

LICENSING SUB COMMITTEE

30 April 2010

APPLICATION FOR A SPECIAL HACKNEY CARRIAGE (RICKSHAW) LICENCE

REPORT OF HEAD OF LEGAL SERVICES

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Mr Jonathan Andrews has made an application to licence a rickshaw as a special hackney carriage.

Mr Andrews has also made an application for a licence to drive [ride] a rickshaw as a hackney carriage, along with his father Mr John Andrews.

RECOMMENDATIONS:

- 1 That a special hackney carriage (rickshaw) licence and special hackney carriage driver (rickshaw) licence be granted to Mr Jonathan Andrews for 12 months, with special conditions (see Appendix 3 and 4) attached as approved by the Sub Committee. Or;
- 2 That a special hackney carriage (rickshaw) licence and special hackney carriage driver (rickshaw) licence be granted to Mr Jonathan Andrews for a 6 month trial, with special conditions (see Appendix 3 and 4) attached as approved by the Sub Committee. If after 6 months there are no concerns, the licence shall be extended to 12 months without any additional application or fee required.

## DETAIL:

### 1 Introduction

- 1.1 An application has been received from Mr Jonathan Andrews to licence a rickshaw as a special hackney carriage. Mr Andrews proposes to provide sightseeing tours to the South of Winchester City Centre in the vicinity of The Broadway, Winchester Cathedral, Winchester College and the area of St Cross.
- 1.2 During initial discussions, the Licensing section insisted that the tours should operate on specific routes and that these were agreed in advance with one of the Council's Traffic Engineers. Mr Andrews has met with Neville Crisp, Traffic Engineer and agreed 4 routes which can be found in Mr Andrews supplementary information at Appendix 2 of this report.
- 1.3 Outside of London, rickshaws (also known as pedicabs) are licensable as hackney carriages under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Under this legislation the Council has the power to attach conditions to a hackney carriage vehicle licence and to enforce these conditions.
- 1.4 Should the Sub Committee approve Mr Andrews' application and grant a hackney carriage licence, this would be a special hackney carriage (rickshaw) licence for the vehicle and driver. Conditions approved by the Sub Committee shall be attached to each licence and kept separate from the 'usual' licensing of hackney carriage vehicles and drivers who drive motor vehicles.
- 1.5 There are recommended conditions to be attached to the special hackney carriage and driver (rickshaw) licences which can be found at Appendix 3 and 4 of this report. The Sub Committee are asked to amend and/or approve these conditions.
- 1.6 Licensing officers consider that the grant of a special hackney carriage (rickshaw) licence in this case will have minimal impact on those currently licensed in the taxi and private hire trade. Miss Stefanczuk has shown and discussed Mr Andrews' proposals with the Chairman of the Taxi/Private Hire Association, Mr Eckton. Mr Eckton has confirmed that he does not consider this venture will affect the taxi trade.
- 1.7 Should the licence be granted by the Sub Committee, this would be subject to the rickshaw being tested for its safety to carry passengers and appearance. An authorised officer of the Licensing section shall issue a licence should it meet all the criteria as set out in the conditions.
- 1.8 All drivers/riders shall be required to meet the current standard of all new applicants for a hackney carriage and/or private hire driver licence. These are specified in the 'Applications for Hackney Carriage and Private Hire Driver Licences - Policies and Procedures'.

- 1.9 The only exception to point 1.8 above would be that the holder of a special hackney carriage driver (rickshaw) licence would not be required to learn the topography of the Winchester City Council District, only the area within Winchester City Centre.
- 1.10 The safety of passengers carried in a hackney carriage and/or private hire vehicle is paramount. To licence a rickshaw as a special hackney carriage would allow the Council to ensure that the vehicles used are safe, clean and tidy and that the drivers are of a high standard and pass the 'fit and proper' persons test.
- 1.11 In previous years, the safety of rickshaws has been questioned nationally by the media, and most recently following the death of a man in Scotland on 5 April 2010. Licensing officers deem that with the correct standards and conditions in place, this form of transport will not provide any serious risk to fare paying passengers. This assumes a 'common sense' approach from each passenger.
- 1.12 The maximum motor hackney carriage fares are set by the Licensing and Regulation Committee. These fares are calculated using a tariff meter controlled by distance travelled in the vehicle.
- 1.13 This system is considered impracticable for a rickshaw and officers would recommend that the most suitable method for charging passengers for the tours would be to calculate the fare per rickshaw, per tour. The Sub Committee are asked to consider whether the fares proposed by Mr Andrews are reasonable and to confirm what the maximum fare should be set at for each tour.
- 1.14 As part of the conditions of licence, the driver must carry a copy of the tours fare chart at all times and make it available to each prospective hirer.

