

LICENSING COMMITTEE

Licensing of Pedicabs

30 June 2022

Report of Licensing Manager

PURPOSE OF REPORT

At a meeting of Licensing Committee on 9 June 2022, members considered licensing pedicabs as hackney carriages; they agreed to the licensing of such vehicles in principle. Members requested further research into pedicabs and benchmarking from other licensing authorities. Additionally, they requested officers set out a plan for public/trade consultation to ascertain public opinion of use of pedicabs in the district.

This report is public.

RECOMMENDATION

- 1) That members note the contents of the report,
- 2) Approve the consultation proposals as set out in the report, modified or unmodified.

1.0 Background

- 1.1 At a meeting of the Licensing Committee on 9 June 2022 members considered an application to licence a pedicab as a hackney carriage vehicle, they agreed to the licensing of such vehicles in principle. It was acknowledged at the previous meeting by officers and members that the licensing of pedicabs is a complex matter with lots of factors to consider; with public safety being the paramount consideration.
- 1.2 Members of Licensing Committee requested research be presented at the next meeting and should include safety implications of the use of pedicabs as vehicles for public hire and benchmarking with other Licensing Authorities who have successfully licensed pedicabs as hackney carriages.
- 1.3 The business model presented by the applicant suggested use of the pedicab(s) along the pedestrianised area of the Promenade in Morecambe, between the Midland Hotel and Whinnysty Lane, Heysham (1.7miles) and the public highway between the Midland Hotel and Happy Mount Park (1.8miles).
- 1.4 Due to the number of users of the promenade, including cyclists, walkers, families with pushchairs/animal's members requested a consultation plan was set-out to obtain the views of the public on the operation of the vehicles along this route.

- 1.5 Additionally, as pedicabs must be licensed as a hackney carriage and Lancaster City Council currently limit the number of licences to 108, it was recommended that the vehicle proprietors of those licences must also be consulted on the potential impact on their business and the wider hackney carriage trade.

2.0 Report

- 2.1 As set out in the previous report, by law, pedicabs **must** be licensed as hackney carriage vehicles yet do not meet the current approved Lancaster City Council hackney carriage vehicle specification. Additionally, drivers are required to obtain a licence from the Licensing Authority to legally permit them to drive a hackney carriage vehicle.
- 2.2 The regulation of pedicabs does not easily fit Hackney Carriage or Private Hire legislation, rather Licensing Authorities set separate vehicle specification, driver application requirements and licence conditions to meet the needs of the business operators in their area.
- 2.3 Interestingly, an article published on the Institute of Licensing website suggested legislation may be introduced as the matter was raised during a Government Transport Committee meeting.

On 27 April 2022 Grant Shapps MP, Secretary of State at Department for Transport, made a commitment to introduce licensing legislation for pedicabs.

Giving evidence to the Transport Committee and responding to a question by Ben Bradshaw MP on the licensing, regulation, and safety of pedicabs, Mr Shapps said:

(Q. Related are pedicabs or rickshaws. We see a lot in London. They are not licensed or regulated, and there are real concerns about their safety. Are you able to commit to do something about that form of transport?)

"Excellent question. Yes, I am. We will be introducing in the next Session a law to control what I think is the wild west of pedicabs or rickshaws, particularly in London where there isn't legislation that accurately enables any type of proper licensing or control. I think it is high time. I know Parliament has expressed an interest, including through a series of Back-Bench Bills that, for one reason or another, or perhaps one person, have not proceeded through Parliament. We will do that on Government time in the transport Bill."

- 2.4 Members may wish to await the publication of legislation before setting local standards for vehicle and drivers of pedicabs, although it is not clear if this will be specific to London or be introduced Country wide, timescales were not discussed during the Transport Committee meeting.

Benchmarking

- 2.5 It is important when setting local policy that the practices and standards applied by neighbouring and comparable Licensing Authorities are benchmarked; it assists with pulling together the best parts of each to ensure the standards approved by Lancaster City Council meet local need. The operation of pedicabs in pedestrianised areas seems unique in comparison to other areas.

