

## **Telford & Wrekin Council**

**Licensing Committee – 9<sup>th</sup> July 2014**

### **Application to Licence Rickshaws as Hackney Carriage Vehicles**

**Report of the Service Delivery Manager – Public Protection**

#### **1. Purpose**

For Members to consider an application to licence 3 rickshaws as Hackney Carriage Vehicles.

#### **2. Recommendations**

**2.1 For Members to consider the proposal to licence three rickshaws as Hackney Carriage Vehicles.**

**2.2 For Members to consider the attachment of the conditions set out in the report to the licences, if they are minded to accept the proposal.**

**2.3 For Members to consider limiting the use of the rickshaws to the proposed designated routes.**

**2.4 For Members to consider the proposed fare tariffs for consultation.**

#### **3. Previous Minutes**

3.1 There are no previous minutes for Members to consider.

#### **4. Information**

##### **4.1 Background.**

4.1.1 On 8<sup>th</sup> May 2014, the Licensing Service received a request from two individuals to licence rickshaws on pre-determined routes within Telford & Wrekin.

4.1.2 Both Mr Singh and Mr Lewis-Owen met with the Licensing Service to discuss their proposal and suggestions were provided by this department on what criteria would be required.

4.1.3 The applicants are seeking approval to licence three rickshaws along specified routes along the Silkin Way and Ironbridge.

4.1.4 All of the designated routes are based on existing cycle routes.

All rickshaws will be expected to adhere to the following :

- Hold a valid Hackney Carriage Vehicle Licence.
- All rickshaws will display a Hackney Carriage Vehicle plate which is fixed securely to the rear.
- All rickshaws are fully insured for the purposes of hire and reward and a certificate of cover must accompany any application to the Licensing Service.

4.1.5 The applicants have suggested consideration of the inclusion of the following conditions:-

- The licence holder will ensure that rickshaws comply with the Pedal Cycle (Construction & Use) Regulations 1983.
- Lap Belts should be fitted to the rear seat of all licensed rickshaws. They shall be readily available for use by all passengers and shall be maintained in a good condition.
- All licensed rickshaws will display lights to the front and rear of the vehicles which are always fully operational.
- Rickshaws will have indicators which are handlebar mounted and fully operational.
- Rickshaws will have the use of a bell which is always fully operational.
- Licensed rickshaws will be liable for an annual inspection which will be undertaken by an approved cycle maintenance repair centre. A copy of the maintenance report will be provided to the Licensing Service on any application for a rickshaw. The costs in respect of the vehicle test will be the responsibility of the proprietor of the rickshaw.
- All rickshaws will provide a tool kit which will include a First Aid Kit, Puncture Repair Kit, Bicycle Pump, Wheel Jack, Rain Cover, Blanket, Torch, and Spare Batteries.

- Alterations or modifications to any rickshaw will not be permitted without the prior consent of an authorised Officer of Telford & Wrekin Council.
- Drivers will be expected to undertake routine safety checks of their rickshaw which include ensuring all tyres are at 60psi (4 bar); checks made to ensure all brakes are fully functional, check brake pads are in good condition, ensure all safety guards are in place. Any advertising on the rickshaw must be approved by the Licensing Service.

4.1.6 To support the application, Mr Singh and Mr Lewis-Owen have submitted a Business Proposal. This proposal is attached as **Appendix A**.

4.1.7 In addition, to assist Members, the applicants have provided a series of routes that they intend to operate. These routes are attached as **Appendix B**.

4.1.8 Members should note that the applicants have approached a number of affected bodies. It can be confirmed that the applicants have obtained approval from:-

- Telford Town Park.
- Rights of Way Officer.
- Gorge Parish Council.

4.1.9 At the time of preparing this report, the applicants were consulting with the Highways Department. Members will be provided with an update at the hearing.

4.1.10 Members will be aware that Hackney Carriage Vehicles operate to an agreed tariff structure approved by the local authority. As part of the Business Proposal, the applicants have provided details of other licensing authority charges and have indicated the proposed fare tariffs in relation to each cycle route. Members should be mindful of the fact that any separate tariff for rickshaws would require advertising and a period of consultation would be undertaken.

## **4.2 Equal Opportunities.**

4.2.1 A Community Impact Assessment has been carried out on this review of Council's Policy and Conditions in respect of licensing rickshaws and is attached at **Appendix C**.

### **4.3 Environmental Impact**

4.3.1 There is little if any environmental impact arising from this report.

### **4.4 Legal Comment**

4.4.1 Section 38 of the Town Police Clauses Act 1847 defines a Hackney Carriage as a wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within a prescribed distance.

4.4.2 The local authority can to impose conditions under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

4.4.3 Any vehicle operates as a Hackney Carriage for hire & reward requires a licence for that purpose from the licensing authority for the area in which they operate.

4.4.4 In 1999 in the case of R v Cambridge City Council, the Court of Appeal held that a Pedi cab (rickshaw) was a Hackney Carriage Vehicle for the purposes of the Town Police Clauses Act 1847, if the rickshaw is to be used to ply for hire & reward.

### **4.5 Links with Corporate Priorities**

4.5.1 This report has links to the following Corporate Priorities:

Protect and Create Jobs as a 'Business Supporting Winning Council'

### **4.6 Opportunities and Risks**

4.6.1 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

(i) The Financial risks to the Council in the event of a legal challenge to the grant or refusal of the application.

### **4.7 Financial Implications**

4.7.1 The fee for applying for the Hackney Carriage Vehicle Licence covers administration costs for processing and therefore this application is included within the current cost of business operations.

4.7.2 Costs relating to the advertising and consultation on a new tariff for Rickshaws will be an additional cost to this service. This is due to not being a tariff in existence when the last review was

undertaken. The next annual licence fee review is due to take place in 2015/16 and this will incorporate so as to recover related costs.

## **5. Ward Implications**

5.1 This report has implications for all wards within the District.

## **6. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976.

Town Police Clauses Act 1847

T&WC Conditions of Licence for Hackney Carriages.

T&WC Hackney Carriage & Private Hire Policy

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