

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Proposal for Taxi and Private Hire Policy and Conditions amendment to include Tuk Tuks and Rickshaw Licensing

DIRECTORATE: Social Care, Safeguarding and Health

MEETING: Licensing and Regulatory Committee

Date to be considered: 23rd June 2020

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the proposal to amend the Taxi and Private Hire Policy Conditions 2020 to include the Licensing of Rickshaw vehicles.

2. RECOMMENDATION(S):

- 2.1 Members consider and decide whether to adopt the amended Taxi and Private Hire Policy Conditions 2020 (amendments in part 4.3, to remove points 32 and 33 in appendix J and amend Appendix M of this policy to include points 66 to 92). This amendment will include the licensing of Tuk Tuks, Electric and Cycle Rickshaws (pedicabs). The amended Taxi and Private Hire Policy and Conditions 2020 is attached to this report as Appendix A and amendments are highlighted in red.

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, which stated 'vehicles are considered to be hackney carriages and are therefore required to be licensed as hackney carriages and in accordance with this Policy'. Due to the request to licence a Tuk Tuk It was recognised a review of the existing policy would be required to accommodate such novelty type vehicles.
- 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 and motorised Rickshaws (Rickshaws are smaller in design and can only carry two passengers in the rear of the vehicle) can be considered for private hire. Given the nature of the unique type of vehicle it would be best suited to restrict to private hire licensing. 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. Non-motorised vehicles cannot be licensed as private hire vehicles, in accordance with Section 48(1)(a) Local Government (Miscellaneous Provisions)

Act 1976. As such cycle rickshaws (pedicabs) would need to be considered for hackney carriage licensing.

As a result of the licensing regime proposed it is recommended that points 32 and 33 of Appendix J of the current policy, referred to in 3.1 above be removed.

- 3.3 Tuk Tuks and Rickshaws can 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.
- 3.4 The design and description of a Tuk Tuk / Rickshaw is explained in Section 4.3 of the proposed Taxi and Private Hire Policy and Conditions 2020 attached to this report as Appendix A
- 3.5 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. This needs to be considered when deciding whether to permit the licensing of Tuk Tuks / Rickshaws.
- 3.6 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 3.4 - 3.6 above. But due to the nature of the vehicle it is impossible to address all safety elements raised.

4. REASONS

- 4.1 To provide a revised policy incorporating changes to include a licensing regime for Tuk Tuks, Electric and Cycle Rickshaws (pedicabs).

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 is attached as Appendix B. The updated policy will improve the passenger experience and promote tourism.

7. CONSULTEES:

The licensing of Tuk Tuks, Electric and Cycle Rickshaws (pedicabs) is bespoke and will not directly affect the normal operation of private hire vehicles and as such consultation with the taxi trade is not required in this instance.

8. BACKGROUND PAPERS:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976.

Tuk Tuk / Rickshaw policies currently adopted by other Local Authorities has been considered.

9. AUTHOR:

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