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1 June 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 11th June, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

NEIL AGGETT
Democratic Services Manager

Distribution:

- (1) The Members of the Regulatory & Appeals Committee

Councillor Charlie Dennis (Chairman)
Councillor Ted Hockin (Vice-Chairman)
Councillor Beryl Austen
Councillor Sheila Cook
Councillor Lorraine Evans
Councillor Rosalind Prowse

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions to comsec@teignbridge.gov.uk by **12 Noon** 2 days before the meeting.
- If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk
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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

1. Apologies for absence
2. Minutes (Pages 1 - 2)
To confirm the minutes of the previous meeting held on 24 May, 2018.
3. Agreement of the Agenda between Parts I and II.
4. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Application for a Hackney Carriage Vehicle Extension (Pages 3 - 6)
7. Application to display a small Plate for a Private Hire Vehicle (Pages 7 - 10)
8. Rickshaw Policy (Pages 11 - 28)
To consider the adoption of the Draft Policy following the consultation period.

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

Nil.

REGULATORY & APPEALS COMMITTEE

THURSDAY, 24 MAY 2018

Present:

Councillors Dennis, Hockin, Prowse and Jones (Reserve)

Apologies:

Councillors Austen, Cook and Evans

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Trish Corns, Democratic Services Officer

23. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

It was proposed by Councillor Hockin, seconded by Councillor Prowse, and

Resolved

That Councillor Dennis is elected Chairman for the 2018 -19 Municipal Year.

It was proposed by Councillor Prowse, seconded by Councillor Jones and

Resolved

That Councillor Hockin is elected Vice Chairman for the 2018-19 Municipal Year

24. MINUTES

The Minutes of the meeting held on 3 May 2018 were confirmed as a correct record and signed by the Chairman.

25. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

26. REQUEST RENEW AND EXTEND A HACKNEY CARRIAGE VEHICLE MERCEDES KV08 XOC

The Committee adjourned to inspect the vehicle.

On reconvening the Solicitor advised on the procedure for the meeting.

The Chairman referred to the report circulated with the agenda and consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence for vehicle registration KV08 XOC Mercedes CDi.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under 10 years old. However the Council has discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Licensing Officer advised that the vehicle past the MOT and vehicle inspection tests on 30 April 2018, with no advisories. Marks on the bonnet noted during the vehicle inspection test have been removed and the appearance of the alloys have been improved.

The Applicant was in attendance at the meeting and addressed Members in support of the application.

Resolved

Vehicle registration KV08 XOC Mercedes CDi is approved a 12 month Hackney Carriage Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Committee is satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

CHARLIE DENNIS
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 11th June 2018
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle licence for a further 12 months.

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

'A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that *'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall*

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not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that '*A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary*'.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request –The vehicle, a Ford Mondeo, registration ET57 GHB which the applicant wishes the Committee to consider was first registered on 5th February 2008 will be 10 years and 4 months old, if granted. The current Hackney Carriage licence expires on 27 June 2018.

The current MOT expires 24th June 2018 and had three advisories;

- Undertrays fitted
- Offside front anti-roll bar linkage has slight play in a ball joint
- Offside play in steering rack inner joint

At the time of writing this report the vehicle has undergone a taxi test at the depot, details will be presented to committee at the hearing.

The vehicle has been inspected by a licensing officer and was in good condition inside and out. The applicant was advised there are a few stone chips to the bonnet and on the drivers' door that need touching in. Rear Bumper needs a respray as there is damage to the nearside rear. Scuff on the nearside wing case. A couple of rust spots above the front windscreen. Seats need valeting. The applicant expressed that all of these matters would be rectified before presentation to the committee.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

"The Committee decided that vehicles being presented for initial licensing must be under five years old."

TEIGNBRIDGE DISTRICT COUNCIL

With regard to subsequent licensing, the Committee decided that a vehicle should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides ‘*that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.*’

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

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| Wards affected | All |
| Contact for any more information | H Carpenter |
| Background Papers (For Part I reports only) | <i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy |
| Key Decision | N |
| In Forward Plan | N |
| In O&S Work Programme | N |
| Community Impact Assessment attached: | N |
| Appendices attached: | N |

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 11 June 2018
REPORT OF: Licensing Officer
SUBJECT: Request for a small plate for a private hire vehicle

PART I

RECOMMENDATION

That the Regulatory & Appeals Committee is asked to consider whether to refuse or grant the request.