#### OTHER CONSIDERATIONS:

#### 2 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 2.1 This report covers issues which relate Community Safety and Economic Prosperity.

#### 3 RESOURCE IMPLICATIONS:

- 3.1 None. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

**BACKGROUND DOCUMENTS:**

None

**APPENDICES:**

Appendix 1	Application
Appendix 2	Supplementary Information
Appendix 3	Special Hackney Carriage (Rickshaw) Conditions
Appendix 4	Special Hackney Carriage Driver (Rickshaw) Conditions



# Winchester

City Council

## Application for Grant/Renewal of a Hackney Carriage Vehicle licence

Full Name: JONATHAN FRANCIS ANDREWS

Address: 15 GREENACRES DRIVE OTTERBOURNE WINCHESTER  
HAMPSHIRE SO21 2HE

Tel No. Business: 07588448112 Home: 01962 712837 Mobile: 07588 448 112

being the registered keeper of the below described motor vehicle do hereby apply to the Winchester City Council for a Licence authorising me to keep and use the motor vehicle to ply for hire within the said Council District

from (date) \_\_\_\_\_ to (date) \_\_\_\_\_

I attach the following documents –

- Vehicle Registration Document N/A
- Certificate of Insurance (comprehensive)
- Fee of £218 (plus any re-test fee due)
- MOT Test Certificate (where applicable) N/A
- Workshop Test Sheet, including emissions
- Current Tax Disc (displayed on the vehicle)

Details of vehicle:

Registration No: N/A Type of vehicle: RICKSHAW  
 Make of vehicle: — Engine Capacity: — cc  
 Model: — No. of seats (inc. driver): 3  
 Colour: WHITE Licence Plate No: —

Name and address of all drivers:

JONATHAN ANDREWS 15 GREENACRES DRIVE OTTERBOURNE SO21 2HE  
JOHN ANDREWS

The following person is also a proprietor of the vehicle (Name and address):

\_\_\_\_\_

I hereby certify that to the best of my knowledge and belief the information I have given above is correct and understand that any Licence granted may be revoked if it is not correct. I understand that the Council vehicle inspection includes an emissions test. The above vehicle has been regularly serviced to the manufacturers specification.

Signature: JF Andrews Date: 18/3/10 Card.

OFFICE USE: Date: 31/3/10 Fee Paid: 218 Receipt No: 05467 + 05468  
 Meter Fitted/Tested: \_\_\_\_\_ Vehicle Inspected: \_\_\_\_\_ Application No: 10/00598/HCVL

(For payments by card, please provide this code; 1520/7239 to the cashier)

# THE WINCHESTER RICKSHAW COMPANY



## **SUPPLEMENTARY INFORMATION FOR COUNCIL CONSIDERATION**

### **Background**

I graduated from the University of Plymouth last summer and decided to set up in business for myself. After conducting some market research locally I concluded that providing pedal cycle rickshaw services in Winchester had the potential to be a great success – my application to the council relates to operating sightseeing tours around the immediate city centre area. I also plan to offer advertising space on the rickshaw, and hire of the rickshaw for weddings and other special occasions. I have had many discussions with local council officials and other key stakeholders over the last 4-5 months, and am now in a position to make a formal licence application. I would like to start operating the tours in time for the busy summer period. My market research and surveys have shown that the vast majority of local residents and visitors to the city would welcome this unusual and environmentally friendly form of transport. This also fits with the outcomes of community strategy and the economic strategy for the Winchester District.

### **Rickshaw details**

Following council approval I intend to buy one rickshaw – this will be pedal/human powered only (no motor of any sort). Any further rickshaw purchases will depend upon on future council/licensing approval and public demand. A photo and the technical spec of the rickshaw which I intend to purchase is attached at Appendix A.

### **Sightseeing tours and fares**

I propose to operate 4 specified routes in accordance with the licensing department's guidance. These routes are named for convenience as follows:

<b>Name of Ride</b>	<b>Approximate Duration</b>	<b>Proposed fare per rickshaw (maximum)</b>
Fun ride	10 minutes	£7
The main sightseeing tour	25 minutes	£15
Summer tour	20 minutes	£12
St Cross ride	25 minutes	£15

Maps showing the routes are at Appendix B.

These routes have been agreed by Neville Crisp (WCC Traffic Engineer), Hampshire Police, Hampshire County Council (the Area Highways Director), the WCC Safety Advisory Group, and the Chapter of Winchester Cathedral, I also have the full support of the tourism team.

