



DERBY CITY COUNCIL

## TAXI LICENSING AND APPEALS COMMITTEE 9 JULY 2008

Report of the Director of Environmental Services

# THE PROPOSED LICENSING OF TUK-TUKS AND RICKSHAWS IN DERBY

## RECOMMENDATION

- 1.1 To approve the recommendations of the Cross Party Working Group that, in principle, the Council should licence tuk tuks and rickshaws subject to each complying with the applicable Council Standard Conditions for Hackney Carriages and/or Private Hire Vehicles, and a set of vehicle specifications.
- 1.2 To recommend approval to Full Council.

## SUPPORTING INFORMATION

- 2.1 At the Taxi Licensing & Appeals Committee on 23 April 2008, it was agreed that a cross party working group would examine the implications of licensing tuk tuks and rickshaws for use in Derby and report back to Committee with their recommendations. The Cross Party Working Group met on 11 June 2008 to consider this issue.
- 2.2 The working group agreed to recommend that tuk tuks and rickshaws should be licensed, subject to compliance with the Council's standard conditions already in place for hackney carriages and private hire vehicles, and a set of vehicle specifications to be produced that have been influenced largely on the detail of the advice received from Counsel. The proposed set of vehicle specifications for tuk tuks and rickshaws are contained at Appendix 2.
- 2.3 In making their decision, the working group considered the information that had been provided previously at the Taxi Licensing and Appeals Committee on 23 April 2008, the paramount considerations being the need to ensure that the Council's statutory obligations relating to public safety and accessibility of service to the disabled were not compromised.

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<b>Background papers:</b>	Taxi Licensing & Appeals Committee, 23 April 2008, Items 5 & 6
<b>List of Appendices:</b>	Appendix 1 Implications Appendix 2 Proposed vehicle specifications for tuk tuks and rickshaws

<b>IMPLICATIONS</b>
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**Financial**

1. None directly arising.

**Legal**

- 2.1 The legal requirement is that any vehicle being operated for 'hire or reward' requires a licence for that purpose from the licensing authority for the area in which they operate.
- 2.2 The development of case law has highlighted that for there to be hire or reward, the payment of a fee by the hirer does not have to take place. What is important is the nature and circumstances of the relationship giving rise to an individual being conveyed in a vehicle. For the purposes disclosed to officers, tuk tuks and rickshaws are licensable, a view that has since been endorsed by Counsel.
- 2.3 Counsel also advises that there cannot legally be a two-tier licensing system, such that tuk tuks and rickshaws should have the same licensing conditions imposed on them as are regular licensed vehicles. His advice acknowledges that a degree of flexibility would be required that takes account of their method of construction, which should be reflected in revised specifications that would be applicable to such vehicles. Acknowledging or permitting such flexibility should nevertheless not detract from the Council's statutory public safety and disabled access obligations.

**Personnel**

3. None directly arising.

**Equalities impact**

4. Tuk tuks and rickshaws would be available for hire to all residents and visitors to Derby. The construction and use of such vehicles will have to comply with the Disability Discrimination Act and/or the Disability Equality Duty.

**Corporate objectives and priorities for change**

- 5.1 Taxi Licensing contributes to the priority of **giving excellent services and value for money.**
- 5.2 The licensing of tuk tuks and rickshaws supports the Council's priority of **creating a 21<sup>st</sup> century city centre.**