1. PURPOSE

To consider approval for a small plate for a Mercedes V250, registration number KP67 TFO. A currently licensed Private Hire vehicle, P456 first licensed on 30th April 2018.

2. BACKGROUND

Section 48 (6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that

'Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.'

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, at paragraph 9.4 on page 27.

9.4 Licence Plates

The licensing plate identifying the vehicle as Hackney Carriage or Private Hire shall be securely fixed to the outside rear of the vehicle in a position as approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times.

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A vehicle identification badge shall be fixed to the front windscreen above or below the tax disc, in a position that meets current MOT regulations. The badge will display the plate number, vehicle model, registration and number of passengers on the front face with the Council's details and plate number on the rear.'

3. REQUEST

The applicant requested replacement of the traditional size plate with the smaller plate, samples will be provided at the hearing. The reason for the request is because the vehicle is to be used mainly in connection executive travel.

It has been requested that the vehicle is available for viewing at the hearing, should the committee wish to do so.

Small plates have previously been granted for specialist vehicles, Chrysler, Mercedes, Audi TDI, stretch Limousine, jaguar and two BMWs because they were going to mainly be used for weddings and special occasions and the removal of a plate from a licensed vehicle is not permitted at any time.

4. MAIN IMPLICATIONS

The main implication is that the plate is a visual aid for the members of the public to show that it is a licensed vehicle. The standard size plate is 240mm x 180mm and the smaller plate requested is 230mm x 75mm, samples of which will be shown at committee.

The Licensing department has received several and increasing enquiries regarding the granting of small plates and have advised that permissions previously granted have been for vehicles that were primarily being used for special occasions and executive work. It has been implied that a couple of the saloon vehicles that have small plates are not being primarily for this purpose. Therefore it is recommended that if granted the applicant is required to present booking records for the vehicle every quarter to the Licensing Department. This will ensure that the vehicle is being used for the purposes that the small licence plate was granted and not for general private hire work. If it is deemed that the vehicle is not being kept for executive /specialist work a report will be presented to Committee for a decision as to whether the grant of the small plate should be revoked.

5. FINANCIAL IMPLICATIONS

There is a cost of £35 for the production of an individual small plate to be borne by the applicant due to this being a replacement plate.

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6. OPTIONS

1. Grant the request for a small plate to be used in connection with executive travel.
2. If the Committee resolve to grant a small plate, the Committee is asked to consider whether it is necessary to impose a condition requiring the private hire operator to produce quarterly booking records to the Licensing department to satisfy that the vehicles continued use is for these purposes
3. Refuse the request

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

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| Wards affected | All |
| Contact for any more information | H Carpenter |
| Background Papers (For Part I reports only) | <i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy |
| Key Decision | N |
| In Forward Plan | N |
| In O&S Work Programme | N |
| Community Impact Assessment attached: | N |
| Appendices attached: | N |

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 11 June 2018
REPORT OF: Licensing Manager
SUBJECT: Rickshaw Policy

PART I

RECOMMENDATION

On 5 July 2017 the Regulatory & Appeals Committee made a decision to adopt the policy to licence rickshaws as Hackney Carriage Vehicles and the attachment of the conditions set out in the report. However, as this is a policy the Committee were omitted to be informed that the policy would be required to go out to consultation.

1. PURPOSE

The Regulatory & Appeals Committee to adopt the policy as previously agreed on 5 July 2017 set out below and taking into consideration comments made following consultation.

- 1.1 Adopting the policy to licence rickshaws as Hackney Carriage Vehicles.
- 1.2 Attachment of the conditions set out in the report to the licences.
- 1.3 Adopting a code of conduct for Rickshaw Riders set out in the report.
- 1.4 Limiting the use of the rickshaws to the proposed designated routes.