Subject to demand, I plan to operate 5 or 6 days per week including weekends and public holidays. I do not plan to operate in the evenings except during the light summer months. I have consulted with the tourism team about special events, such as the Winchester Hat Fair, which might affect the route and the operation of my business. Bookings will be able to be made via the website and by telephone as well as just turning up at any of the pick up points (see below).

### **Pick up/drop off points**

After discussion with the licensing and engineers departments, I have settled on 5 pick up/drop off points, as follows:

STOP A - in the lower precinct (near HMV/Marks and Spencer);

STOP B - just opposite the city museum in the Square;

STOP C - by the River Itchen just south of the Bishop on the Bridge pub;

STOP D - by Kingsgate near St Swithun's church;

STOP E - at the end of St Thomas' St under the Town clock outside Lloyds bank at the top of the precinct.

Council officials have suggested that these points are marked by small rickshaw flag posts attached to bicycle racks.

### **Disabled/wheelchair passengers**

I have recently attended the nationally accredited Welcome All, Disability Awareness training course – as a result of this I have made arrangements with Shopmobility in the Brooks Centre to offer their base there as an optional accessible and convenient pick up/drop off location.

### **Drivers**

I will be the main driver. My father and friends will cover for me as required. All drivers will be over 21 and have had a full driving licence for at least 12 months. All drivers will be licensed, insured, and subjected to CRB and health checks. They will also be trained up on the tour routes and local history, and they will wear company uniform and a name badge.

### **Health & Safety and Insurance**

I have arranged £5m public liability insurance cover, which relates to all drivers. The rickshaw will be regularly inspected by a cycle mechanic and a maintenance schedule will be drawn up. The rickshaw will be fitted with seat belts, a bell, front and rear brakes, lights and a mirror. I will draw up a health and safety risk assessment prior to start up for inspection by council officials.

### **Advertising**

I plan to offer advertising space (at reasonable rates) on the rickshaw to local businesses – the Cathedral Marketing department have already requested some advertising space. All advertising will be “tasteful” and approved by the licensing dept.

### **Further information**

I will be promoting my business via my website (currently under construction), and promotional leaflets and posters. In conjunction with Winchester tourism I plan to arrange national and local media coverage of the launch of my business. I am confident that this sustainable transport/eco friendly initiative will bring lots of positive and welcome publicity and add to the modern cultural status of the city.

*Jonathan Andrews*

The Winchester Rickshaw Company – 15 Greenacres Drive, Otterbourne, SO21 2HE  
E-mail: [jonathan\\_andrews@live.co.uk](mailto:jonathan_andrews@live.co.uk)

## Appendix A



### Dimensions and weight:

<b>Vehicle weight</b>	Approx 75kg
<b>Max payload</b>	3 passengers not exceeding 220kg plus 90kg rider, 310kg in Total
<b>Length</b>	2550mm (100")
<b>Width</b>	1200mm (47.3")
<b>Height</b>	1800mm (71")
<b>Seat width</b>	1160mm (45.7")

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### Detailed Technical Specification:

