

## THE LICENSING OF STRETCH LIMOUSINES AS PRIVATE HIRE VEHICLES

### 1. INTRODUCTION

- 1.1 Imported American stretched limousines have been on the streets of Britain for many years. Approximately 90% of them are Lincoln Town Cars, manufactured by Ford, the remaining 10% are mainly Cadillac. Ford and Cadillac operate a network of approved converters all of which are in America. The conversion companies are supplied with a specially strengthened chassis and the vehicle is built onto this. The chassis is designed to carry the extra weight of the “stretch” which is typically 10ft. There are supposedly many vehicles in this country which have not been converted by an approved converter. Generally these vehicles have been stretched from a basic Lincoln Town Car and even if converted from a new vehicle, Ford will not honour the warranty because of the extra strain on the chassis, brakes and suspension. New York and many other large cities in America have refused to license these vehicles since 2002.
- 1.2 When using any vehicle on operations for hire or any sort of payment, legislation requires some form of licence for use either as a Public Service Vehicle (PSV) or as a Private Hire Vehicle (PHV)/Taxi, depending on the type of vehicle and the way it is used. PSV Operators' Licences apply across Great Britain and are issued by the Traffic Commissioners. Licences for PHVs /taxis are issued by Local Authorities in England and Wales.
- 1.3 In Britain stretched limousines have tended to fall into a gap between the legislation covering PSVs and PHVs. As they are generally constructed to carry 10 passengers, they could not be licensed as a PHVs and because of the configuration of the doors it could not be licensed as a PSV. Due to legislation and/or legitimate safety concerns, many Local Authorities, including New Forest District Council, have refused to licence such vehicles for private hire work. Consequently for a number of years some stretched limousines have operated in an unregulated manner.
- 1.4 Although manufactured to carry 10 passengers, the DVLA have now agreed to register some stretched limousines as 8 seaters, subject to conditions. This effectively now brings them under the control of Local Authorities. Also the Department of Transport has issued guidance for such vehicles when considering licensing as a PSV or PHV. A framework for the licensing of limousines is now beginning to be proposed and adopted in many Local Authority areas, including some within Hampshire. In common with the licensing of vehicles for hire and reward there are variations on elements of the requirements across authorities.
- 1.5 New Forest District Council will now need to address the issue and decide whether or not to licence such vehicles within their PHV framework and if so the conditions that should apply to such vehicles.

## **2. GENERAL LICENSING LEGISLATION AND POLICY**

2.1 Private Hire Vehicles are required to be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which, in general terms, allows Councils to licence vehicles which are suitable to be used for private hire and which have less than 9 passenger seats. The Act states that a District Council shall not grant a private hire vehicle licence unless they are satisfied that the vehicle is:-

- (i) suitable in type, size and design for the use as a private hire vehicle;
- (ii) not of such a 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

2.2 Consequently each Council has developed its own set of Private Hire Vehicle Licence conditions, which have determined vehicle suitability and any other requirements. Licence conditions cover issues such as the accessibility of the vehicle, the internal condition of the vehicle, luggage space, seating configurations, numbers of passengers and age limit restrictions on vehicles and testing.

## **3. DEPARTMENT OF TRANSPORT GUIDANCE**

3.1 The Department of Transport have now issued guidance for operators of stretch limousines. It gives an overview of the requirements for PHV licensing and states:

- only vehicles with fewer than 9 passenger seats can be licensed.
- that a vehicle imported into GB for use on the public road must be licensed and registered immediately after arrival.
- the vast majority of limousines imported in to GB are exported from the USA. Legislation governing the construction and use of vehicles is significantly different in America and therefore the vehicles will need modifications (significant modifications in the case of larger vehicles) before being compliant with GB requirements.
- smaller limousines, those with up to 8 passenger seats, will in almost all cases, not be type approved to British or European standards and thus will need to undergo the Single Vehicle Approval (SVA) scheme. The SVA scheme is a pre-registration 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.
- it is possible to take a car which is already registered with DVLA and convert it into a Limousine, using reputable coachbuilders here or in the USA.
- if a vehicle or its chassis has been cut in half and extended, the vehicle would need to be inspected by DVLA and would be assessed as being in one of two categories, either as radically altered from its original specification, or, if a kit of new parts has been used in the build, as a kit conversion.
- if, following modification, the identity of the vehicle is changed then evidence of type approval will be required in order to register the vehicle.

