

REPORT TITLE: APPLICATION FOR A SPECIAL PRIVATE HIRE VEHICLE LICENCE (TUK TUK)

12 JUNE 2023 10:00 WALTON SUITE, GUILDHALL

REPORT OF SERVICE LEAD FOR PUBLIC PROTECTION

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WARD(S): N/A

PURPOSE

This report relates to an application from Mr Roger Walker to licence an electric Tuk Tuk as a special Private Hire Vehicle. Mr Walker proposes to provide a pre-bookable service for weddings and short journeys in and around Winchester. Mr Walker is looking to operate during the summer months initially, when the weather is more favourable.

OPTIONS:

1 That the Sub-Committee depart from the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (the Policy) and delegate to the Licensing Manager (or an Authorised Officer) to grant a special private hire vehicle (tuk tuk) licence (subject to usual checks) to Mr Roger Walker for 12 months, with special conditions (see Appendix 4) attached as approved by the Sub Committee.

OR;

2 That the Sub-Committee depart from the Policy and delegate to the Licensing Manager (or an Authorised Officer) to grant a special private hire vehicle (tuk tuk) licence (subject to usual checks) to Mr Roger Walker for 6 months, with special conditions (see Appendix 4) attached as approved by the Sub Committee. If after 6 months there are no concerns, the licence shall be extended for a further 6 months (12 months total) without any additional application or fee required.

OR;

3 That the Sub-Committee refuse the application to licence a tuk tuk as a pri-

vate hire vehicle.

AND;

- 4 That the Sub-Committee grant, in principle, a special private hire driver's licence (tuk tuk) with special conditions (see Appendix 5) attached as approved by the Sub-Committee.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 This application is to licence an electric tricycle. The Licensing Authority will support applications for a vehicle which meets the Council's commitment to tackling the climate emergency, where the vehicle is safe and suitable to carry passengers for hire and reward as private hire or hackney carriage vehicle.
- 1.3 Homes for all
- 1.4 N/A
- 1.5 Vibrant Local Economy
- 1.6 Whilst the Licensing Authority welcomes new businesses and novelty vehicles to operate in the Winchester district, the overriding consideration must be in the interests of public safety.
- 1.7 Living Well
- 1.8 N/A
- 1.9 Your Services, Your Voice
- 1.10 The Licensing Authority must not grant a licence unless they are satisfied that the applicant is a 'fit and proper' person and the vehicle is safe and suitable, to ensure public safety.

2 FINANCIAL IMPLICATIONS

- 2.1 N/A

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 N/A

4 WORKFORCE IMPLICATIONS

- 4.1 N/A

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 N/A

6 CONSULTATION AND COMMUNICATION

- 6.1 N/A

7 ENVIRONMENTAL CONSIDERATIONS

7.1 N/A

8 PUBLIC SECTOR EQUALITY DUTY

8.1 The Tuk Tuk is unable to be added to the list of Wheelchair Accessible Vehicles (“WAV’s”) as it cannot conform to the necessary test prescribed by the Equality Act 2010 at section 167(2)(b) – “A vehicle falls within this subsection if it conforms to such accessibility requirements as the licensing authority thinks fit”. The Act further describes “Accessibility requirements” are requirements for securing that it is possible for disabled persons in wheelchairs—

“(a)to get into and out of vehicles in safety, and

(b)to travel in vehicles in safety and reasonable comfort, either staying in their wheelchairs or not (depending on which they prefer)”. (s167(5)(a) and (b)).

8.2 The Statutory Guidance issued by the Secretary of State describes at paragraph 4 what type of vehicle will meet the above statutory test. The Guidance explains:

“The government recommends that a vehicle should be included in a LLA’s list only if it would be possible for the user of a “reference wheelchair” to enter, leave, and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

The “reference wheelchair” is defined as 700mm in width, 1200mm in length, and 1350mm in height” (section 167(6) Equality Act 2010 Statutory Guidance para 4.3)”.

8.3 Taking into account the Statutory Guidance, the Tuk Tuk will be unable to convey disabled persons in wheelchairs safely and in reasonable comfort so will not be added to the section 167 list relating to WAV’s.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 N/A

10 RISK MANAGEMENT

10.1 N/A

11 SUPPORTING INFORMATION:

a) That the Sub-Committee depart from the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (the Policy) and delegate to the Licensing Manager (or an Authorised Officer) to grant a special private hire vehicle (tuk tuk) licence (subject to usual checks) to Mr Roger Walker for

12 months, with special conditions (see Appendix 4) attached as approved by the Sub Committee.

OR;

- b) That the Sub-Committee depart from the Policy and delegate to the Licensing Manager (or an Authorised Officer) to grant a special private hire vehicle (tuk tuk) licence (subject to usual checks) to Mr Roger Walker for 6 months, with special conditions (see Appendix 4) attached as approved by the Sub Committee. If after 6 months there are no concerns, the licence shall be extended for a further 6 months (12 months total) without any additional application or fee required.