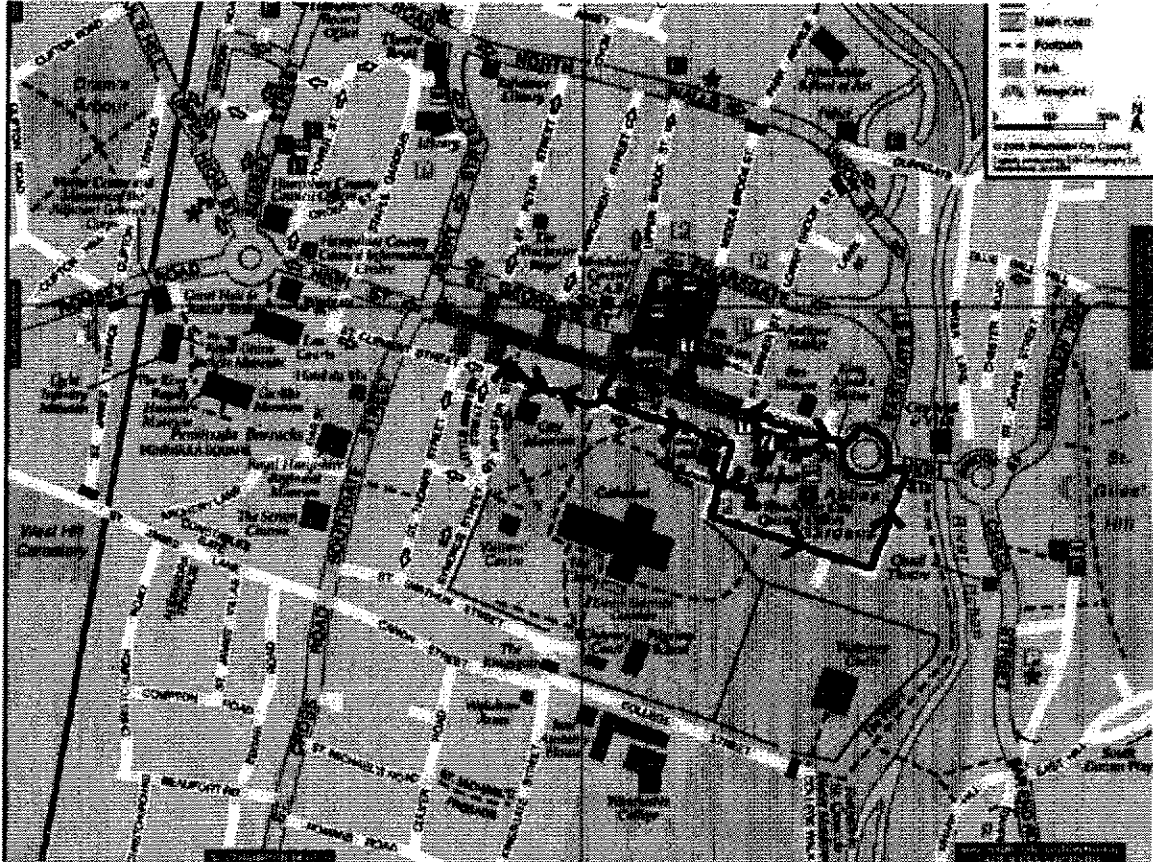
<b>Frame</b>	Steel, Maxpro handmade welded with MIG/TIG technology
<b>Body</b>	Aluminium TIG welded with side PVC panels
<b>Headsets</b>	Neco with machined cartridge bearings



<b>Handlebar</b>	Zoom, riser bar
<b>Stem</b>	Zoom Ahead 1.1/8
<b>Brakes (rear)</b>	Big Magura Twin Hydraulic brake system with 180mm disc rotors
<b>Brakes (front)</b>	Tektro or Acor V-brake with Magura brake lever with locking mechanism
<b>Bell</b>	BBB bicycle bell
<b>Shifters</b>	SRAM gripshift (MRX Comp or Sram 3.0 Comp)
<b>Seatpost</b>	Zoom 400mm long, 27.2mm
<b>Saddle</b>	BBB Comfort saddle
<b>Bottom Bracket</b>	Shimano UN52 sealed cartridge
<b>Crankset</b>	Suntour XCT or Prowheel
<b>Chain</b>	KMC brand with stainless steel
<b>Differential</b>	Go Kart diff modified by Maxpro
<b>Axles</b>	Maxpro CNC machined
<b>Forks</b>	Maxpro handmade with CNC machined fork crowns
<b>Front Wheel</b>	24" Halo SAS with 48 stainless steel Halo Spokes and Joytech or Novatec hub
<b>Rear Wheels</b>	23" (19*1.2") heavy duty steel rims with chromed surface and anodized M3 spokes
<b>Front Derailleur</b>	Shimano or Sram*
<b>Rear Derailleur</b>	Shimano Altus or SRAM SX4*
<b>Front Tyre</b>	24"*1.75/2.00 Schwalbe
<b>Rear Tyres</b>	23*2.25" (19*2.1/4") Schwalbe Moped heavy duty tyres
<b>Pedals</b>	BMX platforms
<b>Housings</b>	Jagwire
<b>Lights</b>	LED AA battery lights
<b>Cassette</b>	Shimano 11-32T 8 speed

