

MEETING	CENTRAL LICENSING COMMITTEE
DATE	17 AUGUST 2004
TITLE	STRETCH LIMOUSINES
PURPOSE	TO ESTABLISH A POLICY IN RESPECT OF THE LICENSING OF STRETCH LIMOUSINES
AUTHOR	HEAD OF ADMINISTRATION AND PUBLIC PROTECTION

1. Background

- 1.1 General Conditions, in respect of the licensing of Hackney Carriages (Taxis) and Private Hire Vehicles were approved by the Council's Central Planning and Licensing Committee on 24th March, 2003. These General Conditions made under the Local Government (Miscellaneous Provisions) Act, 1976, are primarily aimed at ordinary Private Hire Vehicles employed on short journeys and framework does not allow the licensing of in particular large American Stretch Limousines. A copy of these Conditions is attached as Appendix B.
- 1.2 Under the existing licence conditions it has not been possible to license such vehicles as the conditions require vehicles to be right hand drive. While the vehicles do not fit within the authorities existing private hire policy it can introduce a different or additional set of conditions for stretch limousines. This report is to provide details and make recommendations on the licensing of stretch limousines.

2. Details.

- 2.1 Stretched Limousines are dramatically elongated saloon motorcars that have moved from their traditional use as wedding cars to mainstream private hire work. The vehicles are usually conversions of a Lincoln Town Car, Ford Excursion, Cadillac Fleetwood (models up to 1998) or the Cadillac DeVille. The number of stretched limousines being imported from abroad, particularly the United States has been increasing. Their use includes all normal private hire work plus special occasions such as outings to the races, transport to parties, hen and stag nights and children's birthday parties. There are a number of problems preventing them from being licensed such as:

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- some of the vehicles are capable of carrying more than eight passengers
- which take them outside the jurisdiction of Local Authorities
- many of them are left hand drive
- many are fitted with all round darkened glass
- most originate from the US
- many have been converted or modified after manufacture
- the seating space for each passenger is very generous and measuring 460mm for each passenger would give a greater capacity than 8 persons.
- Due to their American origin, parts may not be available , making adequate maintenance difficult.

2.2 As a result many local authorities have been reluctant to license the vehicles, and to ensure that the operators and drivers are also correctly licensed. This means that the public are being put at risk by using untested and unlicensed vehicles, drivers and operators. The operation of the vehicles can give rise to a number of concerns.

- The majority of vehicles must declare that they are to carry eight (8) or less passengers as part of the registration procedure following import. Operators may however illegally carry 9 or more passengers which would invalidate the insurance and put passengers in danger.
- It has been the practice of some Limousine operators to give away a free bottle of Champagne, which has become a problem because young people under the age of 18 are increasingly being allowed to travel to functions in this way. They are being supplied with alcohol and are arriving at premises in various states of intoxication, often leaving licensees with the problem of refusing them admission to their premises.
- Some operators are providing entertainment to clients within the vehicle which may involve inappropriate activities such as lap dancing giving rise to concerns about indecency.
- The correct tyres are not widely available in the UK ; they have to be specially imported. As a consequence vehicles are sometimes fitted with the correct size of tyre but with the wrong weight loading.
- The length of the vehicle and the fact that most are left hand drive may make them unsuitable for UK roads.
- While Ford and Cadillac authorise approved converters, there are many conversions being carried out by people who do not possess these qualifications.

2.3 The majority of stretch limousines are being imported for commercial purposes and will be required to undertake the Single Vehicle Type Approval (SVA) for registration in this country. It would not be possible for them to be approved as Passenger Carrying Vehicles (PCV) because they would be unable to meet the

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standards in respect of door arrangements and the need for more people to escape in an emergency. 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. The vehicle when presented for SVA is produced with a declaration that, although it may be capable of carrying more than eight passengers, it will never do so. Not only does the importer accept that it will not be used to carry more than 8 passengers but also undertakes to inform any other person who may use it, of this restriction. This information must be passed to all subsequent purchasers and to all prospective hirers.

3. Legal Position in respect of Stretch Limousines.

3.1 For licensing and enforcement purposes, stretched limousines can come within the licensing regimes for either Passenger Carrying Vehicles (PCV) or as Private Hire Vehicles. The vehicles can be licensed as small PCV's carrying up to eight passengers provided that separate fares are charged, in the way fares are structured for a bus rather than hiring the vehicle as a whole as is the case in a hackney carriage or private hire vehicle. There are also route registration requirements for vehicles which operate in this way. For these reasons stretch limousines are more likely to fall within the private hire licensing regime.

3.2 In respect of the licensing of stretch vehicles 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. Section 48 of the 1976 Act require that before a licence is granted the authority must be 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

A stretch limousine can be licensed for private hire work therefore providing it is adapted to carrying no more than eight passengers and meets the requirements laid out in the Act.

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- 3.3 There are a number of possible exemptions under the 1976 Act which provides that nothing should:
- (a) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
 - (b) apply to a vehicle used only for carrying passengers for hire or reward under a contract for the hire of the vehicle for a period of not less than seven days
 - (c) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
 - (ch) apply to a vehicle while it is being used in connection with a wedding;

Stretch limousines which are not offered for hire within Gwynedd or operate on a long term exclusive contract or are being used in connection with a funeral or wedding do not require a licence.

