

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>LICENSING COMMITTEE</u>	Date	4 APRIL 2012
Originating Service Group(s)	<u>EDUCATION & ENTERPRISE</u>		
Contact Officer(s)/	<u>SHAUN WALKER</u>		
Telephone Number(s)	<u>554548</u>		
Title/Subject Matter	<u>LIMOUSINE SAFETY ENFORCEMENT 2012</u>		

Recommendation

1. Members note the contents of the report, in particular the response to the matters of clarification set out in section 3.
2. Members endorse further spot checks on limousine operators during this years 'prom' season and at other times to be determined at an operational level. Reports of non-compliance to be sent directly to the Lead Traffic Commissioner as requested.
3. Members agree to the development of a response to the consultation on licenced passenger vehicle reform and authorise the Chair of the Committee to approve the response.

LIMOUSINE SAFETY ENFORCEMENT 2012

1.0 PURPOSE OF REPORT

- 1.1 To address specific questions raised by Members of Licensing Committee on 11 January 2012 relating to limousine activity within the City.

2.0 BACKGROUND

- 2.1 On the 11 January 2012 a verbal report was presented to Licensing Committee to inform Members of some recent enforcement activity that had been undertaken by Wolverhampton City Council (Public Protection) in relation to limousine regulation within the city. This stimulated some discussion and Members asked for clarification on a number of points which are addressed in paragraphs 3.1, 3.2, 3.3 and 3.4 below.
- 2.2 Prior to this, in 2005, a decision was taken by Licensing Committee to create bespoke conditions suitable for use by any limousine carrying fewer than eight passengers. To date no applications have been received.

3.0 THE ISSUES RAISED

3.1 Powers and Responsibilities of Traffic Commissioners;

Seven Traffic Commissioners are appointed by the Secretary of State for Transport and have responsibility in their Area for the licensing of the operators of heavy goods vehicles (HGVs) and public service vehicles (PSVs). The Traffic Commissioner for the West Midlands and also the Lead Commissioner on issues relating to limousines and novelty vehicles is Mr Nick Jones.

In England and Wales the Commissioners are responsible for licencing limousines and novelty vehicles that carry more than eight passengers. The larger vehicles can only be licensed by Traffic Commissioners, the smaller ones can be licensed by either local authorities or as Public Service Vehicle's (PSVs) depending on their type of operation. In Wolverhampton the known limousine operators are regulated as PSVs. For the last decade, Traffic Commissioners have referred in annual reports and elsewhere to the growing problem and inadequacy of existing legislation in relation to the regulation of PSV operators and vehicles. Mr Jones has requested details of any future non-compliance found within Wolverhampton so that he remains well informed of limousine operators in the West Midlands.

3.2 Concern over the lack of CRB checks;

When interviewed recently about this point, Mr Jones accepted that this was a particular concern and one shared by himself as Lead Traffic Commissioner for limousines. He hoped it would be addressed during the complete overall of legislation referred to in paragraph 4.4. (By comparison, enhanced CRB checks are to return for drivers of Private Hire Vehicles and Hackney Carriages on 26 March 2012.)

3.3 Current practice in neighbouring authorities;

Local Councils and WM Police routinely share information and intelligence relating to all licensing issues including taxis and limousines. Joint stop checks have been conducted in the past to ensure best practice is adopted and shared and this approach will remain. Additionally, in previous years a full 'prom night' itinerary for school functions has been shared between Councils to ensure a coordinated approach to enforcement.

3.4 **Concern over lack of seat belt use;**

Adult passengers (ie 14 years and over) must wear seatbelts if available and it is the passenger who becomes responsible for their use. Under the age of 14 the driver is responsible for ensuring seatbelts are worn.

4.0 **LEGAL IMPLICATIONS**

4.1 Public Service Vehicle legislation has been amended on a piecemeal basis over the past 30 years and it is claimed that this has caused a degree of confusion which has led to exploitation of what are seen as loopholes to allow illegal and unlicensed operators to flout regulatory regimes.

4.2 In his report of 2009/10, Mr Jones comments that the*application of the law by local authorities is variable. Most, but not all, licence the vehicles as private hire vehicles. Some have told operators that they do not licence them and operators claim that it was suggested they merely continue to operate without any form of licence. Other concerns relate to conditions imposed by the many LAs that have separate criteria....*

4.3 A decision was taken by Licensing Committee in 2005 to create bespoke Conditions suitable for use by any limousine carrying fewer than eight passengers. To date no applications have been received and no vehicles have been licenced in Wolverhampton.

4.4 The Law Commission are about to produce proposals for a complete reform of the legislation pertaining to licensed vehicles that carry passengers. The formal consultation period is expected to begin later in the year. A Bill is expected by the Autumn of 2013 which will hopefully address some of the issues raised by Members in January and addressed in this report.

[SH/23032012/Z]

4.0 **FINANCIAL IMPLICATIONS**

4.1 Resources required to undertake vehicle checks and referrals can be met from within the existing Public Protection, Regeneration budget.

[JJ/22032012/I]

5.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 No negative implications have been identified.

6.0 **ENVIRONMENTAL IMPLICATIONS**

6.1 No negative environmental implications have been identified.

7.0 **SCHEDULE OF BACKGROUND PAPERS**

Traffic Commissioners' Annual Reports to the Secretary of State for 2009-10