## Appendix B

# Fun Ride

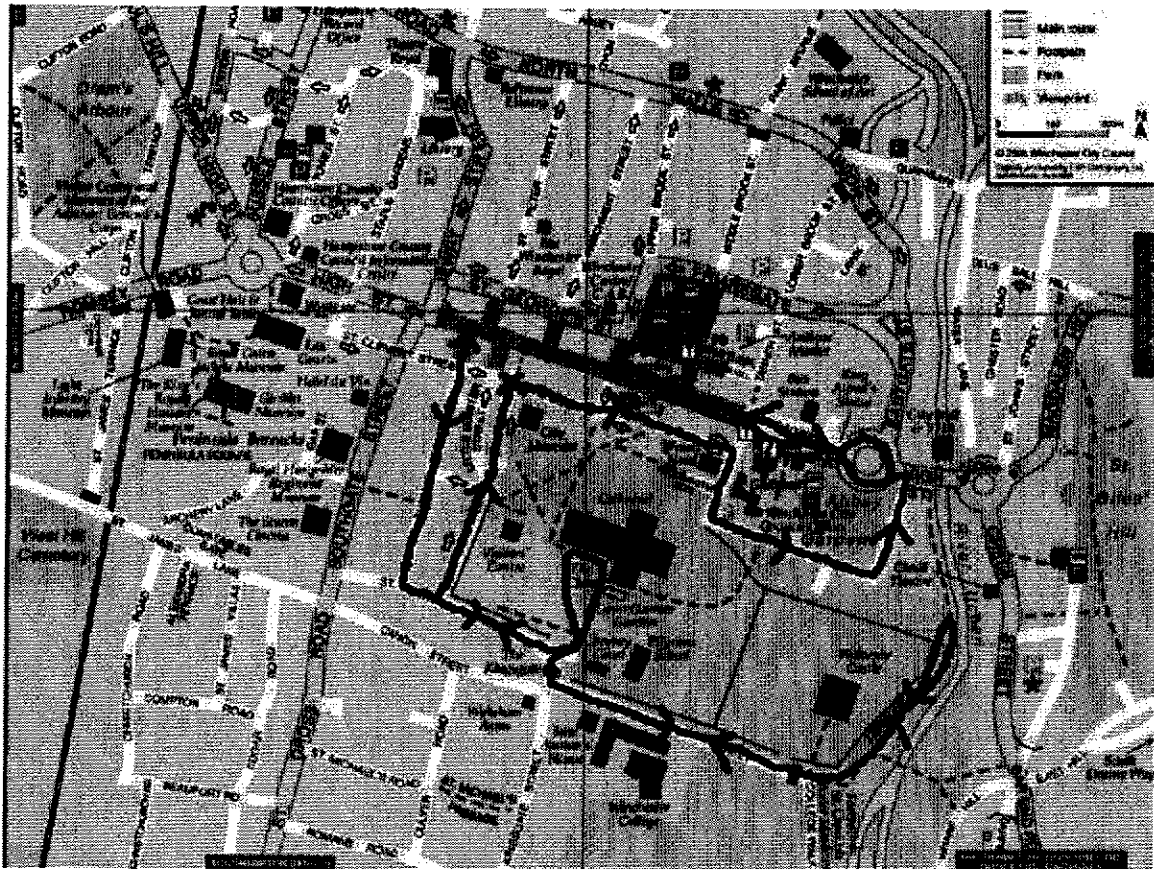


### Key Points:

- X = Pick up/Drop off points – Lower Precinct or The Square
- Sights include:
  - Cathedral
  - The Square
  - Colebrook Street
  - King Alfred's Statue
  - Winchester Guildhall
- Tour will last around 10 minutes

# Main Tour

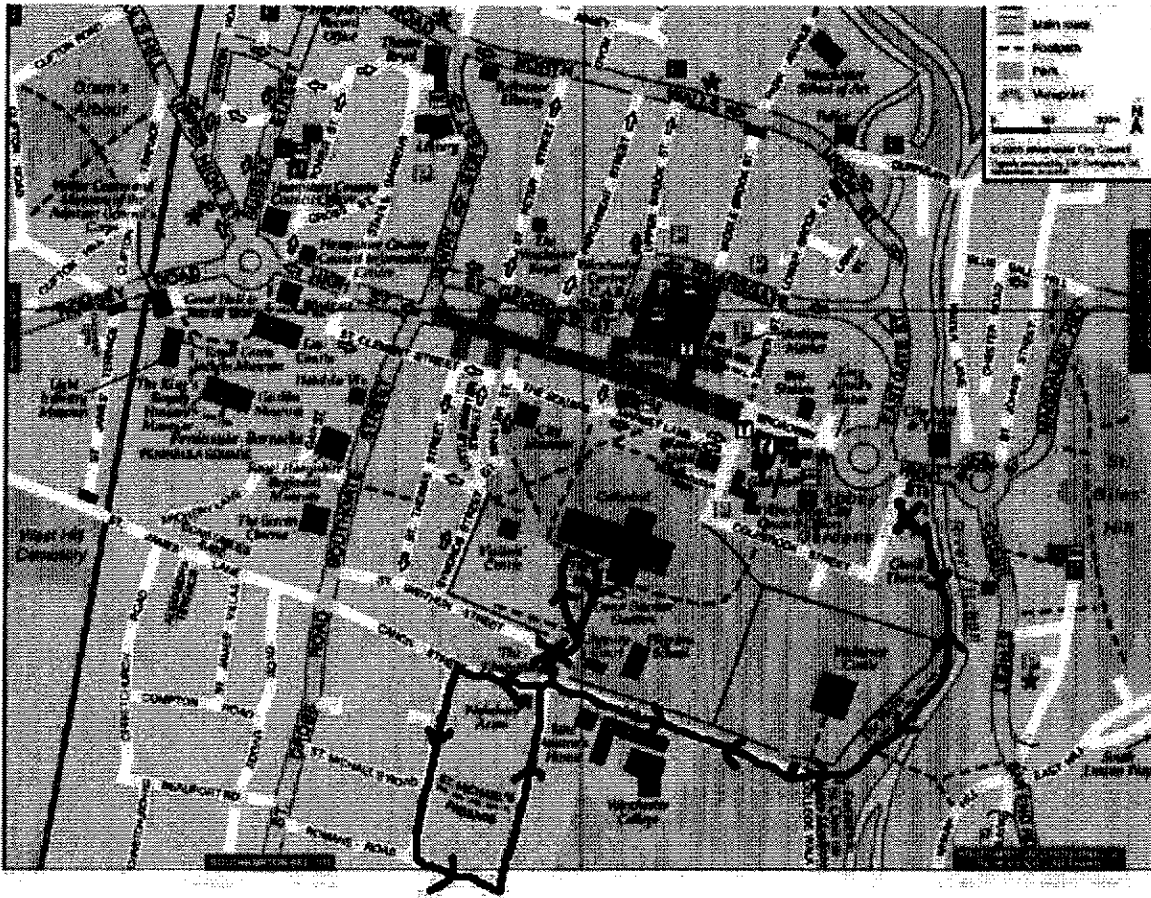
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## Key Points:

