities.

**Technical Economic And Environmental Services Scrutiny Panel**

**Review Of Legislation For Licensing Of Stretch Limousines**

**Scope July 2005**

**Aim Of The Scrutiny Review Exercise**

To consider the operation of stretch limousines in the interests of public safety and to decide whether there is a need to introduce regulations and licensing.

**Objectives**

1. To produce accurate and comprehensive information on stretch limousines and their operation.
2. To examine existing legislation for Hackney Carriages, Private Hire and Passenger Carrying Vehicles (PCV) in relation to stretch limousines.
3. To assess the existing processes, including consultation with Key Groups, views from the Cabinet Deputies and any best practice from other authorities.
4. To report any recommendations for improvement.

**Timescale: It is anticipated that this review will be completed by November 2005**

## Detailed Action Plan

Action		Objective met	Timescale	Lead Scrutiny Panel member(s) and/or Scrutiny Support Officer(s)	Monthly update
1	Meet with Ian Saxon, Service Unit Manager, Licensing and Enforcement; Peter Lambert, Enforcement Officer and Frank Ashurst, Vehicle & Operator Services Agency	2 & 3	Scrutiny Panel Meeting 25 <sup>th</sup> July 2005	Panel members	
2	Briefing Paper outlining issues raised at July meeting and preparation for meeting on 22 <sup>nd</sup> August 2005	1 & 2	Briefing Paper for Panel meeting 22 <sup>nd</sup> August 2005	David Nicholson	
3	Consult with National Limousine Association; Association of British Insurers; Greater Manchester Police; Fire Authority; Association of Greater Manchester Authorities.	1 & 2	Briefing Paper for Panel meeting 22 <sup>nd</sup> August 2005	David Nicholson	
4	Meet with Owners/Operators of Stretch Limousines	1 & 2	Scrutiny Panel meeting 22 <sup>nd</sup> August 2005	Panel members	
5	Arrange viewing of Stretch Limousine	1 & 2	Scrutiny Panel meeting 22 <sup>nd</sup> August 2005	Panel members	
6	Meet with Cabinet Deputy, Environmental Services and Ian Saxon, Service Unit Manager, Licensing and Enforcement	1; 2 & 3	Scrutiny Panel meeting 26 <sup>th</sup> September 2005	Panel Members	
7	Draft Report	3	Scrutiny Panel Meeting 24 <sup>th</sup> October 2005	Panel Members	
8	Final Report	3	Scrutiny Panel 21 <sup>st</sup> November 2005	Panel Members	

# Conditions For Private Hire Vehicles

Licensing Section  
Environment Centre  
Ash Road  
Droylsden  
Tameside  
M43 6QU

Tel: 0161 301 3021  
Fax: 0161 301 3047  
e.mail – [licensing@tameside.gov.uk](mailto:licensing@tameside.gov.uk)

November 2005

## **Introduction**

This document is intended to assist persons already involved in the private hire trade, specifically proprietors of private hire vehicles, within Tameside Metropolitan Borough Area. It includes information in respect of the main licensing legislation, requirements and licence conditions

Whilst it is hoped that these notes will be a useful guide, they are not to be taken as a comprehensive statement of the Law.

## **Relevant Legislation**

The two main pieces of legislation which relate to private hire vehicles are as follows

The Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

## **Personal Visits to the Licensing Counter**

Office opening hours are as follows

Monday to Wednesday 9.00am-4.30pm

Thursday 9.00am-4.00pm

Friday 9.00am-3.30pm

If you wish to speak to an individual officer an appointment should be made in advance, to ensure that the officer is available.

Specialist advice is available from the following officers

Licensing Assistants are available to advise on the administrative process of applying for and renewing taxi and private hire licences.

Enforcement Officers are responsible for undertaking inspections of vehicles and investigating complaints in respect of the taxi and private hire trade.

Both officers can be contacted on 0161-301-3021

## **Fees**

All fees and charges are payable in advance and in general are not refundable once the licence applied for has been issued.