- before a converter submits his vehicle to VOSA for SVA inspection, he will have to provide evidence to demonstrate the modified vehicle capability to operate at weights higher than the original vehicle maximum gross weight, if this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.
- 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.

3.2 The guidance states that each Local Licensing Authority in England and Wales 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 licence stretched limousines as PHVs, taking into account local circumstances. The Guidance encourages Local Authorities to consider the licensing of limousines on a case by case basis and not to impose a blanket ban on the type of vehicle. The Guidance also states that 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 authority's decision in the local magistrates' court.

#### **4. COMMENTS RECEIVED FROM HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS' ASSOCIATION**

4.1 The Association indicated at a recent liaison meeting that they would support the Council in the licensing of limousines provided that appropriate health and safety conditions were imposed.

#### **5. ROSPA**

5.1 The views of ROSPA were sought following the General Purposes and Licensing Committee held on 13 June 2008, however no new information was provided.

#### **6. COMPANIES IN NFDC AREA**

6.1 It is difficult to anticipate the number of stretch limousines that would need licensing as PHVs in the New Forest District Council area as much will depend on the number of passengers that such companies intend to carry should a licensing policy be introduced. Many areas that have introduced licensing policies have found that a large proportion of operators carry more than 8 passengers and therefore fall into the PSV regime.

A 'yellow pages' check shows 11 companies advertising limousine services in the area for activities such as: -

- Prom Nights
- Theatre trips
- Hen Nights
- Stag Nights
- Party Trips
- Race Days
- Weddings

Should a licensing policy be introduced each company will need to be approached to determine the exact nature of their business.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 On the information available to date, there would be no direct additional costs to the Authority in relation to the administration of licensing stretch limousines. There could however be increased fees for applicants in terms of vehicle examinations and special driving tests.
- 7.2 Local Authorities have a duty of care when issuing licences (see 2.1 above). Should licensing procedures be found to be negligent and an incident occurred then a local authority may be held to be liable.

## **8. ENVIRONMENTAL IMPLICATIONS**

- 8.1 On the information available to date there would appear to be no environmental implications directly arising as a result of licensing stretch limousines that have been approved on the SVA scheme.

## **9. CRIME AND DISORDER IMPLICATIONS**

- 9.1 There are no crime and disorder implications arising from licensing stretch limousines, providing conditions are properly formulated in relation to other legislation e.g. alcohol availability in special event vehicles.

## **10. EQUALITY AND DIVERSITY IMPLICATIONS**

- 10.1 There are no equality and diversity implications directly arising from the licensing of stretch limousines.

## **11. SUMMARY OF CONSIDERATIONS**

- 11.1 Previously the conditions adopted by many Councils for their mainstream PHV Licence conditions have effectively prohibited the licensing of limousines. Issues such as left hand drive, tinted windows, seating capacity, side facing seats and luggage stowage have meant that limousines are unable to comply with traditional licensing conditions. Consequently many Local Authorities, including New Forest District Council, have refused to licence such vehicles for private hire work and for a number of years stretched limousines have operated in an unregulated manner.
- 11.2 Changes brought about by Department of Transport Guidance are now encouraging Local Authorities to licence such vehicles as PHVs taking into account local circumstances.
- 11.3 Some Local Authorities are introducing special conditions for the licensing of stretch limousines and special event vehicles. Examples of such conditions are attached at # Appendix 1 and Appendix 2 to this report. Additional considerations could also include:
- The necessity of a specialised driver's test before PHV driver licences were issued
  - The restriction on types of activity to be undertaken such as restricting the vehicle use to special event transport for passengers only e.g. social events
  - The restriction on the carrying of luggage

## 12. RECOMMENDATIONS

12.1 That the Committee debate and consider the implications of this preliminary report and decide whether to:

- a) Continue with the current practice of not licensing stretch limousines as PHVs, **or**
- b) With a view to considering change of policy, authorise officers to carry out the following actions:
  - Establish the number of stretched limousines within the New Forest District Council area
  - Seek the views of the taxi/PHV trade and licensed operators/drivers on the licensing of stretched limousines as PHVs
  - Consult with the taxi/PHV trade and licensed operators/drivers on the example conditions detailed at 8.3 above
  - Consult with New Forest District Council Transport Manager on the example conditions detailed at 8.3 above to include the feasibility and costs of testing such vehicles
  - Consult with Safety Organisations regarding the special testing of drivers of such vehicles; **and**
  - Report back to the General Purposes and Licensing Committee on the findings and if possible have available for inspection examples of stretched limousine vehicles at the General Purposes and Licensing Committee meeting.