OR;

- c) That the Sub-Committee refuse the application to licence a tuk tuk as a private hire vehicle.

AND;

- d) That the Sub-Committee grant, in principle, a special private hire driver's licence (tuk tuk) with special conditions (see Appendix 5) attached as approved by the Sub-Committee.

12 DETAIL

Proposed Vehicle

- 12.1 An application has been received from Mr Roger Walker to licence an electric tuk tuk as a special private hire vehicle. Mr Walker proposes to provide a pre-bookable service for weddings and short journeys in and around Winchester. Mr Walker is looking to operate during the summer months initially, when the weather is more favourable.
- 12.2 During initial discussions, the licensing department advised Mr Walker to submit a comprehensive document with business plan, proposed costs to customers, proposed tour routes and vehicle specifications. This can be seen at Appendix 2 & 3.
- 12.3 The tuk tuk is a three-seater vehicle with motorbike steering. The DVLA class it as a tricycle for MOT purposes.
- 12.4 The tuk tuk is electric powered for approximately 50 miles and has a maximum speed of 20mph.
- 12.5 Mr Walker has not committed to the purchase of the tuk tuk pending the Sub-Committee's decision. The tuk tuk would be purchased through an independent supplier and will meet UK requirements. A tricycle must use the Motor Single Vehicle Approval (MSVA) scheme to approve the vehicle through the DVLA before a V5 registration document is issued.

- 12.6 Should the Sub Committee approve Mr Walkers' application and grant a private hire vehicle licence, this would be a special private hire (tuk tuk) licence for the vehicle. Special conditions approved by the Sub Committee shall be attached to the licence and kept separate from the 'usual' licensing of private hire vehicles and drivers who drive motor vehicles.
- 12.7 The standard Hackney Carriage and/or Private Hire Vehicle Conditions have been amended as applicable to this application and vehicle type which, if granted, would be attached to the special private hire vehicle (tuk tuk) licence. These can be found at Appendix 4 of this report. The Sub Committee are asked to amend and/or approve these conditions if they decide to grant a licence.
- 12.8 Mr Walker has requested that the minimum age for passengers travelling in the Tuk Tuk be 15 years old to allow him to transport students attending Proms or similar.
- 12.9 Licensing officers consider that the grant of a special private hire (tuk tuk) licence in this case will have minimal impact on those currently licensed in the taxi and private hire trade. Carol Stefanczuk, Licensing Manager discussed Mr Walker's proposals with the Taxi and Private Hire Forum held on 31 January 2023. The Forum members did not consider that the venture would have an effect on current trade.
- 12.10 Should the licence be granted by the Sub Committee, this would be subject to the tuk tuk 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, as amended, in Appendix 4.
- 12.11 The safety of passengers carried in a hackney carriage and/or private hire vehicle is paramount. To licence a tuk tuk as a special private hire vehicle 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.
- 12.12 In previous years, the safety of rickshaws and tuk tuks have been questioned nationally by the media. The Sub-Committee must consider whether this form of transport will provide any serious risk to fare paying passengers.
- 12.13 The fare for all journeys will be set by the operator when the booking is made.

Current Policy – decision to depart from

- 12.14 Paragraph 3.4 of the Policy requires all Vehicles when licensed for the first time to display permanently fixed approved Winchester City Council door signs (both sides) on the front doors of the vehicle. As this vehicle would be easily identified and there will be insufficient space to display the current approved door sign (due to the size of the sign), Members are asked depart from the Policy, if they are minded to grant the licence.

12.15 Paragraph 3.12 of the Policy requires all vehicles to have at least four doors. Members are asked depart from the Policy, if they are minded to grant the licence.

Drivers

12.16 All drivers 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 Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (the Policy).

12.17 Mr Walker does not intend to submit an application for a new private hire driver's licence until a decision has been made on his application for a special private hire vehicle licence (tuk tuk).

12.18 Should the Sub-Committee decide to grant Mr Walkers' application for a special private hire vehicle licence (tuk tuk), they should review the conditions as set out in Appendix 4 to be agreed, in principle. These conditions would be attached to any private hire driver's licence where the applicant will be driving the special private hire vehicle (tuk tuk).

Operator

12.19 If the Sub-Committee decide to grant Mr Walkers' application for a special private hire vehicle licence (tuk tuk), he will apply for the grant of a private hire operator licence.

12.20 If granted, the private hire operator licence conditions will be attached as standard. There are no conditions which do not apply to Mr Walkers' business plan.

13 OTHER OPTIONS CONSIDERED AND REJECTED

N/A

BACKGROUND DOCUMENTS:

[Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators](#)

APPENDICES:

Appendix 1 Application

Appendix 2 Supplementary Information

Appendix 3 Tuk Tuk specification

Appendix 4 Special Private Hire Vehicle (Tuk Tuk) Conditions

Appendix 5 Special Private Hire Driver (Tuk/Tuk) Conditions