

Meeting: LICENSING & REGULATORY COMMITTEE

Date of Meeting: 7th June 2010

Title of Report: THE LICENSING OF LIMOUSINES

Report of: P. J. Moore
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This report contains	Yes	No
CONFIDENTIAL information		√
EXEMPT information by virtue of paragraph(s) ... of Part 1 Schedule 12A of the Local Government Act 1972		√
Is the decision of this report DELEGATED?	√	

Purpose of Report

To advise the Licensing & Regulatory Committee of the statutory framework concerning the licensing of limousines by Local Authorities.

Recommendation(s)

That the Committee note the report

Corporate Objective Monitoring

<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1. Creating a Learning Community		√	
2. Creating Safe Communities		√	
3. Jobs and Prosperity	√		
4. Improving Health and Well-Being		√	
5. Environmental Sustainability		√	
6. Creating Inclusive Communities	√		
7. Improving the Quality of Council Services and Strengthening local Democracy	√		
8. Children and Young People		√	

Financial Implications

None with respect to this report.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date?				
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

N/A

List of background papers relied upon in the preparation of this Report

N/A

Background

1. On 19th April 2010, the Licensing & Regulatory Committee expressed concern at Limousines being used for “drinking parties” and queried the effects of both the private hire and liquor licensing legislation on the use of these vehicles.
2. This followed recent media reports that the Traffic Commissioners had changed their position and would no longer issue Public Service Vehicle (PSV) Operator licences to cover the hiring of these vehicles. The vast majority of these vehicles therefore must now be licensed under the Private Hire legislation administered by local authorities such as Sefton Council.
3. Sefton Council has, for a number of years, had a framework in place to licence any such “stretched limousine” which is operated from a base within Sefton. Any vehicle licensed by Sefton has a passenger-carrying limit of eight plus the driver. Only the Traffic Commissioners can licence any vehicle with a greater passenger-capacity than this.
4. To date, the problem has been that the Traffic Commissioners would also license the use of smaller limousines as Public Service Vehicles (PSV’s) thereby avoiding the need for Criminal Records Bureau and DVLA checks for drivers. These vehicles were often then used to carry in excess of eight but were in effect unregulated due to resource constraints on the Traffic Commissioner’s enforcement agency (VOSA).

The Current Situation – Vehicle Licensing Legislation

5. The Local Government (Miscellaneous Provisions) Act of 1976 makes it illegal to use a vehicle for hire and reward within Sefton unless covered by a licence under that Act. The only statutory exemptions to this are if the vehicle is licensed as a hackney carriage under the Town Police Clauses Act 1847 (or local Act) or licensed as a PSV vehicle under the Public Passenger Vehicles Act 1981.
6. The Department for Transport has recently reviewed its' "Best Practice" Guide and has suggested that, for all limousines & novelty vehicles such as "Fire Engine" limousines, with a maximum capacity of 8 passengers plus driver, the following should apply:
 - a) That the most appropriate licensing regime is the Private Hire and not the PSV regime;
 - b) That Councils should consider adapting normal standard conditions in order to accommodate such vehicles in a safe and comfortable manner;
 - c) That Councils should not automatically refuse to licence such vehicles but should treat each application on its' own merits;
 - d) That if existing test facilities cannot deal with the longer vehicles then the nearest Vehicle & Operator Services Agency (VOSA) test facility should be used; and
 - e) That Imported or American "stretched" limousines should be required to have a Single Vehicle Approval (SVA) examination (via VOSA) and that the seating capacity should be determined by that SVA examination;
7. Sefton Council's existing licensing scheme follows the principle set out at (a), and already conforms with points (b), (c), (d) and (e).

The Current Situation – Alcohol Sales Legislation

7. Under the Licensing Act 2003 ("the LA03"), alcohol may not be sold on a moving vehicle and the vehicle may not be licensed for that purpose. However, licensing authorities may consider applications for the sale of alcohol from a parked or stationary vehicle. For example, mobile bars could sell alcohol at special events as long as they were parked. Any permission granted would relate solely to the place where the vehicle is parked and where sales are to take place.
8. The provision of any entertainment or entertainment facilities on premises consisting of or forming part of any vehicle while it is in motion and not permanently or temporarily parked is not regulated entertainment for the purposes of the LA03.

9. Consumption is not a licensable activity under the LA03 and therefore all alcohol has to be purchased prior to a vehicle's journey and be appropriated at the vehicle's base of operations, which would need to have a premise licence permitting 'Off' sales. In such a scenario there are no sales being made once the journey has commenced with most companies operating a sale or return service.

Conclusions

10. Therefore the current situation in respect of the licensing of limousines and novelty vehicles based within Sefton is that:
 - a) A method or framework for hire and reward licensing is in place;
 - b) A method or framework for the LA03 licensing is in place;
 - c) In case of complaints being received the Environmental & Technical Services Department will investigate and consult with the Police and/or VOSA as appropriate.

Members are therefore asked to note the contents of this report.