



licensed by any authority and purport to operate under an exemption offered by Section 75 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. After interviewing numerous operators it became clear that they were not satisfying the requirements of the exemption and therefore were operating illegally.

Many of the vehicles stopped were from other Authority areas and it became clear that those Authorities would not license stretched limousines.

2. Southampton City Council has licensed Lincoln Town Cars ( one type of stretched limousine) for a number of years however there are many different types of vehicles now being imported and used for this type of business

## **BACKGROUND**

## **CONSULTATION**

There has been ongoing discussion with the hackney and private hire trade in relation to this matter and the impact on public safety

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Take no action in respect of specialised vehicles. This option has been rejected on the grounds of public safety.

## **DETAIL**

Figures from VOSA suggest that there are currently about 11000 stretched limousines being operated in the UK of that number it is believed that only about 10% are actually operating legally.

There are at present three ways of operating legally:

1. As licensed Private Hire Vehicles
2. As restricted PCVs licensed by VOSA (This licence only allows an operator a maximum of two vehicles.
3. As exempt vehicles under Section 75 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976

On the 18<sup>th</sup> July 2006 The Department of Transport announced that there will be two amendments to the Road Safety Bill currently going through Parliament.

One amendment will not affect specialised vehicles. The second amendment will close a loophole that appears to have had the potential to undermine the principle of driver, vehicle and operator licensing contained in the 1976 Act. Section 75(1)(b) provides an exemption for operators, drivers and vehicles from the general licensing scheme where the vehicle in question carries' passengers for hire and reward under an exclusive contract for hire for seven days or more. A growing spread of 'car clubs' operating under the banner of Pink Ladies and others has lately been seeking to take advantage of this exemption.

The government's view is that the exemption provided risks to public safety, particularly where children or vulnerable adults are being carried in unlicensed vehicles by unlicensed drivers. Ministers are said to have taken into account information from the trade and licensing authorities that use of the exemption is on the increase; that character and background checks should be conducted by licensing authorities rather than contracting bodies; and that some contracting bodies (taking advantage of the exemption) may not carry out any background checks at all.

It is expected that parliament will debate the amendments in October. Should they be included in the Bill, the government expects the repeal of section 75(1)(b) to take some time to allow existing unlicensed operators to gain the relevant licenses. The amendment may, in some parts of the country, have an impact on those unlicensed operators and drivers who currently only perform school transport contracts, and hospital car services

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

Not applicable.

### **Revenue**

Not applicable.

### **Property**

Not applicable.

### **Other**

Contained within existing budget..

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

Section 48 Local Government (Miscellaneous Provisions) Act 1976

### **Other Legal Implications:**

Human Rights Act 1998

The proposals in this report are consistent with and have regard to Human Rights Act 1998, the Disability Discrimination Act 1995 and Equalities legislation.

## **POLICY FRAMEWORK IMPLICATIONS**

The decision to determine the application in the manner set out in this report is not contrary to the Council's policy framework.

## SUPPORTING DOCUMENTATION

### Appendices

1.	
2.	

### Documents In Members' Rooms

1.	
2.	

### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.		
2.		

### Background documents available for inspection at:

**REPORT OF:** SOLICITOR TO THE COUNCIL

**AUTHOR:** Name: Richard Black Tel: 023 8083 3523  
E-mail: richard.black@southampton.gov.uk

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