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**Background papers**  
**Nil**

**Example 1 : Conditions relating to Imported Stretched Limousines Licensed as Private Hire Vehicles**

1. All vehicles must be less than 10 years old when first registered.
2. Vehicles may either be left or right hand drive providing that they have full proof of full Department for Transport (DfT) Single Vehicle Type Approval (SVA), and must be fitted with at least 4 doors and 4 wheels.
3. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the council.
4. There shall be no passengers carried in the front compartment.
5. Every seat shall have fitted a suitable seat belt or restraint.
6. Every seat shall be at least 400mm in width measured along the seat base.
7. The Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
8. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
9. A plate on the door pillar shall confirm the total weight of the vehicle
10. Fitted tyres to the vehicle must be either 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
11. DVLA V5 or equivalent shall be produced to authenticate registration.
12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
13. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
14. A stretched limousine vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the council, at its authorised testing station.
15. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).
16. The proprietor shall not use the vehicle, nor permit it to be used when there is not in force for the vehicle a policy of insurance or such security and complied with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward.

**Example 2 : Conditions relating to Imported Stretched Limousines Licensed as Private Hire Vehicles**

	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
1	Left Hand Drive Vehicles	Left Hand Drive stretched limousines will be considered for licensing as a PHV.	The majority of stretched limousines are imported from the U.S. and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2	Sideways Seating	Stretched limousines with sideways facing seating will be considered for licensing as a PHV.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for licensing.
3	Signage	The signage on limousines will need to meet local requirements.	Signage serves to distinguish PHVs from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle.
4	Tinted Glass	Stretched limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
5.	Fare Table/ Taximeter	Limousines are not required to display a fare table or have a taximeter fitted.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6	Roadworthiness	The stretched limousine must hold a valid Single Vehicle Approval (SVA) Certificate.	The SVA test comprises a visual examination of a vehicle by VOSA and certifies its safety and roadworthiness.

	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
7	Vehicle Age	Stretched limousines to be licensed in accordance with the Council's current PHV age policy.	To ensure that the limousines licensed by the Council are in a good and safe condition.
8.	Insurance	An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.	The Council has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward or take into account that the vehicle has been stretched.
9.	Tyres	The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	Licensed limousines must be submitted for testing twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Council are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Councils can only licence vehicles with a maximum seating capacity of 8.
		No seats in the driver's compartment shall be used to carry passengers	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).	This condition will be enforced by Council officers performing spot checks on licensed vehicles, and is in line with legislative requirements.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	As per construction and use regulations.
13	Fire Extinguisher	The vehicle must contain a fully functional portable multi-purpose powder type fire extinguisher which bears a kite mark and a 'last service' sticker. The extinguisher must be securely fitted, accessible and ready for use at all times.	For the safety of the vehicle occupants.



	<b>Issue</b>	<b>Licence Condition</b>	<b>Justification</b>
14	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale and supply of alcohol Alcohol shall only be served while the vehicle is stationary and afterwards, all bottles shall be placed in a secure receptacle. If any passenger is below the age of 18, there should be no alcohol on the vehicle. Any 'glassware' in the vehicle must be made of either shatterproof glass or plastic.	To comply with requirements of the Licensing Act 2003 and to safeguard the public.
15	Entertainment	The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger). The limousine operator shall ensure that a performing rights licence is held where appropriate. The limousine operator shall ensure that a licence under the provisions of the Licensing Act 2003 is held where appropriate.	To safeguard child passengers from viewing unsuitable material. Limousines which have the capability of playing recorded media for the entertainment of customers and may be required to hold a performing rights licence. Entertainment regulated under the Act includes TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
16	Council Notices	The proprietor shall ensure that the licence plates & stickers are displayed in accordance with the current requirements of the Council.	To convey information to passengers where appropriate.
17	Advertisements	No other signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.	To ensure that any material displayed in the limousine is suitable for public viewing.