

Allerdale Borough Council

Licensing Committee – 11 September 2019

Licensing of Trishaws as Hackney Carriage Vehicles

The Reason for the Decision	Members are asked to consider whether electric trishaws should, in principle, be licensed as hackney carriage vehicles. An enquiry has been received from a charitable organisation that wishes to provide rides for individuals/passengers around Keswick using Trishaws. Current conditions for hackney carriage licences are not tailored towards this type of vehicle and alternative conditions require consideration.
Summary of options considered	<ol style="list-style-type: none">1. To approve in principle that electric trishaws should be licensed as hackney carriage vehicles in the Allerdale area; and2.. If approval is given in principle to 1 above, to agree a period of consultation be undertaken regarding pre-application requirements and conditions to be attached to licences, before implementation of the scheme; or3. To not agree in principle to the licensing of electric trishaws
Recommendation	As contained in recommendations 4.1 a) and b)
Financial / Resource Implications	Initial staffing resource required to research pre-application criteria and alternative conditions to be attached to licences
Legal / Governance Implications	To ensure that the policies in place to uphold the public safety duty of the Licensing Authority when assessing and determining applications are appropriate for licences.
Community Safety Implications	To assess the fitness, driving capability, safety and knowledge of individuals and the mechanical safety of vehicles.
Health and Safety and Risk	<u>To uphold public safety when licensing vehicles</u>

Management Implications	and drivers
Equality Duty considered / Impact Assessment completed	Not for this preliminary report but it will be completed if approval is given for further research
Wards Affected	All
The contribution this decision would make to the Council's priorities	Enhancing our towns – enhancing our taxi licensing requirements would encourage a high quality of taxi service and result in thriving and vibrant towns; Creating a sustainable business –providing improved services to people and communities .
Is this a Key Decision	No
Portfolio Holder	Councillor J Cook
Lead Officer	Gillian Collinson Senior Licensing and Compliance Officer 0303 123 1702 gillian.collinson@allderdale.gov.uk

Report Implications (Please delete where applicable)

Community Safety	Y	Employment (external to the Council)	Y
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N

Background papers: N/A

1.0 Introduction

- 1.1 An enquiry has been received from a charitable organisation called Amy's Care Trishaw project that wishes to provide free and chargeable rides for individuals/passengers around Keswick using electric Trishaws.
- 1.2 Current conditions for licensed vehicles are not tailored towards this type of vehicle. If Members consider approving in principle the licensing of trishaws, then they will need to determine which, if any, conditions applied to hackney carriage vehicles as standard policy may not be required for licences granted or additional ones for the use of trishaws. Members' reasons for disapplying conditions should be clearly recorded.

- 1.3 Members should also consider whether all the requirements for holding a hackney carriage driver's licence are appropriate and include additional conditions where relevant.

2.0 Background

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 ("the Act") enables local authorities to administer licences for hackney carriage and private hire drivers. The Act provides that a local authority shall not grant a licence unless they are satisfied that the applicant is a "fit and proper" person to hold such a licence. There is no definition of the term "fit and proper" and the Council can apply any tests and checks it deems appropriate to establish this.

- 2.2 Section 57 of the Act grants local authorities the power to require applicants to submit information, stating:

"A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence."

3.0 Electric Trishaws

- 3.1 The idea behind this particular project is to use an electric assisted, three wheeled bike that has a bench seat for carrying passengers around the area. There are four appendices to this report which explain in more detail the concept proposed by Amy's Care and detail of the specifications of the vehicles themselves. In order for electric trishaws to be able to operate in Allerdale, they need to be licensed. Outside London the Court of Appeal has stated that a trishaw is a hackney carriage (R v Cambridge City Council, ex p Lane 1999). Drivers would need to hold the appropriate driver licence.
- 3.2 Amy's Care has already trialed the use of these vehicles on a free basis to passengers around certain landmarks in Keswick. More details are available in the appendices and the charity has been invited to attend today's meeting to give a small presentation.
- 3.3 Because the construction of electric trishaws is significantly different to the vehicles currently licensed, it is clear that they could not meet some conditions applied to Hackney Carriages as standard.
- 3.4 Members would need to determine whether any conditions could be disapplied without affecting the principles under which vehicles are licensed. Such consideration should also take into account whether disapplication is fair and equitable to the existing licensed trade.

4.0 Recommendations

4.1 To consider the range of options and select the following recommendations to implement:

- a) To approve in principle the licensing of electric trishaws in the Allerdale area as hackney carriage vehicles;
- b) To agree a period of consultation to formulate pre-application requirements and conditions to be attached to the relevant licences, before the scheme could be implemented.

Gillian Collinson
Senior Licensing & Compliance Officer