2. BACKGROUND

As set out in the report of 5 July 2017:

- 2.1 In 2016 the Licensing section received a request from to licence rickshaws on pre-determined routes within Teignbridge. He was informed that we currently did not have a policy for licensing rickshaws as Hackney Carriage vehicles.
- 2.2 The applicant contacted the Licensing section again in March 2017 stating that his vehicles were now built and ready to be licensed and had also been granted

TEIGNBRIDGE DISTRICT COUNCIL

permission to operate on the cycle route from Starcross to Turfs Lock providing he is licensed by the authority.

- 2.3 The applicant met with a Licensing Officer to discuss his business plan and other proposed routes possibly in Dawlish or Teignmouth, these are still to be confirmed. He was informed that a policy to licence such vehicles was not in place but would be drafted and put to the Regulatory and Appeals committee.
- 2.4 A policy to enable the authority to be able to licence Rickshaws.
- 2.5 Conditions to be attached to Hackney Carriage Rickshaw vehicles and code of conduct for Rickshaw Riders.
- 2.6 A six week consultation starting 29 September 2017 to 10 November 2017 advertised in the newspaper, the Police, Devon County Highways and all Members through their newsletter.
- 2.7 Consideration to be given to the representation made who supports the policy, but would like to see the additional area be covering in relation to the code of practice for drivers 'banning the use audio equipment being played from the rickshaw' within the proposed policy.

3. LEGAL COMMENT

- 3.1 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.
- 3.2 The local authority can to impose conditions under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3 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.
- 3.4 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. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the policy is not adopted and applications are refused and the applicant appeals to the Magistrates' Court.

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5. OPTIONS

- a. Adopt the Policy with the addition, within the code of conduct for riders, of No. 23 stating 'The use of audio equipment being played from the rickshaw will be prohibited.'
- b. Adopt the Policy, without No.23 being added to the additional code of conduct.

Andrea Furness
Licensing Manager
Environment, Health and Wellbeing

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| Wards affected | All |
| Contact for any more information | H Carpenter |
| Background Papers (For Part I reports only) | <i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy Policy, Procedure and Conditions for Licensing Rickshaws – Cheltenham Borough Council |
| Key Decision | N |
| In Forward Plan | N |
| In O&S Work Programme | N |
| Community Impact Assessment attached: | N |
| Appendices attached: | Y Appendix A |

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HACKNEY CARRIAGE RICKSHAW LICENSING POLICY

'If you would like this information in another format, please call 01626 361 101

5th July 2017

Introduction

It is an established fact (R v Cambridge City Council [1999] R.T.R. 182) that non-motorised vehicles are to be licensed as Hackney Carriages. For the purpose of this policy therefore, rickshaws will be understood to mean Hackney Carriages and riders as Hackney Carriage drivers.

The Council has the responsibility to regulate and control all drivers and vehicles used for carrying passengers for hire and/or reward within the borough under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This policy will provide guidance to applicants and other interested parties, officers and Members on the approach the Council will take when licensing rickshaws.

For the avoidance of doubt, this policy has been set and adopted in addition to the Council's general Licensing Policy, Guidance and Conditions for Private Hire and Taxis. Unless otherwise stated, the scope and provisions of this policy has no bearing on the Council's general policy and vice versa.

Definitions

| | |
|---------------------------|---|
| "The 1847 Act" | The Town Police Clauses Act 1847 |
| "The 1976 Act" | The Local Government (Miscellaneous Provisions) Act 1976 |
| "The Council" | Teignbridge District Council |
| "The District" | The District of Teignbridge |
| "The Licence" | a licence granted in respect of a Rickshaw granted pursuant to Section 37 of the Act of 1847 |
| "Rickshaw" | a vehicle in respect of which there is a licence in force under Section 37 of the Act of 1847 |
| "Rickshaw Rider" | a driver licensed by the Local Authority to be in charge of a licensed rickshaw and which there is a licence in force under Section 46 of the Act of 1847 |
| "Rickshaw licence number" | the number allocated by the Council to a licence granted for a Rickshaw |
| "Vehicle plate" | the plate provided by the Council for affixing to a rickshaw pursuant to Section 38 of the Act of 1847 |

References to the male gender shall be construed as including reference to the female gender where appropriate.