## **Applications Forms**

These documents are available from the licensing office, and from the Council web site [www.tameside.gov.uk](http://www.tameside.gov.uk)

Some documentation which may need to accompany the application form may not be available on the web e.g. CRB forms.

## **Enforcement**

From time to time Police Officers and /or Council Licensing Officers will carry out inspections of premises / vehicles and drivers badges to ensure compliance with the law and licence conditions. Reports of those inspections will be recorded and retained by the licensing officers and may be taken into consideration when licences are due for renewal. Where serious breaches of licences have occurred or when criminal charges have been made, the Council will review your licence and your licence may be suspended or revoked.

**Right of Appeal.**

As a proprietor of a licensed vehicle you have the right of appeal to a Magistrates court against any licence condition, which you think is unreasonable. The appeal has to be made within a fixed timescale. You are advised to seek independent advice before commencing any appeal.

**Customer service,  
What you can expect from us.**

We will be objective to ensure that our decisions are not influenced by the gender, ethnic origin, religious or political beliefs, or sexual preferences of any of our customers.

We will enter into discussion and offer advice to anyone to try and ensure that they do not unnecessarily expose themselves to the possibility of formal action through a lack of understanding or information.

We will be consistent in our approach by following the criteria and guidance set down in relevant legislation, codes of practice and the written procedures/work instructions incorporated in our ISO 9002 accredited quality assurance system.

We will ensure that before deciding to offer a formal caution, or take a prosecution the case will be subject to independent review by a senior manager.

**How to complain**

If you are dissatisfied with the service that you have received please let us know.

Initially you can contact Jenette Hicks, Licensing Team Leader on 0161-301-3021 or alternatively by e-mail at [jenette.hicks@tameside.gov.uk](mailto:jenette.hicks@tameside.gov.uk)

If you are still unhappy with the service you have received you will be provided with information regarding our corporate complaints procedure.

# Tameside Metropolitan Borough Council

## Conditions For Private Hire Vehicles

The proprietor shall at all times comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

In these conditions “authorised officer” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Council” means the Council of the Metropolitan Borough of Tameside.

“the identification plates” means the plates issued by the Council for display on the exterior and interior of the vehicle for the purpose of identifying the vehicle as a private hire vehicle.

“the operator” means a person holding a licence to operate private hire vehicles issued pursuant to section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

“the proprietor” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“taximeter” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“private hire vehicle” has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“driver” means the holder of a private hire driver’s licence issued by the Council.

### **Private Hire Vehicle Licence Conditions of Application**

Before a licence is granted in respect of a private hire vehicle the **applicant** must:

- a)** Complete and submit to the Council an application and Statutory Declaration in the form prescribed by the Council.
- b)** Pay to the council the fee.
- c)** Satisfy the Council that
  - (i) The vehicle is in a suitable mechanical condition, is both safe and comfortable for the carriage of passengers and suitable in type, size and design for use as a private hire vehicle.
  - (ii) There is in force in relation to the vehicle a policy of insurance covering use for hire and reward, passenger liability and passenger’s luggage, and comply with the provisions of the Road Traffic Act, 1988.
  - (iii) There is in force a valid certificate of insurance against liability for employees (in appropriate cases) in accordance with the Employers’ Liability (Compulsory Insurance) Act 1969.

- (iv) The vehicle will be operated by an operator licensed by the Council.
- d) Present the vehicle for inspection at such place within the Metropolitan Borough of Tameside and at such time as the authorised officer shall by notice to the applicant require.