- X = Pick up/Drop off points – Upper High Street/ Lower Precinct/The Square
- Sights include:
  - High Street
  - The Kingsgate
  - Jane Austen's House
  - Winchester College
  - Wolvesey Castle
  - The Weirs
  - Cheyney Court
  - The Cathedral and the Close
  - The Square
  - Winchester Guildhall
  - King Alfred's Statue
- Tour will last around 25 minutes

# Summer Tour

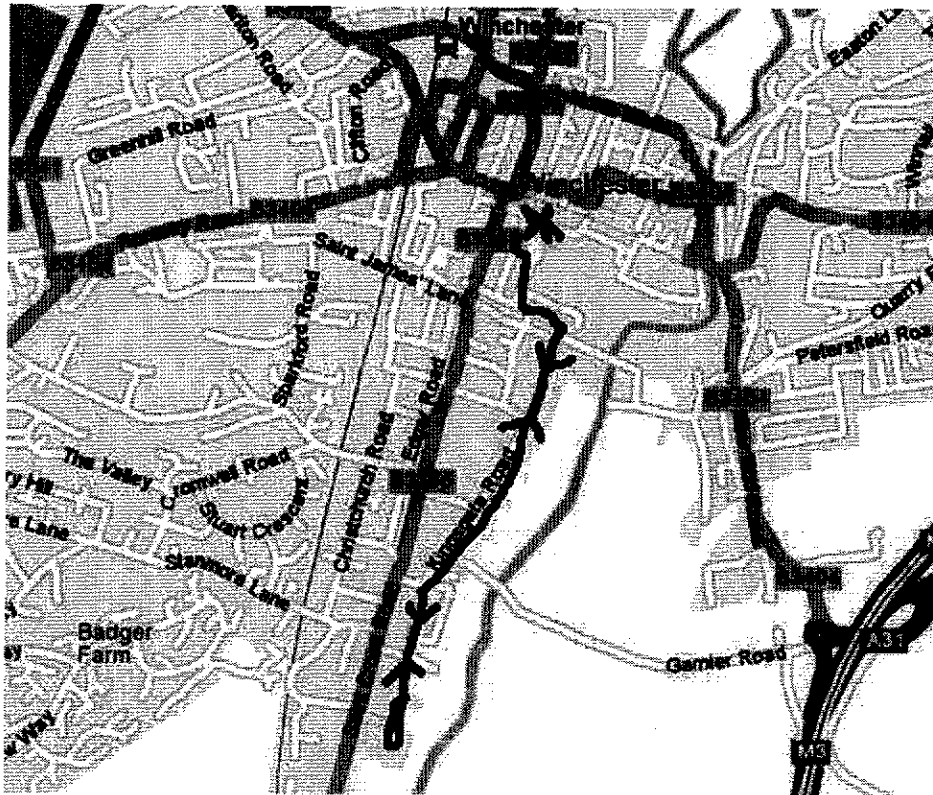


## Key Points:

- X = Pick up/Drop off points – End of the Weirs and The Kingsgate
- Sights include:
  - River Itchen
  - The Weirs
  - Wolvesey Castle
  - Winchester College
  - Jane Austen's House
  - Wykeham Arms
  - Romans Road
  - The Kingsgate
  - Cheyney Court
  - The Cathedral and The Close
- The tour will last around 20 minutes

