

REPORT TO: LICENSING COMMITTEE - 2ND SEPTEMBER 2004
REPORT ON: LICENSING OF LIMOUSINES AND AIRPORT TRANSFERS
REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)
REPORT NO: 594-2004

1.0 PURPOSE OF REPORT

1.1 To advise the Committee of the legal position with regard to the licensing of limousines and airport transfers and to seek the Committee's approval that these vehicles be licensed as Private Hire Cars.

2.0 RECOMMENDATIONS

2.1 That the Committee agree that limousines and airport transfers be licensed as Private Hire Cars in terms of Sections 10 and 23 of the Civic Government (Scotland) Act 1982 and that existing operators and drivers be given until 30th November, 2004 to submit applications for licences.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 None.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1 None.

6.0 MAIN TEXT

6.1 Section 10 of the Civic Government (Scotland) Act 1982 provides that "[a] licence, to be known asa "private hire car licence", shall be required for the operation of a vehicle as a private hire car."

6.2 In terms of Section 23 of the said Act, "taxi" is defined as "a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it and its driver for a journey beginning there and then" (either at a rank or being hailed in the street) and a "private hire car" is "a hire car other than a taxi". Both a taxi and a private hire car may be pre-booked but only a taxi may ply for hire.

6.3 Where a private hire car is used exclusively for weddings, funerals or a contract for hire of at least 24 hours, no licensing requirements apply. However, if a vehicle is also used for other purposes, a private hire car licence will be required. The local authority to which an application for a licence must be submitted is that in which the vehicle is operated. For this purpose, "operate" means the office or other facility where requests for bookings are received.

6.4 In the last few years, there has been a proliferation in the availability of stretched limousines and vehicles carrying out airport transfers in and from Dundee. Both of these categories of vehicle are becoming an increasingly popular mode of transport for journeys on special occasions, holidays, etc. Where these vehicles carry more than eight passengers, they are classed as "public service vehicles" and subject to regulation by agencies of the Department for Transport. Vehicles carrying up to eight passengers are not subject to this regulation, but may fall within the definition of "private hire car" outlined at Paragraph 6.2 above.

- 6.5 The definition of "hire car" states that it applies to a motor vehicle with a driver which is, with a view to profit, available for hire by the public for personal conveyance". It is the view of Tayside Police and myself that stretched limousines and airport transfer vehicles (except where the exemptions referred to in Paragraph 6.3 above apply) fall within this definition and, therefore, should be licensed as private hire cars. This is the practice in some other authorities, particularly Edinburgh and Aberdeenshire.
- 6.6 In the interests of fairness to existing operators of these categories of vehicle, it is suggested that they be given a period of time within which to apply for a licence, failing which they would be liable to prosecution. It is suggested that the date for this purpose should be 30th November, 2004. The Principal General Services Officer will write to known existing operators to advise them of this. In addition, only the holders of Taxi Driver's or Private Hire Car Driver's Licences will be allowed to drive these vehicles. Similar arrangements should apply to the individuals concerned, i.e. they would need to apply for a licence by or be liable to prosecution, unless they already possess a licence. Applications would be considered by the Committee in the usual way and the vehicles would require to be examined by the Plant and Vehicle Section to assess their suitability and fitness for use as private hire vehicles.

7.0 CONSULTATION

- 7.1 The Chief Executive, the Depute Chief Executive (Finance), the Plant and Vehicle Manager and the Chief Constable have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

- 8.1 None.

(Signed) Ms Patricia McIlquham
Depute Chief Executive (Support Services)

Date 27th August 2004.