### **Vehicle specification**

A vehicle will be suitable in type, size and design for use as a private hire vehicle which is not an FX4 or London style vehicle but meets the following specifications-

- a) Will be a saloon or estate car, MPV or Van type vehicle. In the case of an estate car, there must be fitted a guard or tonneau cover to keep luggage securely in place. Shall have a minimum of 4 doors, 4 road wheels and not be a convertible and will normally have a minimum of 4 passenger seats. No seat can be side facing.
- b) The vehicle must have a minimum engine rating of 1500cc.
- c) Seating shall be determined by the following formula. Individual seats will count for one passenger and, an allowance of 380mm per person will be applied to bench seats including any door or body moulding which would reduce the overall measurement. All seats must have three point linkage seat belts.
- d) MPVs and 'Van Type' vehicles must have two means of egress in the rear part of the vehicle. No seat must have to be tipped or moved to gain access to another seat. No seat can be side facing. All seats will have three point linkage seat belts. No door will be obstructed by the position of a seat and all aisles or walkways must be clear and unobstructed. If the step height is more than 250mm then the Licensing Officer might permit the use of a suitable step. In this instance, a grab handle must also be fitted to aid access and egress to the vehicle.
- e) Shall have adequate luggage space-all luggage to be secure so as not to become a missile in the event of an accident.
- f) Must be right hand drive.
- g) Not be multi-coloured but may be two-tone.
- h) Provide a suitable first aid kit marked with the plate number of the vehicle. A standard kit purchased from a Chemist or Auto Store will be deemed adequate.
- i) Provide and maintain to the satisfaction of an authorised officer an efficient fire extinguisher that conforms to BS EN3: 1996, or any other form of fire extinguisher authorised in writing from time to time by the Council, which shall be fitted in such a position as to be easily available for use. Such fire extinguisher shall be marked with the plate number of the vehicle. Halon fire extinguishers will not be permitted.
- j) Keep the interior of the vehicle water and wind tight.
- k) Cause the seats to be properly cushioned and covered
- l) Provide windows at the side of the vehicle. Side windows in the passenger compartment must be capable of being opened by passengers.
- m) Cause the floor of the passenger compartment to be provided with a proper carpet, mat or other covering.
- o) Not have tinted glass other than as follows. Front windscreen to have a Visible Light Transmission (VLT) not less than 75%. Front side windows have a minimum VLT of 70%. The remaining windows can have a minimum VLT of 50%.
- p) LPG Conversions must have a 150mm to 230 mm crumple zone of metal between the rear of the vehicle and the gas tank. Fitting must be by an approved fitter and all parts of the tank system shall be subject to certification. The tank

and installation must be retested annually and the appropriate certificate produced to the Licensing Assistant before a test appointment will be issued.

- q) Any vehicle fitted with a hydraulic lift must have a certificate issued under the Lifting Operators and Lift Equipment Regs. 1998 ( LOLER) and shall have the vehicle thoroughly examined (serviced) at every 6 months, and any certificate of examination must be produced to the Licensing Assistant prior to the annual or 6 monthly
- r) Any sliding/mechanical ramps must be approved by the manufacturer for use with that vehicle and be stamped or certificated with the maximum safe load.
- s) Any vehicle without M1 Whole Vehicle/low volume approval i.e. some conversions, must have undergone a test of Single Vehicle Approval at a VOSA Test Station. A photocopy of the SVA certificate must be produced to the Licensing Assistant as proof of the Single Vehicle Approval examination

#### **Identification Plates and Display of Licence Number**

- a) The plates identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the front and rear of the vehicle in a conspicuous position either immediately above or below the bumper and in such manner as to be easily removable by an Authorised Officer or Constable.
- b) The proprietor shall also cause to be securely fixed and maintained inside the vehicle in such a position as to be clearly visible at all times to persons being conveyed therein a plate supplied by the Council containing the number of this licence and such other information as the Council may provide.
- c) The proprietor or driver of a private hire vehicle shall ensure that the identification plates are maintained and kept in such a condition that the information contained on the identification plates is clearly visible to public view at all times.

#### **Licence and Return of Identification Plates**

- a) The proprietor shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the identification plates issued to him by the Council when granting this licence.

