

REPORT TO: LICENSING COMMITTEE

DATE: 18 JANUARY 2022

TITLE: DEPARTMENT FOR TRANSPORT
STANDARDS - POLICY FOR STRETCHED
LIMOUSINES AND CHAUFFEUR VEHICLES

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RECOMMENDED that:

- A** The Licensing Committee recommend to Full Council adoption of amended licensing policy as set out under Proposals below at paragraphs 11 to 14.
- B** Subject to A, the amended policy be implemented on approval by Full Council.

BACKGROUND

1. The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, and its own policies and procedures.
2. Under the Policing and Crime Act 2017 the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using such services. On 21 July 2020 the Department for Transport (DfT) published statutory guidance in the form of Statutory Taxi and Private Hire Vehicle Standards, stating that the publication followed a number of high-profile incidents and issues highlighting risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation. Although the primary focus of the standards is on protecting children and vulnerable adults, it is expected by DfT that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole, and that the standards would address significant differences in standards applied to the licensing of drivers and vehicles across the country.
3. It is clear there is an expectation that these new standards will be implemented. Setting licensing policy does, however, remain the decision of the Council and where the Council is minded to depart from the new statutory standards it is possible to do so provided that there is clear and reasonable justification for the decision.

4. At its meeting of 17 November 2020, the Licensing Committee approved adoption of the standards and at its meeting of 19 January 2021 agreed the following recommendations:
 - a) The Committee determines that each of the Department for Transport (DfT) standards set out in the report below are appropriately allocated to the groups A-C in the report below, and note these matters set out under the heading Group A – No Policy Change Required.
 - b) Subject to A, the Committee recommends to Full Council the adoption of the policy changes set out at recommendation items 9-16 in the main agenda report under the heading in the report below; Group B – Policy Change Can be Recommended at This Time and recommendation items A and B for DfT standard 13 in the supplementary agenda report.
 - c) Subject to A, the Committee receive reports at future meetings in relation to the DfT standards set out under the heading Group C - Report to be Brought to a Future Meeting.
5. This report specifically deals with item 19 from Group C in the report that the Committee received on 19 January 2021.

ISSUES/PROPOSALS

6. At at Paragraph 7.14 and 7.14 the DfT Statutory Taxi and Private Hire Vehicle Standards document states:

7.14 “Limousines: Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to ‘school proms’ as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department’s view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.”

7.15 “Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.”

7. There are currently no such stretched limousines licensed to operate by Harlow Council. An enquiry was received in 2019 and the applicant started the licence process for two vehicles but subsequently sold the vehicles and withdrew their application. The Council would require stretched Limousines presented for licensing to meet its requirements for

private hire vehicles, including emission standards. The maximum passenger capacity that can be licensed by any Council is eight.

8. Imported vehicles must meet British or European Standards. Drivers of limousines and executive vehicles must complete the licensing application process, as must any other private hire driver. The Council has no policies in place to exclude limousines from the licensing process.
9. At present private hire vehicles must display door and roof signs and rear plates; these are not generally considered appropriate for chauffeur and limousine vehicles.
10. Currently all licensed vehicles must be tested/inspected at the Council's approved testing station. However, the current provider does not have a suitable ramp to carry out inspections of limousine type vehicles due to their size.
11. To provide for any future case policy is required for all executive, chauffeur and limousine applications, to include application criteria and external vehicle signage exemption.
12. It is proposed to amend the current condition regarding exemption from display of signage for private hire vehicles to read as follows:

14. Chauffeur Vehicles

Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle displays a rear plate under clause 11 above, door panels under clause 13 or a roof sign under clause 23 where the vehicle meets the following requirements;

- The vehicle is an executive or prestigious vehicle,
- The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver, and an appropriate standard of chauffeur service is provided
- The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.

The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle

13. It is proposed that for a limousine etc. that cannot be tested at the Council's approved testing station, an MOT be carried out at any suitably equipped testing station: however the vehicle shall then also be presented to the Council's approved testing station for a compliance test.
14. In addition to the current vehicle conditions, including the requirement that all vehicles must comply with the current emissions standard being Euro 4 (broadly 2006 onwards), it is proposed that the criteria and conditions set out in Appendix A shall apply to the licensing of stretched limousines.

IMPLICATIONS

Strategic Growth and Regeneration

The proposed policy changes will ensure that the Council's standards for private hire vehicle licensing apply reasonably to stretched limousine in the event of a relevant application.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

None specific.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance

As DfT's published licensing standards form statutory guidance to which the Council must have regard, it is appropriate to implement the recommendations unless there are exceptional local circumstances that indicate an alternative approach.

Author: Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix A - Licence Criteria and Conditions Applicable to Stretched Limousines Licensed as Private Hire Vehicles in Harlow

Background Papers

Statutory Taxi and Private Hire Vehicle Standards [DfT]

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Glossary of terms/abbreviations used

DfT - Department for Transport