References to "rickshaw" shall be construed to also include Pedicabs or any other non-motorised vehicles.

All other words and phrases in these conditions shall bear the meanings ascribed to them (if any) in the 1976 Act and the 1847 Act.

All obligations contained in the Licence Conditions are to be construed as the obligations of the Licence.

1. Procedure for Licensing Rickshaws

- 1.1 The Council has a statutory duty to regulate Hackney Carriages and Hackney Carriage Drivers in the interest of public safety and protection. To this end, the Council will adopt the following procedures for licensing rickshaws and rickshaw drivers.
- 1.2 Non-motorised vehicles will be subject to the same statutory provisions as motorised vehicles which includes the Council's Hackney Carriage byelaws.

Initial Application Drivers

- 1.3 To apply for a licence, the applicant must be over 21 years of age, be a fit and proper person as defined by section 59(1)(a) of the 1976 Act, hold a full original DVLA driving licence for a period of no less than 12 months and be proficient in English.

Together with a completed application form, applicants will need to provide the following:

- A completed application form;
- A licence fee (not refundable in the event of refusal of the licence);
- A current full driving licence, held for more than twelve months;
- Confirmation of employment by the proposed employer (unless the applicant will be self-employed);
- Enhanced Disclosure from the Disclosure and Barring Service (DBS) (to be completed with the Council) see section 4.4 of the Hackney Carriage and Private Hire licensing Policy for Non UK residents;
- One current passport-size photograph;
- Medical Certificate A medical certificate from a qualified doctor who has access to the applicant's medical records is required on initial application; then between the ages of 45 and 65 every five years; and thereafter annually, or anytime as required by the Council.

- 1.4 Before the grant of a Rickshaw drivers licence the Council must be satisfied that the applicant is a fit and proper person and in doing so will consider the following:

- Health / Fitness (to be confirmed by medical certificate);
- Age / Maturity – over 21;
- Nature of any previous Convictions (disclosed in application, revealed by driving licence and shown on the DBS);
- A full (UK, EEA or EU) driving licence must have been held for a minimum of 12 months.

When the application and supporting documents have been completed the applicant will need to contact the Council to make an appointment.

The applicant will then be interviewed by an officer of the Council to check initial application and DBS verifying documents.

Successful applicants will be required to attend the Council offices to complete a disability awareness training session and for any local conditions to be discussed prior to the licence being issued.

Unsuccessful applicants will be advised of the procedure for their rights to appeal to the Regulatory and Appeals Committee, see section 4.5 of the Hackney Carriage and Private Hire Licensing Policy.

Fees are not refundable if an applicant fails to be granted a rider's licence.

The Council will issue licences for a period of 1 or 3 years.

Driver's ID Badge

1.5 The driver's ID badge must be clearly on display at all times. This badge is the Council's property and must be surrendered when the rider stops employment as a driver or is otherwise required to do so, on notification from the Council.

Duties of Licence Holder

1.6 As a holder of this licence you shall:

- Give written notice to the Council within seven days of changing your employer / operator;
- Deliver the licence, or a copy, to the proprietor by whom you are employed on the start of the employment;
- On ceasing to be employed as a rider, immediately surrender the licence to the Council together with the ID badge issued;
- Give written notice to the Council within seven days of changing your address;
- Disclose any conviction or penalty imposed on you, in writing, to the Council within seven days of any conviction (i.e. any motoring offences)
- Report any damages or accident to the Council immediately or not later than 24 hours or on the first working day from the time of the event.

Renewal of Drivers Licence

1.7 You will be informed by the Council when your licence is due for renewal. Renewal of licences will be subject to you providing the following:

- Completed application form;
- Renewal fee;
- Current driving licence and unique check code.
- A medical certificate (if applicable);
- Enhanced DBS (when required – appointment to be made)
- One current passport-size photograph (when required).

Initial Application Rickshaw Vehicles

1.8 The applicant must provide the Council with the following documents when making a first application:-

- a) Licence application form completed in full;
- b) Policy of public liability insurance which covers use for hire and reward with passenger risks compensation. (The insurance certificate must have effect for the duration of the licence);
- c) Signed and completed certificate of fitness compliance sheet.