# St. Cross Trip

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## Key Points:

- X = Pick up/Drop off points – Determined by customer, any of previously mentioned stops
- Sights include:
  - Kingsgate Road
  - The Hospital of St. Cross
  - Wykeham Arms
  - College sports fields
- Trip will last around 25 minutes, or 10-15 minutes each way



## Special Hackney Carriage (Rickshaw) Licence Conditions

### Interpretation

In these conditions:-

**“the Council”** means Winchester City Council

**“the Driver”** means the driver/rider for the time being of the Vehicle

**“Hackney Carriage”** has the same meaning as in the Town Police Clauses Act 1847

**“the Vehicle”** means the pedal-powered rickshaw, Special Hackney Carriage (Rickshaw)

**“Authorised Officer”** means any officer of the Council authorised in writing by the Council for the purpose of these Conditions

**“the Licence Holder”** means the holder of the Special Hackney Carriage (Rickshaw) Licence

**“the Licence Plate”** means the identification plate for the Vehicle issued by the Council

### General conditions

1. The Vehicle shall carry a maximum of three passengers.
2. The Vehicle shall be fitted with operational audible warning instrument, operational front and rear lights. The Vehicle shall also have mirrors fitted to the nearside and offside.
3. A copy of the current tours fare chart for each route must be carried in the Vehicle at all times.
4. The Vehicle Licence Holder must inform the Council of any change of address prior to the change, where possible, but no more than seven days after in any event.
5. The responsibility for complying with these conditions, unless otherwise stated shall be with the Licence Holders and drivers jointly and severally. All Vehicles will be required to meet all conditions as set out in these conditions.

### Seatbelts

6. Individual seat belts shall be fitted to the Vehicle and shall be readily available for each passenger's use at all times. All seatbelts shall be maintained in good working condition.

7. The driver shall ensure that passengers are made aware of the seatbelts before commencing each journey.
8. All children must occupy a seat and parents/guardians be made aware of the seatbelt for their safety.

### **Maintenance and Inspection of the Vehicle**

9. Prior to testing at the nominated testing centre and grant or renewal of licence, the Vehicle shall be presented to an Authorised Officer for an inspection of its appearance and suitability.
10. Each Vehicle shall be maintained in accordance with the manufacturer's recommendations. It must also comply with the Pedal Cycle (Construction and Use) Regulations 1983, the Pedal Cycle (Safety) Regulations 2003 and the Road Vehicle Lighting Regulations 1989.
11. The Vehicle and its fittings must at all times when it is available for hire or being used as a Special Hackney Carriage (Rickshaw) be in a safe working condition, clean and tidy.
12. The Vehicle must be maintained throughout the term of the Special Hackney Carriage (Rickshaw) licence, to a high standard of appearance to the complete satisfaction of the Council.
13. Any Vehicle presented should be free from any significant areas of visible rusting, dents or scratches to include the following:-
  - (a) PAINT WORK. All panels on the Vehicle should be in a matching colour.
  - (b) SEATS. The seat should be free from cuts, tears or cigarette burns. However, very minor cuts, tears or cigarette burns which have been repaired in a professional and neat manner may be acceptable at an Authorised Officer's discretion.
14. The Vehicle may be called in for inspection or test at any time by an Authorised Officer to ensure compliance.

### **Insurance**

15. The Licence Holder shall obtain appropriate insurance to carry passengers for hire and reward and public liability insurance for a minimum of £5,000,000 (five million pounds). A copy of the certificate of insurance or cover note shall be available for inspection at all times whilst operating as a Special Hackney Carriage (Rickshaw).

### **Routes**

16. The Vehicle shall operate only on the approved routes as agreed with the Traffic Engineer and Licensing and Registration Manager of the Council.

17. Any amendments or diversions, whether temporary or permanent, to the routes must be agreed with the Traffic Engineer and Licensing and Registration Manager of the Council prior to change.

#### **Licence Plate**

18. The Licence Plate shall be fitted on the rear of the Vehicle to the satisfaction of an Authorised Officer.
19. The Council must be informed immediately should the Licence Plate be broken, lost or defaced. On no account must the Vehicle operate without a Licence Plate displayed.

#### **Signs etc and advertising**

20. No signs, notices, advertisements, plates, marks, letters figures, symbols, emblems or devices whatsoever shall be displayed on or in the Vehicle without prior approval in writing from the licensing authority.
21. Any sign permitted must be positioned so as not to impede visibility.

