



# **HACKNEY CARRIAGE RICKSHAW LICENSING POLICY**

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## 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.