1.9 All vehicles will be issued with a plate outlining the vehicle licence number, expiry date, make, model and number of passengers permitted to be conveyed in the vehicle. The plate must be displayed on the rear of the vehicle.

The Council will issue vehicle licences for a period of 1 year.

Renewal of Vehicle Licence

1.10 You will be informed by the Council when your licence is due for renewal. Renewal of licences will be subject to you providing the following:

- Completed application form;
- Renewal fee;
- Signed and completed certificate of fitness compliance sheet.

2. Policy

General

2.1 Each application will be determined on individual merits.

Vehicle Types to be licensed

2.2 The Council recognise that Rickshaw can present unique challenges with regards to traffic flow, highway access, obstruction and safety.

Mechanically propelled vehicles will present difficulty for the Council, in reference to the above, and as a result, the Council considers it appropriate to only licence purpose built cycle rickshaws fitted with at least 2 passenger seats and of a design, which has the rider in the front or forward position and the passengers seated to the rear.

The number of passengers to be carried shall not exceed the number for which it is licensed as specified on the licence and the vehicle plate, and no person shall be permitted to travel sitting on the lap of any of the passengers. That the passengers of the vehicle be restrained by a lap belt at all times. That no person under the age of 16 shall ride unaccompanied without an adult

2.3 All Rickshaws must:-

- a) Display a vehicle plate which must be securely attached to the exterior of the rear of the vehicle in a prominent position;
- b) Be capable of carrying a minimum of 2 but a maximum of 3 passengers in safety and comfort;
- c) At all times comply with the safety standards contained in this policy;
- d) Be fitted with operational lap belts, one for each passenger;
- e) Be fitted with operational and adequate lights;
- f) Display at all times, in a prominent position, the adopted fare card;
- g) Display licence badge.

Safety

2.4 All Rickshaws must comply at all times with the following safety standards:-

- a) Pedal Cycle (Construction and Use) Regulations 1983;
- b) Pedal Bicycle (Safety) Regulations 2010;and
- c) Road Vehicle Lighting Regulations 2014.

Advertising

2.5 Advertising will be permitted insofar as it is not inappropriate or offensive and the Council reserves the right to seek the removal of any advertising that is deemed or construed to be either or both.

Fares

- 2.6 Theoretically it is possible to fit a meter on a rickshaw, however this is considered impractical, as it would require a battery and waterproof enclosure, be expensive and inappropriate. Furthermore battery failure or loss of charge would require regular re-setting of the calendar control system. Finally, a rickshaw is unlikely to ever go fast enough to allow charging by distance.
- 2.7 The Council can set maximum fares in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976. However, it is accepted that the operation of a rickshaw is sufficiently different from a normal motorised licensed vehicle and to that end the Council does not consider it necessary to formally control fares in relation to rickshaws.
- 2.8 However, under the aforementioned section of the 1976 Act the Council reserves the right to introduce a formal fare structure for rickshaws at any time.
- 2.9 Furthermore, to enable the Council to properly investigate and respond to complaints, it is a condition of this policy and the accompanying licence conditions that riders be required to issue receipts to customers for each and every journey and retain copies for inspection.

Inspection of the Vehicle

- 2.16 Prior to a licence being granted to the intended Rickshaws must be inspected by officers of the Council.
- 2.17 Rickshaws will also require to be inspected annually by an officer of the Council. An inspection will include, but will not be limited to, the following:
- a) Front and rear brakes;
 - b) Front and rear lights;
 - c) Operation of lap belts;
 - d) Condition of tyres, wheels, spokes & steering;
 - e) Bell/Horn;
 - f) Reflectors;
 - g) Condition of external bodywork

3. Conditions

- 3.1 Rider Code of Conduct in respect of Rickshaws is attached at **Appendix A**
- 3.2 Conditions attached at grant of a Rickshaw licence is attached at **Appendix B**

Appendix A

Code of Conduct for Teignbridge District Council Rickshaw Drivers

I (insert name) hereby certify that in the course of my activities as a rickshaw rider I will:

