

PUBLIC PROTECTION COMMITTEE: 3 July 2018

Report of the Head of Regulatory Services

APPLICATION FOR THE USE OF TUK TUKS AS PRIVATE HIRE VEHICLES

1. Background

- 1.1 An application has been received from Mr Dale Edmunds to approve the use of Tuk tuks as private hire vehicles for sightseeing tours in Cardiff. At present, Tuk tuks are unable to be licensed as they do not meet the Council's Private Hire Vehicle Licence Conditions.

2. Details of the Application

- 2.1 Tuk tuks are three-wheeled motorised versions of traditional rickshaws. They are usually powered by a motorcycle engine, have handle bars rather than a steering wheel and are commonly used as a method of transport in countries such as India, Thailand and Pakistan.
- 2.2 Mr Edmunds plans to operate three different guided tours of sightseeing attractions within Cardiff. The tours would be of three different durations;
1. Full day tours (6 hours), departing from Cardiff Castle to Cardiff Bay and to include, St Fagan's, Insole Court, Llandaff Cathedral, Cardiff City Centre (including the National Museum of Wales) and Cardiff Bay.
 2. Half day tours (3 hours) would be similar route to the full day tour but excluding St Fagans
 3. One hour tours of Cardiff Bay and City Centre

Mr Edmunds has also had been contacted by an events management company who would like to offer service to corporate clients.

It is anticipated that the tours would take place from February to October. The full business proposals are detailed in Appendix A

- 2.3 Mr Edmunds proposes to purchase three E-Tuk GT Limo Tuk tuks; photos of the type intended to be used are detailed in Appendix B. The Tuk tuks are manufactured in The Netherlands and have EC Type approval (the Certificate is detailed in Appendix C). The DVLA date of first registration will not establish the manufacture date of an imported vehicle so to ensure the vehicles meet the Council's age restrictions, additional documentation evidencing the manufacture date will be required.

2.4 The Tuk tuks Mr Edmunds intends to operate are electric so have zero emissions, and can travel 100km from one charge, with a top speed of around 30mph.

3. **Private Hire Licensing Regime**

3.1 Under Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, 'private hire vehicle' is defined as
'...a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for the hire with the services of a driver for the purpose of carrying passengers...'
Consequently, Tuk tuks could be considered for use as private hire vehicles.

3.2 Private hire vehicles must be pre-booked through a private hire operator and must be driven by a licensed private hire driver. All three licenses must be issued by the same local authority.

3.3 All private hire vehicles licensed in Cardiff must comply with the Councils' Taxi Licensing Policy and Conditions (See Appendix D). The Policy aims to ensure that licensed vehicles are safe, suitable and comfortable for use by the fare paying public.

3.4 The compact design of Tuk tuks makes them unable to comply with the council's current Licensing Policy and Conditions on the following points:

- *'All vehicles must be fitted with a right hand drive and four doors'* –the steering wheel is in the centre of the vehicle and there are no doors as the sides of the vehicle are open.
- *'Cause the roof or covering to be kept watertight'*; -tarpaulin rain covers are provided, but not likely to be described as 'watertight'
- *'Provide any necessary windows and a means of opening and closing with not less than one window on each side;'* -other than the front windscreen, there are no windows as the sides of the vehicle are open
- ***Knee Space***
'The measurement between the rear of the front seats and the squab of the back seat must be not less than 30 inches. Where the front seats are capable of adjustment, the measurement is to be made in the mid position'. - The distance between the back of the drivers seat and middle seat is 15 inches (38 cm), and the distance between the rear seat and middle seat is 20 inches (49cm)
- ***Rear seat (door to door panel)***

'The distance between the internal panels of the two rear doors, measured in a straight line lengthways at its widest part must be not less than 54 inches.' - The width of the rear seats in the tuk tuk is 49 inches (123.5cm), however this is for two passengers as opposed to three in a standard vehicle.

- ***Door Hinges***

'To be in good order, all working, and doors to be seated correctly when closed.'
- There are no doors on the tuk tuk.

- ***Side Windows & Winders***

'To be in good order and all working correctly.' – There are no side windows in the tuk tuk

- ***Fire Extinguisher, Spare Wheel, Brace and Jack***

'a) A fire extinguisher in good condition should be carried in an easily accessible position on the vehicle; and

b) Unless the vehicle is fitted by the manufacturers approved run flat tyres or has an emergency tyre repair kit a spare wheel of full or compact design in good condition must be carried together with the appropriate tools to change a wheel.

c) If the vehicle has to be used with a space saver spare wheel fitted to complete a hiring, it may not be used for any further hirings until the wheel has been replaced.

d) Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.'

– there is no space available to carry a fire extinguisher. The spare tyre will be kept at the office, but the vehicles do come with a foam spray puncture kit

- ***Boot or Luggage Compartment***

'To be clean and free for the accommodation of passengers luggage'. – there is no luggage space available.

