

# LICENSING COMMITTEE

## Public and Trade Consultation – Pedicab Licensing

25 August 2022

### Report of Licensing Manager

#### PURPOSE OF REPORT

Members approved a public and trade consultation on the licensing of pedicabs as hackney carriages for use along a specified section the Promenade in Morecambe and the public highway.

Members are requested to consider consultation responses and determine permitted routes, with or without modification.

**This report is public.**

#### RECOMMENDATIONS

- a) That members of Licensing Committee consider consultation responses and determine the permitted route for pedicabs operating in the district with or without modification.
- b) Members may wish to depart from the previous “agreement in principle” to the licensing of pedicabs in response to the consultation.

#### 1.0 Report

- 1.1 At the previous meeting of Licensing Committee, members resolved in principle to licence Pedicabs as Hackney Carriages. It was decided that the views of the public should be obtained regarding their introduction, specifically for use along the Promenade, between the Midland Hotel and Whinnysty Lane, Heysham. No decision was taken in respect of permission on the Highway but the suggested route from the Midland Hotel to Happy Mount Park was included in the consultation.
- 1.2 A public and trade consultation was undertaken for 4 weeks, from Friday 1st July 2022 to Monday 1<sup>st</sup> August 2022. The details provided as part of the consultation are attached at **Appendix 1**. It was felt that an open-ended request for feedback on proposals regarding pedicabs would provide more authentic responses from the public, rather than asking closed or leading questions as part of a survey.
- 1.3 During the consultation period the details were sent to the licensed trade, posted on social media channels and made available to the public on the Licensing pages of the Councils website.

A total of **61** responses were received. (This does not include Facebook comments).

- 1.4 Feedback was relatively balanced, with some representations being fully supportive of the initiative, whilst others objected or asked questions about the management or raised safety concerns about their introduction.

A cross section of responses have been provided for consideration at **Appendix 2**.

- 1.5 The response from the public was encouraging, with many local people wanting to support a new “green” business idea that brought visitors to the area. Some comments were balanced between being supportive of the idea but highlighted the already busy areas of the Promenade and the challenges that presents.

Those who opposed the introduction of pedicabs were concerned about the use along the Promenade and stated that permitting their use in an already busy area would present an additional risk to others. Some suggested separation of the Promenade for different users, using marking etc. (This would be the responsibility of Public Realm to consider). Others advised that the train already in operation along the Promenade meets the demand of the public and follows a similar route along the highway.

It seems the public who support the initiative would welcome the option of travelling along the Promenade in a pedicab, but the perception of the operation is that the vehicles will be available on an ad-hoc/as and when type basis. Members need to consider further business models other than the proposals put before them when setting standards.

- 1.6 A small number of responses were received from the local hackney carriage and private hire trade. It was also an agenda item at the Taxi/PH working party and discussed with trade representatives.

The legislation and difficulties in creating a separate licensing regime for pedicabs and the barriers it presents was a common theme of the trade responses.

Some of the questions raised included the following.

“How and where will the vehicles rank”

“Will the pedicabs be capable of being flagged down or permitted to ply for hire”

“What will the fare structure look like, will it be the same as motor vehicles” If not, the justification in that decision-making.

“What is a reasonable reason for refusal of a fare”

“Will the driver be subject to the same DBS/Medical/Qualification as motorised vehicle drivers”

“Can the licence plate be transferred from a pedicab to a motor vehicle rendering the current cap on numbers redundant”

All questions presented were valid, with many already been given consideration by Officers. This presents a challenge with the current proposals set out in previous Licensing Committee reports whereby the business operation wishes to operate on a pre-booked basis and with set fees/charges.

## 2.0 Conclusion

- 2.1 The 61 responses of the 4-week public and trade consultation on the introduction of pedicabs have been collated. It was fairly balanced in terms of responses and the level of support for the introduction of pedicabs to the district.
- 2.2 In considering the consultation responses, members are asked to determine whether to allow use of the pedicabs along the permitted route of the Promenade between the Midland Hotel and Whinnysty Lane, Heysham and the public highway between the Midland Hotel and Happy Mount Park or to restrict their use to the Promenade/Public Highway or in light of representations revisit the decision to licence pedicabs as hackney carriages in the district.
- 2.3 Once a decision has been reached on permissions, the licensing manager can then draft standards and licence conditions for riders, pedicabs for members consideration.
- 2.4 As set out in previous reports, the licensing of pedicabs is difficult with many licensing authorities choosing not to licence such vehicles as hackney carriages. The difficulties include some of the points raised by the licensed trade and members of the public as part of the consultation.
- 2.5 The paramount consideration of the licensing regime is public safety. This should be at the forefront of decision-making. Members are asked to provide full and detailed reasons for their decision.

### 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.

Any appeal against a decision to refuse a Hackney Carriage licence would be to Crown Court.

### BACKGROUND PAPERS

[Agenda for Licensing Committee on Thursday, 9th June 2022, 1.00 p.m. - Lancaster City Council](#)

[Agenda for Licensing Committee on Thursday, 30th June 2022, 1.00 p.m. - Lancaster City Council](#)

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