- 1) Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
- 2) Abide by the rules as set out in The Highway Code.
- 3) At no time be under the influence of alcohol or any drugs, including prescription drugs that may affect my judgement.
- 4) Ensure that my passengers are offered the safety belt before all journeys.
- 5) Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
- 6) Ensure that all items belonging to passengers are stowed and that scarves, coats or any other items are safely contained within the rickshaws.
- 7) Not solicit or tout for business.
- 8) Not overload the rickshaw. I will only take the number of passengers specified on the licence plate.
- 9) Be courteous and considerate of other road users, pedestrians, passengers and other persons at all times.
- 10) Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
- 11) Wear my licensed rider's badge (ID badge) at all times whilst working.
- 12) Carry out safety checks of brakes, steering, tyres, pedals, lights and the rickshaw in general before the commencement of work each day.
- 13) Assist any other rickshaw rider if they are experiencing difficulties.
- 14) Not become involved in racing of any kind.

- 15) Hand in any lost property to Teignbridge District Council, Forde Road, Newton Abbot TQ12 4XX.
- 16) Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.
- 17) Not smoke, consume alcohol or use a mobile phone whilst riding or allow passengers to smoke, consume alcohol during any journey.
- 18) Not to operate in any area outside the designated areas for operation.
- 19) Not use ranks designated for motorised Hackney Carriages.
- 20) Not take any action that might damage the reputation of the industry or licensing authority.
- 21) Report and document any accident or incident within 72 hours to the licensing authority.
- 22) Issue receipts to customers if requested.

Signed.....Printed.....Date.....

Appendix B

RICKSHAW VEHICLE LICENCE CONDITIONS

- 1) The rickshaw must at all times comply with the requirements of the Pedal Cycle (Construction and Use) Regulations 1983, the Pedal Bicycle (Safety) Regulations 2010 and the Road Vehicle Lighting Regulations 2014.
- 2) The rickshaw must be annually serviced by a technician that holds a recognised qualification in bicycle maintenance.
- 3) The rickshaw will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
- 4) The rickshaw must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
- 5) The handle bars when turned to full lock will not affect the stability of the rickshaw when turning.
- 6) Tyres must comply with the following requirements:-
 - tread pattern clearly visible over the whole tread area
 - no exposed cords
 - the load ratings of all tyres must be suitable for a rickshaw when fully loaded.
- 7) Any electrical installations to the rickshaw must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
- 8) There must be at least one mirror fitted to the offside of the rickshaw in order to monitor other road users. A nearside mirror is also permitted.
- 9) The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned.
- 10) Any canopy or roof, when fitted must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered and must remain water-tight.
- 11) The rear seat dimensions must be adequate to accommodate one or two adult passengers based on a width of 450mm per passenger and shall be forward facing.

- 12) Visibility from the passenger compartment must not be restricted by the design of the rickshaw. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
- 13) Every rickshaw licensed by Teignbridge District Council shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle.
- 14) The driver's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
- 15) A chart explaining the fares shall be displayed in full view of any passengers.
- 16) Routes/areas of operation must be approved by the Council and any other relevant persons before a licence is granted.

Andrea Furness

From: [REDACTED]
Sent: [REDACTED]
To: Ext Mail: Licensing
Subject: Rickshaw policy consultation

Dear Sirs,

Firstly can I say I support the policy to licence rickshaws and therefore counter any future problems they could bring if not. I'm not even aware any exist in the district but imagine some may ply their trade in Torbay.

Having lived in London before the popularity of rickshaws I can attest how there were calls for them to be regulated by some means and the mayor at the time decided against it. This error has resulted today in an unknown number causing havoc in Central London. They park and ride on pavements and harass tourists, play loud music all times of the day and demand extortionate fares, sometimes asking for more after the journey.

I'm glad that by bringing them under the Hackney Carriage rules, any issues can be swiftly dealt with. My only comment is that no mention is made in Appendix A about audio equipment which in my view should be banned. In practice rickshaws play music for the enjoyment of their customers and also to draw attention. Noise nuisance has become a pressing issue for residents in Central London and this trend has now been picked up by general cyclists.

Kind regards

[REDACTED]

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