- *'The interior plate shall be fixed on the inside of the vehicle in such position as to be easily observed by the passengers.'* – As there are no windows in the tuk tuks, there is nowhere the interior plates can be affixed

3.5 Tuk tuks have been licensed for private hire use in Manchester, Blackpool, Brighton, Derby, Chester and Ipswich. However, an application to Bath and North East Somerset Council was refused in October 2016 as Members did not find the vehicles suitable in type, size and design for use as a private hire vehicle and there were concerns about safety. Newport Council refused an application in 2001 due to similar concerns.

- 3.6 All licensed vehicles must undergo testing at a MOT station within Cardiff. As Tuk tuk are three-wheeled electric vehicles they will need to be tested by a Specialist garage. Mr Edmunds has advised that he is intending on using Pearson's Garage in Penarth, Vale of Glamorgan, as they have confirmed that they are authorised and qualified to carry out the testing.
- 3.7 Age restrictions
The current Policy states that vehicles presented for licensing must be under 25 months old and will not be relicensed if they are over 6 years old, apart from Prestige vehicles which can be presented for first time licensing under 10 years old and will not be relicensed if over 10 years old.
- 3.8 The policy on age restrictions cannot be absolute so an Exceptional Condition Policy is in place to assess the suitability of vehicles over the maximum licensable age. It would not be possible to apply the Exceptional Condition Policy to Tuk tuks.
- 3.9 The applicant has confirmed that he is intending to purchase brand new vehicles.
- 3.10 If the Committee were minded to approve this application, a special set of conditions would need to apply in place of the standard conditions to ensure that the Tuk tuks are structurally and mechanically safe. A draft set of conditions in relation to Tuk tuks is detailed in Appendix E.

4. Passenger Safety

- 4.1 One of the main aims of the Taxi Licensing Policy is to ensure that licensed vehicles are safe for use by the public, the driver and do not pose any risk to other road users.
- 4.2 Most licensed vehicles have a range of safety features as standard such as seat belts, driver and passenger airbags, crumple zones, anti-lock braking systems (ABS), and traction control. As technology improves, newer cars are being manufactured with more advanced safety features such as autonomous emergency braking, pedestrian detection, adaptive cruise control, visibility aids, speed limiting devices, attention monitoring systems, tyre pressure monitoring systems, These features aim to minimise the likelihood of collisions and aim to reduce injuries to the driver and passengers in the event of an accident.
- 4.3 Tuk tuks have far fewer safety features than standard cars. They can be fitted with seat belts and strengthened overhead and side-impact protection, but they offer very little protection to the driver/passenger(s) in the event of a collision. They also do not have windows, and the open compartment design poses a greater risk of objects entering the Tuk tuk and potentially causing injury, or passengers being thrown from the vehicle or injuring limbs etc during a collision.

5. Passenger Comfort

- 5.1 Standard licensed vehicles have numerous features in the interests of passenger comfort such as conventional suspension, heating/air conditioning systems, comfortable seats, and are of a closed watertight design to eliminate the effects of adverse weather and reduce noise.
- 5.2 Tuk tuks have an open compartment design, meaning that passengers are subject to any adverse weather, although tarpaulin rain covers are available. There are no heating or air conditioning systems.
- 5.3 Due to the open compartment design, passengers and drivers would also be exposed to any traffic pollution, although this would be comparable to the exposure experienced by cyclists in traffic.
- 5.4 The seat width available to each passenger in the Tuk tuk is 24 inches (62 cm), the current vehicles licence conditions states that the seat width should be at least 18 inches, so the Tuk tuks are compliant in this respect.
- 5.5 The Tuk Tuks are also compliant with the minimum dimensions stated in the vehicle licence conditions in respect of roof height, and passenger rear seat width.

6. Vehicle Accessibility

- 6.1 Tuk tuks may not be suitable for all people with disabilities, especially passengers in wheelchairs. It is not possible to wheel a passenger in a wheelchair into a Tuk tuk and there is no luggage compartment to store one. Tuk Tuks therefore do not comply with the requirements of the Equality Act 2010 in relation to disabled access.
- 6.2 Consultation with Cardiff Access Group has been undertaken, and a response is detailed in Appendix F

7. Consultation

- 7.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

8. Achievability

This report contains no equality personnel or property implications.

9. Legal Implications

- 9.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council has a discretion to grant a private hire vehicle licence provided that a Council shall not grant such a licence unless they are satisfied that the vehicle is insured and is:
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
- 9.2 Pursuant to section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence , may appeal to a magistrates' court
- 9.3 The Council currently has a strict policy regarding the type and specification of vehicles, which may be licensed as Private Hire Vehicles.
- 9.4 The specification is designed to ensure the safety of fare paying passengers as well as other road users. It also aims to ensure that vehicles are comfortable and suitable for use as a Private Hire Vehicle.
- 9.5 The Council would need to consider if it is appropriate to deviate from the specification to allow Tuk tuks to operate as licensed private hire vehicles.

10. Financial Implications.

- 10.1 There are no financial implications arising from this report.

11. Recommendation

- 11.1 That the Committee consider the report and determine whether Tuk tuks are suitable to be licensed as private hire vehicles.
- 11.2 If the Committee are minded to approve the licensing of Tuk Tuks; to approve the Tuk tuk specific private hire vehicle licence conditions detailed in Appendix E

HEAD OF SHARED REGULATORY SERVICES

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

APPENDIX A