#### **Radio Equipment**

- a) The proprietor shall ensure that any radio equipment fitted in the private hire vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

#### **Maintenance of Vehicle**

- a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition
- b) and all relevant statutory requirements (including in particular those contained in the Motor Vehicles (Construction and Use) Regulations) shall be fully complied with. The vehicle shall comply to the manufacturers specification at all times.
- c) The vehicle will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

**Damage to Vehicle**

- a) Any damage to a private hire vehicle materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor within 72 hours, in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 and until such damage is repaired to the satisfaction of the Council, the vehicle shall not be used for hire.

**Vehicle Insurance**

- a) The proprietor of a private hire vehicle shall keep in force in relation to the user of that vehicle a Policy of Insurance issued by an Insurance Company approved by the Council covering use for hire and reward, passenger liability, passenger luggage and such other matters as the Council may specify from time to time and comply with the requirements of the Road Traffic Act 1988.
- b) On being so required by an authorised officer, the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved Insurance Company. The proprietor shall within five days of such request produce it to that officer or to any other authorised officer at the office of the Council.

**Carriage of Persons and animals**

- a) The proprietor or driver shall not permit the private hire vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- b) Where child seats are used they must be used in accordance with the manufacturers instructions.
- c) The proprietor or driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and which shall be conveyed in the rear of the vehicle.

**Vehicles fitted with Taximeter**

If the vehicle is fitted with a taximeter it shall be attached and maintained as to comply with the following requirements, that is to say:-

- a) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times and to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.
- b) The proprietor shall cause the taximeter to be set to correspond with the fare table displayed in the vehicle.
- c) The proprietor shall not use or permit to be used a taximeter that the Council has not sealed to prevent unauthorised adjustment of a taximeter.
- d) The proprietor shall cause the taximeter to be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire.
- e) The proprietor shall ensure that when the vehicle is not hired the key can be locked and the machinery kept inactive and that the meter shows no fare at that time.

- f) The proprietor shall ensure that the taximeter shall not have a display sign “FOR HIRE” at any time.
- g) The proprietor shall ensure that when the taximeter is brought into action the fare and extras will be shown legibly on the face of the meter and shall be no more than permitted by the fare table displayed in the vehicle.
- h) The proprietor shall ensure that the word “FARE” shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon.
- i) The proprietor shall ensure that the taximeter is in such a position in the private hire vehicle that figures recorded thereon are clearly visible to any passenger being carried therein.
- j) The proprietor or driver shall ensure that the dial of the taximeter is sufficiently illuminated that when in use it is visible to all passengers and cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
- k) The proprietor shall ensure that the taximeter and all its fittings are affixed to the private hire vehicle with Council’s seals or by other means so that it shall not be practicable for any person to tamper with the taximeter except by breaking or damaging or permanently displacing the seals and other fittings.
- l) The proprietor undertakes to ensure that the taximeter will not be replaced without the prior permission of the Council.

**Tampering with Taximeter**

- a) Subject to the provisions of paragraph (b) of this condition the proprietor of a private hire vehicle shall not tamper with or permit any other person to tamper with the taximeter or its fittings or connections after it has been fitted to the private hire vehicle and sealed by an authorised officer, and shall not wilfully break or tamper or permit any other person to break or tamper with any seal or mark placed on the taximeter or its connections.
- b) If a taximeter affixed to a private hire vehicle is found to be defective or inaccurate or if the fare table is changed, the proprietor of the private hire vehicle or a person authorised by him, may break the seals of the taximeter for the purpose of effecting the necessary repairs or alterations, provided that the proprietor shall, within twenty-four hours after breaking the seals, give or cause to be given notice of the action which he has taken in writing to an authorised officer at the Licensing Office specifying the number of the licence of the private hire vehicle and the maker’s name and number of the taximeter and provided also that nothing in this condition shall be deemed to authorise a private hire vehicle to be used or continued in use as such with that taximeter after the seals on any taximeter with which the private hire vehicle is provided have been broken as aforesaid and before the taximeter has again been certified to register correctly.

