

Report

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Report to:	Corporate Resources Committee
Date of Meeting:	29 June 2005
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Licensing of Private Hire Cars – Status of Stretched Limousines etc
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ♦ advise on the legal requirements, in terms of the Civic Government (Scotland) Act 1982 (“the 1982 Act”), placed on operators and drivers of “stretched limousines” and other vehicles similarly converted or adapted for use as a private hire car within the meaning of that Act; and
- ♦ propose the introduction of an administrative system for the licensing of converted or adapted vehicles and the drivers of those vehicles.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendations:-

- (1) that the operator of any converted or adapted vehicle, notably “stretched limousines”, operating as a private hire car within the meaning of the 1982 Act, be required to apply for a Private Hire Car Licence;
- (2) that all those driving such vehicles be required to apply for a Private Hire Car Driver’s Licence in terms of the 1982 Act;
- (3) that the Executive Director (Corporate Resources) is authorised to proceed with the introduction of a licensing administrative system for the purposes detailed at 1 and 2 above, similar to the existing system in place for the licensing of ordinary private hire cars and ordinary private hire car drivers, but suitably adjusted to accommodate the licensing of converted or adapted vehicles and the drivers of those vehicles;
- (4) that authority is delegated to the Executive Director (Corporate Resources), in consultation with the Chair/Depute Chair of the Licensing Committee, to draw up and introduce special Licensing conditions and criteria appropriate for “stretched limousines”; and
- (5) that, on a date to be determined by the Executive Director (Corporate Resources), in consultation with the Chair/Depute Chair of the Licensing Committee, all those operating or driving or those wishing to operate or drive converted or adapted vehicles as private hire cars in terms of the 1982 Act within the South Lanarkshire area, be required to hold a licence or become liable on default to those sanctions prescribed by the 1982 Act.

3 Background

3.1 Recent developments - It is evident that there is an increased use of “stretched limousines” in the South Lanarkshire area and beyond. The hire of “stretched limousines” by the public is generally related to special social occasions.

3.2 Legal position - The interaction of regulatory legislation in relation to “stretched limousines” is complex and its application is largely dependent on the nature of the design and use of such vehicles.

Subject to certain specific exceptions, where such vehicles are “with a view to profit, available for hire by the public for personal conveyance”, a Private Hire Car Licence in terms of the 1982 Act would normally be required by the vehicle operator.

It follows from this, that anyone driving such a vehicle, will require a Private Hire Car Driver’s Licence in terms of the same Act.

Failure to hold a licence in terms of the 1982 Act in circumstances where one is required, could constitute a criminal offence and render any person in default liable to prosecution.

3.3 Requirement to License “Stretched Limousines etc” - The requirement to license applies to existing as well as prospective operators and drivers.

3.4 Proposed Licensing System - Special licensing conditions would require to be drawn up for such vehicles and special plates attached. Such Licensing conditions and the introduction of criteria to be adopted in respect of these vehicles will be drawn up by the Executive Director (Corporate Resources) in consultation with Chair/Depute Chair of the Licensing Committee.

3.5 Drivers of Converted Vehicles - It is proposed that those driving converted or adapted vehicles, notably “stretched limousines”, would likewise be subject to the same licensing requirements as presently apply to the drivers of ordinary private hire cars, which will be suitably adapted to accommodate the special design of the vehicle and its uses.

4 Employee Implications

4.1 None

5 Financial Implications

5.1 None

6 Other Implications

6.1 None

7 Consultation

7.1 Prior to preparation of this Report, consultation took place with the Licensing Enforcement Officer and Fleet Services. In addition, a recent letter was received from Strathclyde Police indicating their view that there is a need to license these vehicles.

Alan Cuthbertson
Executive Director (Corporate Resources)

27 May 2005

Link(s) to Council Objectives

- ♦ Living in the Community

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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