

PUBLIC PROTECTION COMMITTEE: 23 July 2019

Report of the Head of Regulatory Services

APPLICATION FOR THE USE OF ELECTRIC RICKSHAWS AS PRIVATE HIRE VEHICLES

1. Background

- 1.1 At its meeting of 3 July 2018 the Public Protection Committee resolved to approve an application for the use of Tuk tuks for private hire sightseeing tours in Cardiff. Rickshaws do not meet the Council's Private Hire Vehicle Licence Conditions so special approval was required. As a result the conditions detailed in Appendix A were approved for private hire licensed Tuk tuks.
- 1.2 The Licensing Section has now received an application from Ola, a licensed private hire operator to have licensed electric rickshaws as private hire vehicles for general use.

2. Details of the Application

- 2.1 The electric 'rickshaws' proposed for use by Ola are similar to the design of electric Tuk tuks previously approved by the Committee, but are smaller and can only carry 2 passengers in the rear of the vehicle.
- 2.2 Ola's operating plan intends to offer the rickshaws as an option for general private hire use through their booking app, rather than just for sightseeing tours or pre-planned routes as was previously approved by Committee. It is proposed that the rickshaws would operate in a restricted zone (area of 1.79Km²) including the City Centre and Cardiff Bay. Ola's operating plan is detailed in Appendix A.
- 2.3 The approved Tuk tuk conditions in Appendix B would not permit Ola's proposals as they prohibit rickshaws being used for general private hire use. If the Committee were minded to grant the application, the conditions would need to be amended to those shown in Appendix C.

3. Private Hire Licensing Regime

- 3.1 Under 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...'

Consequently, Rickshaws could be considered for use as private hire vehicles.

- 3.2 Private hire vehicles must be pre-booked through a private hire operator and must be driven by a licensed private hire driver. All three licenses must be issued by the same local authority.
- 3.3 All private hire vehicles licensed in Cardiff must comply with the Councils' Taxi Licensing Policy and Conditions (See Appendix D). The Policy aims to ensure that licensed vehicles are safe, suitable and comfortable for use by the fare paying public.
- 3.4 The compact design of Rickshaws makes them unable to comply with the council's current Licensing Policy and Conditions on the following points:
 - *'All vehicles must be fitted with a right hand drive and four doors'* –the steering wheel is in the centre of the vehicle and there are no doors as the sides of the vehicle are open.
 - *'Cause the roof or covering to be kept watertight'*; -tarpaulin rain covers are provided, but not likely to be described as 'watertight'
 - *'Provide any necessary windows and a means of opening and closing with not less than one window on each side;'* -other than the front windscreen, there are no windows as the sides of the vehicle are open
 - ***Knee Space***
'The measurement between the rear of the front seats and the squab of the back seat must be not less than 30 inches. Where the front seats are capable of adjustment, the measurement is to be made in the mid position'. - The distance between the back of the driver's seat and the front of the rear seat is 28 inches (72cm).
 - ***Rear seat (door to door panel)***
'The distance between the internal panels of the two rear doors, measured in a straight line lengthways at its widest part must be not less than 54 inches.' - The width of the rear seats in the rickshaw is 32 inches (83cm), however this is for two passengers as opposed to three in a standard vehicle.
 - ***Door Hinges***
'To be in good order, all working, and doors to be seated correctly when closed.'
- There are no doors on the rickshaw.
 - ***Side Windows & Winders***

'To be in good order and all working correctly.' – There are no side windows in the rickshaw

- ***Fire Extinguisher, Spare Wheel, Brace and Jack***
 - 'a) A fire extinguisher in good condition should be carried in an easily accessible position on the vehicle; and*
 - b) Unless the vehicle is fitted by the manufacturers approved run flat tyres or has an emergency tyre repair kit a spare wheel of full or compact design in good condition must be carried together with the appropriate tools to change a wheel.*
 - c) If the vehicle has to be used with a space saver spare wheel fitted to complete a hiring, it may not be used for any further hirings until the wheel has been replaced.*
 - d) Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.'*

– there is no space available to carry a fire extinguisher. The spare tyre will be kept at the office, but the vehicles do come with a foam spray puncture kit
- ***Boot or Luggage Compartment***

'To be clean and free for the accommodation of passengers luggage'. – there is no luggage space available.
- *'The interior plate shall be fixed on the inside of the vehicle in such position as to be easily observed by the passengers.'* – As there are no windows in the rickshaws, there is nowhere the interior plates can be affixed

3.5 Rickshaws/Tuk tuks have been licensed for private hire use in Manchester, Blackpool, Brighton, Derby, Chester and Ipswich. However, an application to Bath and North East Somerset Council was refused in October 2016 as Members did not find the vehicles suitable in type, size and design for use as a private hire vehicle and there were concerns about safety. Newport Council refused an application in 2001 due to similar concerns.

