

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Discussion further to an application received for the licensing of a Tuk Tuk as a Private Hire vehicle. This requires amendments to the Taxi and Private Hire Policy and Conditions to include Tuk Tuk and Rickshaw Licensing

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing and Regulatory Committee

Date to be considered: 15th October 2019

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 For Members to discuss a proposal for Taxi and Private Hire Policy and Conditions be amended to include the Licensing of Rickshaw and vehicles.

2. RECOMMENDATION(S):

- 2.1 Members consider amending the Taxi and Private Hire Policy and Conditions, to remove points 32 and 33 in appendix J of the current Policy and amend Appendix M of the current policy to include an additional section. The additional section would include, should the policy be amended, the licensing of Tuk Tuks, Electric and Cycle Rickshaws (pedicabs). A draft version is attached to this report as Appendix A.
- 2.2 A further report be submitted when outstanding information is received, to enable Members to make an informed decision on whether to amend the Taxi and Private Hire Policy and Conditions.

3. KEY ISSUES

- 3.1 A request has been made to the Licensing Team to licence a Tuk Tuk. This is the first request received by Licensing. The current policy briefly referred to Tuk Tuks in appendix J of the policy, stating the vehicles are considered to be hackney carriages and are therefore required to be licensed as hackney carriages and in accordance with this Policy. It was recognised these vehicles did not comply with the standard criteria set within this Policy.

- 3.2 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, 'private hire vehicle' is defined as

'... a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for the hire with the services of a driver for the purpose of carrying passengers ...'

As such Tuk Tuks can be considered for private hire licensing. Given the nature of the unique type of vehicle, it would be better suited towards private hire licensing due to Hackney Carriages being able to pick up off ranks, requiring roof lights and tariffs installed. It is further proposed this type of vehicle shall only be used for special occasions and executive business contracts. Vehicles licensed

within this category shall not be used for everyday private hire use. As such it is recommended that points 32 and 33 of Appendix J of the current policy be removed.

- 3.3 Tuk Tuks could be ideal for promoting tourism and sightseeing within Monmouthshire. There are currently none operating in the Gwent area, with the nearest being licensed in Cardiff. There are also other forms of vehicles of a similar nature and these should also be considered. As such this has been included as part 4.3 of the proposed policy as follows;

Tuk Tuks or Rickshaws can be pedalled, electrically motorised or powered by a traditional two-stroke engine. The design has the driver/rider to the front and the passengers seated to the rear. Tuk Tuk's are the same design as Electric and Cycle Rickshaws (pedicabs). However, Rickshaws are smaller and can only carry 2 passengers in the rear of the vehicle. These vehicles if used for hire and reward falls into the remit of licensing and would be best suited to private hire licensing due to the nature of the vehicle.

To assist Members as to the design of the proposed vehicles, attached as Appendix B is a photograph of a Tuk Tuk provided by the applicant who has requested a licence.

- 3.4 One of the main aims of the Taxi and Private Hire Policy is to ensure that licensed vehicles are safe for use by the public, the driver and do not pose any risk to other road users.
- 3.5 This particular Tuk Tuk is fully road legal and holds a valid MOT and has also passed a taxi vehicle test at an approved Monmouthshire garage. This vehicle travels at lower speeds compared to standard motor vehicles and has a top speed of 37 mph.
- 3.6 The Local Authority need to satisfy themselves regarding vehicle suitability, noting safety is paramount. Most licensed vehicles have a range of safety features as standard such as seat belts, driver and passenger airbags, crumple zones, anti-lock braking systems (ABS), and traction control. As technology improves, newer cars are being manufactured with more advanced safety features such as autonomous emergency braking, pedestrian detection, adaptive cruise control, visibility aids, speed limiting devices, attention monitoring systems, tyre pressure monitoring systems etc. These features aim to minimize the likelihood of collisions and aim to reduce injuries to the driver and passengers in the event of an accident.
- 3.7 Tuk Tuks and Rickshaws have far fewer safety features than standard cars. They can be fitted with seat belts and strengthened overhead and side-impact protection, but they offer lower protection to the driver/passenger(s) in the event of a collision compared to a standard road vehicle. They also do not have windows, and the open compartment design poses a greater risk of objects entering the Rickshaw and potentially causing injury, or passengers being thrown from the vehicle or injuring limbs etc during a collision.
- 3.8 Extra conditions are proposed which are pertinent to Tuk Tuks / Rickshaws, with all other elements of the policy to be complied with. These extra conditions in Appendix M aim to address some of the concerns raised in 3.6 above. Due to the nature of the vehicle it is impossible to address all safety elements raised.

3.9 The Licensing Section has sent a request for information and advice from the Driver and Vehicle Standards Agency (DVSA). We will look to include any information provided in any report for a decision on this matter.

4. REASONS

4.1 To consider and discuss a revised policy incorporating changes to include a licensing regime for Tuk Tuks, Electric and Cycle Rickshaws (pedicabs) as requested by a licensed driver, prior to any future decision.

5. RESOURCE IMPLICATIONS

5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

6.1 The 'Future Generations' template has not been finalised at this time and will form part of the report for the future Licensing and Regulatory Committee.

7. CONSULTEES:

- Monmouthshire County Council Highways Section.
- Awaiting a reply from DVSA
- Head of Public Protection

8. BACKGROUND PAPERS:

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976.

9. AUTHOR:

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