- 2.6 Through the Lancashire Licensing Officer Group (12 Local Authority Members) the Licensing Manager requested that successful implementation of local policies, standards or guidance be shared, similarly if any problems had occurred or if they had any knowledge of the safety of such vehicles for public hire use. No positive feedback was obtained.
- 2.7 In addition to Lancashire Licensing Authorities, York Council and South Lakeland District Council were approached to share their policies and standards as both were highlighted through internet searches that they had implemented a regime to support the licensing of pedicabs. Both Authorities duly shared that information requested yet commented that they have no pedicabs currently licenced or ongoing applications to determine. Those standards are attached at **Appendix A**.
- 2.8 Manchester City Council do not licence rickshaws and pedicabs and provide the following statement in respect of such vehicles on their website.
- We don't currently license pedicabs or rickshaws to operate as taxis or private hire in Manchester because they don't meet our minimum standards for things such as accessibility, driver training, and health and safety.*
- But we do monitor demand for different kinds of taxi-style transport in the city, and regularly review the types of licences we issue to operators.*
- 2.9 Pedicabs operating in Scotland (The City of Edinburgh Council and Glasgow City Council) are licensed as street traders. (Section 39 of the Civic Government (Scotland) Act 1982).

Safety Considerations

- 2.10 At the previous meeting of the Licensing Committee members raised questions regarding the safety of pedicabs for the carriage of passengers on the public highway. There is limited information available online regarding pedicab "accidents" or anything specific in relation to them being deemed unsafe, most articles and impact assessments viewed online talk of risk rather than safety implications of the vehicles. Permitting use of the pedicabs on the public highway would present more risk than restricting their use to pedestrianised areas. The route permitted by public realm as set out earlier in the report has been authorised for use as its width would permit users of the shared space to do so with limited risk to one another. (Determined by Public Realm Officers) It has also been identified as a quieter section of the Promenade.
- 2.11 There are many reports online of incidents, altercations between riders and passengers and excessive charging in London, but very little relevant outside of the Capital. One reported accident in Scotland involved a passenger being hospitalised after her scarf became entangled in a pedicab wheel and was dragged from her seat and caught up in the wheel.
- 2.12 It is thought many of the risks identified could be addressed via licence conditions. Eg, The rider must ensure all passengers remove any flowing scarves/clothing prior to undertaking a journey, maximum speed specified, seatbelt/bell requirements, testing and maintenance.

Consultation

- 2.13 Public consultation is required to establish the views of local people on the use of pedicabs along the promenade and public highway. Feedback will be sought via the Council website and social media platforms. Additionally, and periodically throughout the consultation, licensing staff will engage with users of the Promenade face to face to obtain their views. Licensed hackney carriage proprietors will also be contacted directly to measure their views and provide an opportunity to give feedback on proposals to permit licensing of pedicabs.
- 2.14 Attached at **Appendix B** is the suggested consultation content, it was felt that an open-ended request for feedback on proposals regarding pedicabs will provide more authentic responses from the public.

It is suggested that the consultation run for up to 4 weeks, From Friday 1st July 2022 to Monday 1st August 2022.

Consultation responses will be collated, and a further report brought to members for consideration.

3.0 Options Available to members:

- 1) That members note the contents of the report, and,
- 2) Approve the consultation proposals as set out in the report, modified or unmodified

4.0 Conclusion

- 4.1 Pedicabs must be licensed as hackney carriages, it has been identified through benchmarking and online research that there is no common approach to application standards /licensing requirements. With many Licensing Authorities shoehorning standards into the legislation and controlling the operation of pedicabs through licence conditions.
- 4.2 It is important that the views of the public, particularly regular users of the Promenade are taken into consideration when setting policy and standards. As the introduction of non-motorised hackney carriages may impact those currently licensed, all vehicle proprietors will be contacted and invited to share their views.
- 4.3 As there is no Licensing Committee in July, a 4-week consultation can be undertaken and Licensing staff seek out the views of the public, face to face along the Promenade. Hopefully with a view to providing meaningful feedback to the Licensing Committee.
- 4.4 It is intended that the consultation feedback be presented at the next Licensing Committee meeting (August).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

It is important that consultation is undertaken having regard to Government guidance on how consultation should be carried out. In 2000 the Government published its Code of Practice on consultation, the latest version of this is version 3 published in 2008 by the Department for Business, Enterprise, and Regulatory Reform. More recently in 2018 the Cabinet office published the Government Consultation principles.

BACKGROUND PAPERS

Contact Officer: Jennifer Curtis
Telephone: 01524 582732
E-mail: jcurtis@lancaster.gov.uk
Ref: JC/Pedicab2