- 3.4 Free Champagne would not require a licence provided it was genuinely free. However, under the Licensing Act 1964 it is construed as a sale to offer as a "free gift" intoxicating liquor, if a charge is made for some other goods or service, as in the hire of a limousine with a "free" bottle of champagne provided by the operator. Trains, boats, and aeroplanes are specifically catered for and are exempt from the requirements of the Licensing Act whilst in transit, but road vehicles such as limousines, wedding cars, coaches, and buses are not so exempt. It is possible to apply for a Justices' off-licence for the operator's home or business address. The licence granted must be for an off-licence based at the hirer's home as an on-licence cannot be granted for a moving vehicle. The law requires that the liquor has to be "appropriated" to the customer before the vehicle sets off so the contents of the mini-bar are pre-ordered, rather than chosen by passengers as they travel along.
- 3.5 Many operators of stretch limousines will have wedding car insurance policy calculated on the basis that the vehicle will be largely used during daylight hours, once or twice per week. Before licensing as a private hire vehicle a full policy of insurance for private hire purposes will be required.

4. Summary

- 4.1 The use of stretched limousine type vehicles is becoming increasingly popular. As public safety is paramount, it is important for local authorities to licence these vehicles.

5. Recommendation

That imported stretch limousine type vehicles:

- a) be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.
- b) be granted exemption from the requirement under the conditions of licence for private hire vehicles that seats should not be sideways to the direction of travel.
- c) be authorised as prestige type private hire vehicles.
- ch) be exempt from the requirement to display Door Stickers
- d) be approved for licensing as a private hire vehicle subject to the additional conditions detailed in Appendix A.

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ADDITIONAL OR AMENDED CONDITIONS APPLICABLE TO STRETCHED LIMOUSINES LICENSED AS PRIVATE HIRE VEHICLES

These Conditions made under the Local Government (Miscellaneous Provisions)Act 1976, are specific to vehicles adapted by lengthening the wheelbase of a standard, factory built vehicle. A prestige vehicle may be used for weddings and special occasions only. They differ from standard conditions for Private Hire Vehicles in recognition of the fact that stretched limousines will :

- i. not be used as hackney carriages
- ii. travel generally at slower speeds than normal cars
- iii. not normally overtake other vehicles
- iv. be easily recognisable by the hirer
- v. be heavier and considerably longer than standard cars
- vi. be adapted and converted by someone other than the original manufacturer

A Stretched Limousine is a converted vehicle capable of carrying up to, but not exceeding eight passengers booked in advance. For the purposes of the Private Hire Vehicle Licence Conditions the vehicle is classed as a prestige vehicle.

GENERAL

- 1.1 These additional or amended Conditions must be read in conjunction with the Council's Standard Condition for Hackney Carriages and Private Hire Vehicles
- 1.2 A 'Stretched Limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding eight (8) passengers.
- 1.3 An ' American stretched Limousine' is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.

CONDITIONS

- 2.1 A Stretched Limousine shall, in the first instance, meet with the standard conditions relating to Hackney Carriage and Private Hire Vehicles, with the exception that the vehicle shall:
 - a. be left hand drive
 - b. have some side facing seats

- c. have tinted glass
 - ch. be exempt from displaying Gwynedd Council Official Door Stickers
 - d. have all passenger seats fitted with seat belts
- 2.2 In the case of all stretched limousines the originals of the following documents shall be required by the Council, before an application can be considered
- (a) Completed Importation Documentation – Single Vehicle Application (SVA) or Certificate of Compliance. (if applicable)
 - (b) DVLA Registration Document (V5).
 - (c) Evidence of the date of manufacture of the vehicle.
 - (ch) Current MOT Certificate (if applicable)
 - (d) Full Policy of Insurance covering Private Hire purposes will be required
- 2.3 The Operator shall ensure that an American stretched limousine also complies with the following:
- (a) Equipped with a minimum of four road wheels and full sized spare wheel. The tyres shall be of a rating as specified by Ford USA i.e. vehicles registered before 1998 – 235/75R 15 108S (BF Goodrich Extra Load or Equivalent). Versions from 1998 onwards must be fitted with 225/70R 16 107T (Reinforced)).
 - (b) Seat belts, where fitted, must be fitted in accordance with the Construction and Use Regulations.
 - (c) The maximum length of the “stretch” shall not exceed 120inches /3048mm.
 - ch) A “long vehicle” notice, which complies with the Construction and Use Regulations, shall be fitted to the rear of the vehicle.
- 2.4 Where alcoholic drink is supplied in the vehicle the Operator shall deposit a copy of his/her Liquor Licence with the Local Authority. No person, under the age of 18 years, being conveyed in the vehicle shall be allowed to consume alcohol.
- 2.5 Tinted Glass shall conform to the legal requirements of the current Road Vehicles (Construction and Use) Regulations.
- 2.6 The following activities shall be prohibited:
- a) Striptease
 - b) Lap dancing
 - c) Pole Dancing
 - ch) Any other activity or performance of a like kind

- 2.7 Children under the age of 16 years shall not be carried in a licensed stretched limousine unless accompanied by the parent of at least one of the children or a responsible adult.
- 2.8 Where liquor which is not genuinely free is supplied, the operator requires a Justices Off-Licence for his /her home or business address. A copy of this Licence must be displayed in the vehicle. (When the Licensing Act, 2003, becomes the responsibility of the Local Authority this will transfer to a premises and personal licence)
- 2.9 Vehicle tests required on stretched limousines shall **all** be carried out at the VOSA Vehicle Testing Station, Cibyn, Caernarfon, as follows:
 - a. Vehicle up to 5 years of age - twice annually
 - b. Vehicles over 5 years of age up to 10 years - three times annually