### **Display of Fare Table**

The proprietor shall ensure that:-

- a) A copy of the fare table shall be exhibited inside the private hire vehicle at all times.
- b) The fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

### **Signs, Notices, etc.**

- a) All licensed private hire vehicles must display the operator approved door signs. These signs must be displayed on the front doors of the vehicle. In the case of an MPV or (Minibus) type, the signs can be either on the front doors or on the middle or sliding door and a sign placed symmetrically on the opposing bodywork, and on a rear door/s.
- b) A 'sun visor' type sign, containing the operators details will be permitted on the upper edge of the windscreen provided that it does not intrude into the area swept by the wiper
- c) There shall be no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or and devices whatsoever displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaw)

### **Change of Address**

- a) A proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place.

### **Transfer of Licence**

- a) If the proprietor wishes to transfer the private hire vehicle to another person, he shall before such transfer, give notice thereof in writing to the Council specifying the name and address of the person to whom the private hire vehicle will be transferred and the licence shall be deemed to be revoked if the Council disapproves the transfer of the licence to that person and the private hire vehicle is or has been transferred to him. The Council will not disapprove the transfer of the licence to a person except upon the ground that he is not a fit and proper person to hold the licence.

### **Right of Appeal**

If you are not happy with any of the terms and conditions of the Private Hire Vehicle Licence Conditions, you have the right of appeal to a Magistrates Court. You must do this no more than 21 days after the Council has issued you with the licence. If you would like more information regarding your right of appeal, the relevant legislation is the Local Government (Miscellaneous Provisions) Act 1976 and Section 300 of the Public health Act 1938

These are standard terms and conditions. If you wish the Council to consider a vehicle which does not conform to the conditions – you are requested to submit in writing the details of the vehicle that you propose to licence. This request will then be considered individually on its own merit.

### *Department for* **Transport**

- Chief Executives
- Taxi/PHV Licensing Officers  
District & Borough Councils  
Unitary Authorities  
in England and Wales
- Head of Public Carriage Office,  
Transport for London (items 1&2)
- Scottish Executive (items 1&2)
- Department of Environment, Northern  
Ireland (items 1&2)
- DPTAC (item 1)
- Traffic Area Offices (item 2)
- Vehicle Inspectorate (item 2)
- The Home Office/ACPO (item 2)
- National Assembly for Wales (item 3)

Rupert Cope  
Head of Taxi/PHV Branch  
Buses and Taxis Division  
Integrated and Local Transport Directorate  
3/12  
Great Minster House  
76 Marsham Street  
LONDON  
SW1P 4DR

Direct line: 020 7944 2291  
Divisional Enquiries: 020 7944 2293  
Fax: 020 7944 2279  
GTN: 3533 2291  
rupert.cope@dft.gsi.gov.uk

Web site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: PT2 10/2/82

9 September 2002

Dear Sir/Madam

#### **Taxi and Private Hire Vehicle Licensing Issues**

1. I am writing to inform you about three matters relating to hackney carriage (taxi) and private hire vehicle (PHV) legislation, one of which – stretched limousines - also relates to public service vehicle (PSV – bus) legislation, namely:

- (1) Local accessibility policies for taxis prior to taxi regulations being made under the Disability Discrimination Act 1995;
- (2) Stretched Limousines; and
- (3) Taxi Byelaws.

#### **(1) Local accessibility policies for taxis prior to taxi regulations being made under the Disability Discrimination Act 1995**

2. As you know, we planned to make taxi accessibility regulations under the Disability Discrimination Act 1995 (DDA) effective between 2002 and 2012. When we realised that this could not be achieved in a way that would be acceptable to both disabled people and the taxi trade, the Minister announced in 2000 that regulations would not be introduced in 2002. Since that time we have been exploring a range of options to help to increase the number of accessible taxis available to disabled people throughout the country. We hope to issue further information on our future plans shortly.

