

## 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

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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**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	H Carpenter
<b>Background Papers (For Part I reports only)</b>	<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
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Y Appendix A