

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Application to licence a Tuk Tuk as a Private Hire vehicle.
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Committee
Date to be considered: 3rd September 2020
DIVISION/WARDS AFFECTED: ALL WARDS

1. PURPOSE:

Monmouthshire County Council's Licensing Section has received an application from Mr Jones for a private hire vehicle. The vehicle to be considered is a Tuk Tuk. Members must determine to issue a licence or reject the application in accordance with Section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

2. RECOMMENDATION(S):

- 2.1 It is recommended that Members consider and determine whether the vehicle, namely a Tuk Tuk owned by Mr Jones, is either -
- Suitable to be licensed as a Private Hire vehicle in Monmouthshire for hire or reward, with the application accepted.
 - Not suitable to be licensed as a Private Hire vehicle in Monmouthshire for hire or reward, with the application refused.

3. KEY ISSUES

- 3.1 An enquiry was made to the Licensing Section by Mr Jones as to whether he could licence a Tuk Tuk with Monmouthshire County Council, for the purposes of hire and reward. Mr Jones was informed that there was no policy in place within Monmouthshire County Council for this type of vehicle, and that the Taxi and Private Hire Policy and Conditions would need to be reviewed to accommodate the request.
- 3.2 The Local Government Miscellaneous Provisions Act 1976 section 48 (1)(a) states a Council must issue a Private Hire vehicle licence if they determine the vehicle is suitable in type, size and design for use as a private hire vehicle, not of the appearance of a Hackney Carriage, in a suitable mechanical condition, safe and comfortable. To transport passengers for hire or reward using the Tuk Tuk, Mr Jones would require a Private Hire Operator, Vehicle and Driver Licence.
- 3.3 Mr Jones invited Members of the Licensing and Regulatory Committee and Licensing Officers to view and be a passenger in the Tuk Tuk he wished to licence. On 21st February 2020, Mr Jones produced the vehicle for Members to inspect in Llanfoist, Monmouthshire. County Councillors Jim Higginson and Richard Roden inspected the vehicle and sat in the vehicle to gauge a passenger's experience whilst being transported towards Abergavenny and back to Llanfoist. Linda O'Gorman and Leigh Beach, Officers from Licensing, also attended that day to view the vehicle. Photographs were taken of the vehicle which are attached to this report as Appendix A.
- 3.4 Following the enquiry to licence Tuk Tuks, on 23rd June 2020, Monmouthshire County Council revised its Taxi and Private Hire Policy and Conditions to include Tuk Tuk and Rickshaw vehicles. The Section that relates to Tuk Tuks of this revised Policy is attached to this report as Appendix B.

3.5 An application, dated 3rd July 2020 was received by the Licensing Section from Mr Jones to licence a Tuk Tuk for the purpose of hire or reward within Monmouthshire. The Policy in 3.4 above states in Appendix M, item 67, that applications for Tuk Tuks, Electrical and Cycle Rickshaws (pedicabs) shall be deferred to the Licensing and Regulatory Committee for consideration, to allow them to be considered on a case by case basis.

3.6 If granted the applicant would be subject to the Policy referred to in 3.4 above. Mr Jones has confirmed the Tuk Tuk will be used for special occasions and pre-booked business contracts only. The vehicle would be licensed for two passengers and will comply with the width requirement for passengers. The vehicle does hold a Motorcycle Single Vehicle Approval (MSVA) certificate, approved by Driver and Vehicle Standards Agency (DVSA) and proof of this has been submitted to the Licensing Section along with the application and vehicle registration form issued by the Driver and Vehicle Licensing Agency (DVLA). The Tuk Tuk has also passed an inspection report from an approved garage with Monmouthshire County Council. The inspection of the vehicle complied with the appearance and mechanical requirements requested within the Policy.

3.7 Mr Jones has applied for a Private Hire Operator Licence and this will be processed if the Private Hire Vehicle Licence is approved for the Tuk Tuk requested within this report. Mr Jones is currently a licensed Hackney Carriage/Private Hire Driver with this Authority.

4. REASONS:

4.1 The vehicle does not resemble a Hackney Carriage, mechanically the applicant has provided sufficient proof the vehicle is fit for purpose. Members must consider the information provided to determine if they are willing to licence this type of novelty vehicle for specific private hire use within the Local Authority area, whilst considering its use, size and design and safety.

4.2 The applicant has obtained the relevant Operators Licence and holds a hackney carriage/private hire drivers licence with this Authority. Therefore, subject to approval, Mr Jones could start using the vehicle shortly.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

None

7. BACKGROUND PAPERS:

Local Government (Miscellaneous Provisions) Act 1976.
Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2020.

8. AUTHOR:

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