3.6 All licensed vehicles must undergo testing at a MOT station within Cardiff. As Rickshaw are three-wheeled electric vehicles they will need to be tested by a Specialist garage. The previous applicant advised Committee that Pearson's Garage in Penarth, Vale of Glamorgan, are authorised and qualified to carry out the testing.

3.7 Age restrictions

The current Policy states that vehicles presented for licensing must be under 25 months old and will not be relicensed if they are over 6 years old, apart from Prestige vehicles which can be presented for first time licensing under 10 years old and will not be relicensed if over 10 years old.

- 3.8 The policy on age restrictions cannot be absolute so an Exceptional Condition Policy is in place to assess the suitability of vehicles over the maximum licensable age. It would not be possible to apply the current Exceptional Condition Policy to Rickshaws as it is designed for standard cars.

4. Passenger Safety

- 4.1 One of the main aims of the Taxi Licensing 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.
- 4.2 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, These features aim to minimise the likelihood of collisions and aim to reduce injuries to the driver and passengers in the event of an accident.
- 4.3 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 very little protection to the driver/passenger(s) in the event of a collision. 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.

5. Passenger Comfort

- 5.1 Standard licensed vehicles have numerous features in the interests of passenger comfort such as conventional suspension, heating/air conditioning systems, comfortable seats, and are of a closed watertight design to eliminate the effects of adverse weather and reduce noise.
- 5.2 Rickshaws have an open compartment design, meaning that passengers are subject to any adverse weather, although tarpaulin rain covers are available. There are no heating or air conditioning systems.
- 5.3 Due to the open compartment design, passengers and drivers would also be exposed to any traffic pollution, although this would be comparable to the exposure experienced by cyclists in traffic.

- 5.4 The seat width available to each passenger in the Rickshaw is 16 inches (42 cm), the current vehicles licence conditions states that the seat width should be at least 18 inches(46cm) , so these Rickshaws are not compliant in this respect. It should be noted that these rickshaws are smaller than the Tuk tuks previously approved by Committee which did comply with the general vehicle seat width condition.
- 5.5 The Rickshaws are also compliant with the minimum dimensions stated in the vehicle licence conditions in respect of roof height.

6. Vehicle Accessibility

- 6.1 Rickshaws may not be suitable for all people with disabilities, especially passengers in wheelchairs. It is not possible to wheel a passenger in a wheelchair into a Rickshaw and there is no luggage compartment to store one. Rickshaws therefore do not comply with the requirements of the Equality Act 2010 in relation to disabled access.
- 6.2 Consultation with Cardiff Access Group was undertaken, details will be show in Appendix D

7. Consultation

- 7.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions; no responses were received during the consultation period.

8. Achievability

This report contains no equality personnel or property implications.

9. Legal Implications

- 9.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council has a discretion to grant a private hire vehicle licence provided that a Council shall not grant such a licence unless they are satisfied that the vehicle is insured and is:
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and

- (v) comfortable
- 9.2 Pursuant to section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court
- 9.3 The Council currently has a strict policy regarding the type and specification of vehicles, which may be licensed as Private Hire Vehicles and has approved specific conditions for Tuk Tuks used for limited purposes (in Appendix B).
- 9.4 The general vehicle specification is designed to ensure the safety of fare paying passengers as well as other road users. It also aims to ensure that vehicles are comfortable and suitable for use as a Private Hire Vehicle.
- 9.5 The Council would need to consider if it is appropriate to deviate from the general vehicle specifications and current Tuk Tuk specific conditions to allow Rickshaws to operate as licensed private hire vehicles for general purposes (as opposed to just sightseeing tours as currently permitted).

10. Financial Implications.

- 10.1 There are no financial implications for the Licensing Service arising from this report.

11. Recommendation

- 11.1 That the Committee consider the report and determine whether Rickshaws are suitable to be licensed as private hire vehicles.
- 11.2 If the Committee are minded to approve the licensing of Rickshaws; to approve the amendments to Rickshaw specific private hire vehicle licence conditions detailed in Appendix C.

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HEAD OF SHARED REGULATORY SERVICES

14 May 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Public Protection Committee: 3 July 2019 - Report of the Head of Regulatory Services; '*Application for the Use of Rickshaws as Private Hire Vehicles*'