

# An Exploration into Opportunities for Licensing Rickshaws

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| <b>Report number:</b>         | <b>LIC/WS/23/001</b>  |
| <b>Report to and date(s):</b> | Licensing & Regulatory Committee – 23 January 2023  |
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**Decisions Plan:** N/a

**Wards impacted:** None at present

**Recommendation:** It is recommended that:

- (i) The report be received; and
- (ii) The Committee explores whether to undertake policy review in this area.

## **1. Context to this report**

- 1.1 The existing Hackney Carriage and Private Hire policy does not provide provision for this activity. As such this report is being put before the Licensing and Regulatory Committee to explore the possibility of producing a policy to control this currently unlicensed area.

## **2. Proposals within this report**

- 2.1 The report proposes that West Suffolk Council's Licensing and Regulatory Committee explores the opportunities for licensing rickshaws within West Suffolk.

## **3. Alternative options that have been considered**

- 3.1 We are not looking to carry out policy review at this stage, any such policy would need to go through the appropriate decision making process in line with the Council's constitution and would need to undertake a consultation process.

## **4. Consultation and engagement undertaken**

- 4.1 During 2022 the Licensing Team were approached by a provider of pedicabs who wished to transfer from running a voluntary service to a fare driven model. As this would result in the business receiving payment for a service the business would need to be licensed.

West Suffolk Council's existing Hackney Carriage and Private Hire handbook covers the conditions that taxi drivers and operators need to abide by, however it does not carry out provision for pedal powered vehicles as it was written with motor driven vehicles in mind.

As such rickshaws cannot currently provide a charged for service within West Suffolk. This report invites conversation and discussion by the Licensing and Regulatory Committee ahead of a potential review of policy later in the year.

## **5. Risks associated with the proposals**

- 5.1 Outside London, pedicabs are classified as Hackney Carriages, they can therefore be licensed and can ply-for-hire (i.e. be available to passengers for immediate hire). This decision was made by the Court of Appeal in the case of R V Cambridge City Council ex parte Lane (1999).

- 5.2 The decision in this case was that pedicabs fall under the definition of a Hackney Carriage under the Town Police Causes Act 1847 and, as such, must be licensed as Hackney Carriages. Fares are charged at a flat rate regardless of how many passengers are carried, in contrast to fares per passenger if operating as a Stage Carriage (in London).
- 5.3 The consequence of pedicabs being classified as Hackney Carriages outside London is that there are challenges in applying regulations and safety requirement in order that they may apply equally to pedicabs and in doing so protect the public.

## **6. Implications arising from the proposals**

### **6.1 Safeguarding**

Adequate safeguarding checks would need to be in place for rickshaw drivers. It is envisaged that any such policy would retain the majority of existing safeguarding and safety measures that drivers are required to meet would also apply to rickshaw drivers.

### **6.2 Environment or sustainability**

The provision of pedal vehicles such as rickshaws within West Suffolk Council would work towards the Council's objectives of promoting a green fleet.

### **6.3 Changes to existing policies**

West Suffolk Council has not previously provided provision for rickshaws to be licensed. The Licensing Team has been approached by one operator who wishes to operate a similar model to a Hackney Carriage. It is the Licensing Team's view that policy review is required before this can take place, which may seek to amend the existing policy, introduce a new policy to control this area, or prevent rickshaws from operating within West Suffolk.

### **6.4 External organisations (such as businesses, community groups)**

Whilst the current provision for introducing pedicabs is small in scope (three vehicles proposed by one operator who has made contact) it must be acknowledged that the introduction of pedal powered vehicles would have an impact on the existing trade of hackney carriage and private hire vehicles.

The Licensing Team are aware of concerns from the hackney carriage drivers in relation to the rank provision within Bury St Edmunds, where there is currently two taxi ranks (at Station Hill and the Cornhill). These ranks have been observed to quickly fill during peak times.

Any licensing model would need to be underpinned by appropriate safety and safeguarding measures which rickshaw drivers would need to adhere to. If implemented the policy would be applied across pedal powered vehicles that sought to provide transport within West Suffolk. This would affect additional/future rickshaw providers who operate on a voluntary/charged basis as they would need to apply for a licence and abide by the requirements set out in any associated policy.

## **7. Appendices referenced in this report**

7.1 None