## (2) Stretched Limousines

10. The number of stretched limousines being imported from abroad, particularly the United States, seems to be increasing. It is quite legal to import these vehicles. However, their use has led to licensing problems both for those licensing PSVs in traffic area offices and for those licensing PHVs in local government. In turn, this has led further to problems for enforcement authorities.
11. For licensing and enforcement purposes, stretched limousines can come within the licensing regimes for either PSVs or PHVs. However, it is the Department's view that such vehicles do not meet the requirements for minibuses (ie vehicles with more than 8 passenger seats) in the UK PSV Construction and Use Regulations. **So these vehicles cannot lawfully carry more than 8 passengers.** If they do so, it is matter for the appropriate enforcement authorities – the Vehicle Inspectorate or the police – to take the necessary action for the law being broken.

### Licensing stretched limousines as small PSVs

12. If a stretched limousine is licensed as a small PSV, (carrying 8 or less passengers), **separate fares** must be charged. The term 'separate fares' is not defined in legislation. However, we believe it represents a charge made directly or indirectly to each passenger for carriage which is unaffected by the number of fare payers. This is the way fares are often structured, for example, on a local bus service. Subject to any concessions that the operator may give, each passenger pays the same fare for the same journey, regardless of how many other passengers on the bus wish to make that journey.
13. There is one exception to the requirement for separate fares to be charged. 'Big bus' operators (ie those operating vehicles with 9 or more passenger seats) can run small PSVs for some private hire work, provided the operation of these vehicles represents a small part of their overall business. What constitutes 'a small part' is also not defined in legislation, and ultimately, final decisions on where the balance lies is a matter for the courts. The legislation confers the exemption on an operator whose use of small vehicles is only a small part of his business.
14. The relative size of the fleet of large and small buses is obviously very relevant and as a rule of thumb we believe that if less than 10% of the overall fleet licensed under a single PSV Operator's Licence are small vehicles the exemption will apply (e.g. a fleet of, say, 20 buses with 9 or more passenger seats could run 2 additional vehicles - which could be stretched limousines that carry 8 or less passengers - for private hire work). But because the legislation refers to the size of the small and large bus business other factors (such as mileage run) should be taken into account.

We would hope that in most cases it would be obvious what was and what was not, to coin a phrase, a 'large bus business'.

15. If a particular journey carried out at separate fares has start and finish points or stopping places that are more than 15 miles apart (as the crow flies), there is no requirement to register it as a local service. However, if stopping places (or start and finish points) on individual journeys (even one-off trips) are less than 15 miles apart, then that journey falls into the category of a 'local service' and must be registered in advance as a local bus service with the appropriate Traffic Commissioner. Generally, registered bus services must operate to a fixed route and timetable, but the Traffic Commissioner may accept other particulars, so long as a complete description of the service is provided to his satisfaction. Operating a local service without first registering it may result in disciplinary action by the Traffic Commissioner.
16. In practical terms, because of the separate fares and route registration requirements outlined above, stretched limousines are more likely to fall within the licensing regime for PHVs. However, because vehicles with up to 8 passenger seats *may* be licensed as PSVs or PHVs, PSV licensing staff in traffic area offices and local government PHV licensing officers need to liaise closely where there is any doubt on licensing matters concerning stretched limousines. Similarly, the relevant enforcement authorities for PSVs (Vehicle Inspectorate or the police) need to work closely with local PHV licensing enforcement officers in this respect (see paragraph 23 below).

#### Licensing stretched limousines as PHVs

17. As stated in the previous paragraph, stretched limousines are in our view more likely to fall within the licensing regime for PHVs.
18. Each local licensing authority in England and Wales (district/borough councils, unitary authorities or Transport *for* London) 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.
19. Clearly, it is not for central Government to pre-empt any local decision in this regard but each licensing authority will want to consider all aspects of the suitability of such vehicles, especially any safety considerations, taking into account local needs and circumstances.
20. However, if a licensing authority decides that stretched limousines are not suitable to be licensed as PHVs in accordance with its licensing policies to meet local needs and circumstances, we consider that such vehicles can only be used lawfully for hire or reward in that licensing area if they are licensed as small PSVs; are operating under a full set of PHV licences

issued by another licensing authority; or are being used in accordance with paragraph 22 below.