#### **Accident/Damage to the Vehicle**

22. In the event of any accident or damage to the Vehicle which may affect the safety and/or appearance of the Vehicle, this shall be reported to the licensing authority within one working day. In such cases, the Vehicle shall be inspected by an Authorised Officer who shall determine whether the Vehicle can continue to be operated until repairs have been carried out.



## Special Hackney Carriage Driver (Rickshaw) Licence Conditions

### Interpretation

In these conditions:-

**“the Council”** means Winchester City Council

**“the Driver”** means the licensed Driver for the time being of the Vehicle

**“Hackney Carriage”** has the same meaning as in the Town Police Clauses Act 1847

**“the Vehicle”** means the pedal powered rickshaw, Special Hackney Carriage (Rickshaw)

**“Authorised Officer”** means any officer of the Council authorised in writing by the Council for the purpose of these Conditions

**“the Licence Holder”** means the holder of the Special Hackney Carriage Driver (Rickshaw) Licence

**“the Driver’s Badge”** means the Special Hackney Carriage Driver (Rickshaw) licence badge issued by the Council

1. The responsibility for complying with these conditions, unless otherwise stated shall be with the Licence Holder.
2. The Driver’s Badge must be worn in such a position that it can be clearly seen throughout the time that the Driver is working.
3. The Driver’s Badge remains the property of the Council and if the Driver’s licence is not renewed, or is otherwise revoked or suspended, such badge shall be returned by the Driver together with the licence to the Council within seven days of a written notice or upon the demand of an Authorised Officer.
4. The Driver’s Badge remains the property of the Council and in the event of loss or damage to this badge, which renders it unserviceable, the Licence Holder shall make application to the Council for a replacement badge to be issued for which a fee is payable. Loss or theft must be reported to the Police and the Police reference number provided to the Council.
5. The Driver of a Special Hackney Carriage (Rickshaw) shall be fully acquainted with the topography of Winchester City and, if requested to do so, shall satisfy the Council as to his/her knowledge.
6. The Driver shall at all times:-

- (a) Provide a prompt, efficient and reliable service.
  - (b) Be clean and respectable in his/her dress and person and in a manner not to cause embarrassment to members of the public.
  - (c) Behave in a civil, courteous and orderly manner.
  - (d) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the Vehicle driven by him/her.
  - (e) Comply with any code of conduct the Council may have in force at any time they are licensed with the Council.
8. If, at any time during the period of licence, the Driver becomes aware of any medical condition which may affect his/her fitness to drive licensed Vehicles he/she shall immediately give notice in writing to the Council and shall, if required, submit to an examination by a registered medical practitioner of the Council's choice to ascertain his/her fitness to be licensed.
  9. The Driver must immediately and in any case within seven days disclose to the Council in writing any convictions motoring or otherwise imposed upon him/her during the period of the licence.
  10. The Driver shall notify the Council in writing of any change of address during the period of licence prior to such change taking place and in any case within seven days of such change.
  11. All Drivers should be in possession of a copy of the certificate of insurance relating to the Vehicle being driven at all times when acting as a Special Hackney Carriage Driver (Rickshaw). If the Driver is unable to produce a certificate of insurance upon the request of an Authorised Officer he/she may be suspended until such time as he/she can produce it.
  12. The Driver shall immediately after the end of each tour, or as soon as practicable thereafter, check the Vehicle for any property which may have accidentally been left behind by a passenger. If any property is found or is given to the Driver having been left in a Special Hackney Carriage (Rickshaw), the Driver shall take it to the Council offices as soon as reasonably practicable or in any case within 48 hours.
  13. The Driver shall if requested by the hirer provide a written receipt for the fare paid. This shall include the amount paid, Driver's full name, Driver's Badge number, signature, date and the tour route completed.
  14. The Driver of the Vehicle shall operate only on the approved routes as agreed with the Traffic Engineer and Licensing and Registration Manager of the Council. Any amendments or diversions, whether temporary or permanent, to the routes must be agreed with the Traffic Engineer and Licensing and Registration Manager of the Council prior to change.
  15. The Driver of a Special Hackney Carriage (Rickshaw) shall be entitled to the fixed fare for the route as agreed by the Council. The Driver shall not demand a fare more than that shown on the tour's fare chart.

16. The Driver of a Special Hackney Carriage (Rickshaw) shall carry a copy of the tours' fares chart at all times and make it available to each prospective hirer.
17. The Driver of a Special Hackney Carriage (Rickshaw), when plying for hire, shall not, by calling out or otherwise, encourage any person to hire such carriage and shall not make use of the services of any other person for that purpose.
18. The Driver of a Special Hackney Carriage (Rickshaw) shall not use an MP3 player or similar device whilst operating the Vehicle.