

75 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This exemption allows unlicensed drivers to drive unlicensed vehicles if a specific contract is in place.

2. The drivers of these vehicles almost without exception had no drivers licence other than their DVLA licence. This being the case it is unlikely that they had undergone any of the vetting procedures required by most licensing authorities prior to the granting of a Private Hire Drivers Licence (CRB. Medical DVLA history check). These vehicles are often hired for school proms and similar events and frequently for children under the age of 18 years. For public safety reasons alone enabling drivers to licence with the local authority is important. The very fact that Southampton City Council, together with many other authorities requires drivers to undertake a topography test discourages drivers from applying for Private Hire Drivers licences

BACKGROUND

Comment [RT6]: BACKGROUND: provide a brief summary of the history of this matter leading up to the decision, including any historical decisions relating to this matter as appropriate. **Each new paragraph must be numbered.**

CONSULTATION

Comment [RT7]: CONSULTATION: this section should detail what consultation (both internal and external) has been carried out in preparation for the decision and report any comments that may have been received in response to that consultation and any conclusions that may reasonably be drawn as a result. Any comments raised at or after the Cabinet meeting consultation stage must also be summarised and included within the consultation section of the report. **Each new paragraph must be numbered.**

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

None.

Comment [RT8]: ALTERNATIVE OPTIONS CONSIDERED AND REJECTED: this should comprise a bullet point list of the main alternatives and a summary appraisal of why these are not recommended. **Each new paragraph must be numbered.**

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

It is believed that the majority of vehicles operate under the exemption currently allowed by 3 above.

Comment [RT9]: DETAIL: this section should be used to provide the decision-maker with all other relevant and supporting information s/he needs in order to make his/her decision, including the pros and cons of the proposal. **Each new paragraph must be numbered.**

On the 18th 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.

The licensing team is already receiving requests to licence drivers without a topography test as a result of the recent multi-agency operation on stretched limousines. Operators of specialised vehicles state that the topography test would be an unnecessary bar to their drivers who live across Hampshire.

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 51 Local Government (Miscellaneous Provisions) Act 1976

Other Legal Implications:

Comment [RT10]: FINANCIAL /RESOURCE IMPLICATIONS:

this section must address all capital and revenue financial implications arising out of the report proposals (whether in terms of expenditure or savings) including how the proposals will be paid for and from what budget if appropriate. A statement detailing what (if any) **property implications** arise with reference to the **Asset Management Plan** must be included as agreed with the **Property Services Asset Manager**. Any other resource implications should also be reported in this section arising from internal consultations. **Each new paragraph must be numbered.**

Comment [RT11]: LEGAL IMPLICATIONS:

under the heading: **Statutory Powers to undertake the proposals in the report**, identify those power(s). If you cannot identify those powers the decision cannot be taken. Under the heading **Other Legal Implications**, list any Act or Legislation that affects the proposals contained in your report and how the proposals are affected. Please refer to the **Report Monitoring Form** for legislation which must be considered before completing this section. Also, identify any other legal, contractual or liability issues that may arise from the proposals contained in the report. **Each new paragraph must be numbered.**

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.

Comment [RT12]: POLICY FRAMEWORK IMPLICATIONS: please confirm that the proposals contained in the report are in accordance with the Council's Policy Framework Plans as appropriate. Please refer to the **Report Monitoring Form** for a list of the Council's Policy Framework Plans. **Each new paragraph must be numbered.**

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

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File Name: 2 tier driver report August 2006

Comment [RT13]: SUPPORTING DOCUMENTATION: the appendices, documents in Members' rooms and background documents headings **must** be completed. If there are none then 'none' must be inserted. Completion of all sections of this form is **mandatory**. Sections must not be omitted without the prior agreement of the Solicitor to the Council.

Comment [RT14]: APPENDICES: list all appendices relevant to this report in this section. If any appendix consists of 20 pages or more they should be listed and placed in the Members' Rooms, unless there are legal reasons for treating them differently.

Comment [RT15]: DOCUMENTS IN MEMBERS' ROOMS: documents (including draft plans / strategies etc. for which you are seeking approval) may be placed in the Members' Rooms and key issues highlighted in the report. It is expected that **all** large documents of 20 pages or more are treated in this manner unless there are legal reasons for treating them differently. Where documents are placed... [1]

Comment [RT16]: BACKGROUND DOCUMENTS: a list of all papers/documents etc that have been relied upon to any material extent in preparing the report should be included here. This includes both internal and external documents. These papers must be kept and made available to the public upon... [2]

Comment [RT17]: BACKGROUND DOCUMENTS AVAILABLE FOR INSPECTION AT: please provide the address where background papers are deposited/located that you have used in the preparation of this report (in the box provided). Please ensure you provide... [3]

Comment [RT18]: AUTHOR: add the name of the person in the box opposite, and include their telephone number and e-mail address in the fields supplied for this.

Comment [RT19]: FILE NAME: enter the file name you use to save onto your hard drive. It is important that you enter this information here as it is not possible to access the headers or footers to add this. It is also important that you enter the filename to serve as an audit trail.

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BACKGROUND DOCUMENTS: a list of all papers/documents etc that have been relied upon to any material extent in preparing the report should be included here. This includes both internal and external documents. These papers must be kept and made available to the public upon request for four years after the decision has been taken. Draft documents need not be included here. Published works (books, magazines, government circulars etc that are already available to the public) need not be included here. If a background paper is confidential either under the Access to Information Procedure Rules or the Local Government Act 1972 this must be specified in the appropriate section.

BACKGROUND DOCUMENTS AVAILABLE FOR INSPECTION AT: please provide the address where background papers are deposited/located that you have used in the preparation of this report (in the box provided). Please ensure you provide the full address and not just the directorate name and building location.