21. The licensing process 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 decision in the local magistrates' court.
22. If vehicles with up to 8 passenger seats, including stretched limousines, are used solely for weddings and/or funerals, they are exempt from PHV licensing requirements. Additionally, in England and Wales outside London vehicles with up to 8 passenger seats, including stretched limousines, may carry passengers for hire or reward under a contract for a period of not less than seven days.
23. As mentioned in paragraph 16 above, because vehicles with up to 8 passenger seats *may* be licensed as PHVs or PSVs, local government PHV licensing officers and PSV licensing staff in traffic area offices need to liaise closely where there is any doubt on licensing matters concerning stretched limousines. Similarly, the relevant enforcement authorities for PHVs (local PHV licensing officers or the police) need to work closely with the Vehicle Inspectorate in this respect.

**(3) Taxi Byelaws: section 68 of the Town Police Clauses Act 1847**

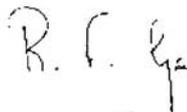
24. We thought it might be helpful to use the opportunity presented by this letter to remind licensing authorities of their obligations and our expectations in undertaking the byelaw-making process.
25. To assist licensing authorities, a set of model byelaws was included as an annex to Circular 8/86. As originally drafted, the model byelaws provided options depending on whether or not the council making the byelaws had adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). However, since all but one provincial area of England and Wales is now subject to the licensing provisions contained in the 1976 Act, the model byelaws have been revised to take account of this development. The actual policy has not been revised – just the presumption that the 1976 Act has been adopted meaning, for example, that the fixing of fares and the appointing of stands are dealt with under that Act rather than by means of byelaws.
26. For the purposes of consistency, we would expect draft byelaws to be based on the model. That is not to say that we would automatically dismiss any deviation from the wording of the model; it is fully realised that licensing authorities often want to tailor their licensing policies to their own circumstances. However, when a deviation is proposed, we do need to be satisfied that there is a genuine reason for it and that it is not simply change for the sake of change.

27. When submitting draft byelaws for provisional approval, it would help to avoid correspondence and would help the byelaws to be made sooner if:
- (i) any proposed deviation from the model was accompanied by both a detailed explanation of the licensing authority's policy and the reasons for the model's inadequacy;
  - (ii) the text had been checked to ensure that not only did it make sense but also that it made a coherent whole with no repetition or contradiction;
  - (iii) the entire document had been scrutinised by the licensing authority's lawyers to ensure that the question of validity had been properly addressed; and
  - (iv) in respect of Wales, if the authority intends submitting a Welsh language version of the byelaws they do so as early as possible.

All this would be with the aim of helping us to help licensing authorities.

28. When making hackney carriage byelaws, it is important to bear in mind that hackney carriage proprietors and drivers can be prosecuted and fined for contravening the byelaws. From a practical point of view, the provisions need to be clearly and unambiguously set out both so that taxi proprietors and drivers understand what their obligations are and so that the courts have the minimum of difficulty in enforcement.
29. Additionally, the licensing authority must be satisfied that the byelaws are certain, reasonable, intra vires and are not contrary to, or inconsistent with, the general law. These are all factors which the confirming authorities – in England, the Secretary of State or, in respect of Wales, the Minister for Environment - will have regard to when considering drafts.
30. Licensing authorities in England can obtain copies of the model byelaws by contacting Pippa Brown on 020 7944 2278; an electronic version can also be obtained using the e-mail address: [pippaa.brown@dft.gsi.gov.uk](mailto:pippaa.brown@dft.gsi.gov.uk). If you have any queries about hackney carriage byelaws please contact Miss Brown, preferably in writing at the above address or by e-mail.
31. Licensing authorities in Wales can obtain copies of the model byelaws by contacting Mike Spearing at the National Assembly for Wales on 02920 826518; an electronic version can also be obtained using the e-mail address: [michael.spearing@wales.gov.uk](mailto:michael.spearing@wales.gov.uk). If you have any queries about hackney carriage byelaws please contact Mr Spearing, preferably in writing at the above address or by e-mail.

Yours faithfully



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