



DERBY CITY COUNCIL

TAXI LICENSING AND APPEALS COMMITTEE 23 April 2008

Report of the Director of Environmental Services

The Proposed Use of 'Tuk Tuks' in Derby

RECOMMENDATION

- 1.1 To decide whether to license 'tuk tuks' and their drivers, and if so, to consider the type and scope of the licensing requirements.

SUPPORTING INFORMATION

- 2.1 A request has been received for the Council to approve the use of 'tuk tuks' within the Council's district.

- 2.2 Tuk-tuks are a widely used form of urban transport in Thai cities, as well as other major Southeast Asian and South Asian cities. They may have a sheet metal body or open frame with canvas roof and drop-down sides. Some have ornate tin ornamental hammerings or carvings for decoration. The roof may be either steel or a water-proofed canvas, riveted to round tubing. Water-proof removable sides can be used for weather protection when it rains. Resting on three small wheels (one in front, two on the rear), there is a small cabin for the driver in the front and seating for three in relative comfort in the rear. The current application is for tuk tuk 'limousines', which have a larger rear compartment, seating up to six passengers.

Tuk-tuks are generally fitted with a water-cooled two-stroke engine. As such, they are capable of reasonable speeds and can keep up with the flow of normal road traffic. The vehicles have handlebar controls instead of a steering wheel, making them a tricycle.

- 2.3 The vehicles have already been ordered by the applicant. It is understood that they are to be imported and will each be subjected to Single Vehicle Approval testing. The Single Vehicle Approval (SVA) Scheme is a pre-registration inspection for cars and light vehicles that have not been type approved to British or European standards. The main purpose of the checks is to ensure that the vehicles have been designed and constructed to acceptable safety and environmental standards before they can be used on public roads. Officers are not aware that the vehicles in question have been subjected to any form of crash testing, such as Euro NCAP, or the M1 crash test standard often applied to hackney carriages that have been converted from an original goods-carrying vehicle – an example being the Fiat Scudo. Members will appreciate that public safety is a fundamental concern that must be considered as part of the licensing process.

2.4 The decision as to whether to licence tuk tuks rests with the Council, although it will need to have regard to any legal advice provided.

2.5 If this Committee decides that tuk tuks and their drivers need to be licensed to carry passengers for hire and reward, the following licensing requirements will need to be considered:

2.5.1 Should they be licensed as hackney carriage or private hire vehicles/riders?

Depending on the proposed mode of operation, these vehicles could be licensed either as Hackney Carriages or Private Hire Vehicles. However, Part V of the Disability Discrimination Act 1996 requires that new taxis be wheelchair accessible from January 2002; tuk tuks clearly cannot meet this requirement.

2.5.2 Does the Council need a specification for tuk tuks and if so, what should it require?

Licensing Officers believe that a specification is required to prevent unsuitable or 'home made' tuk tuks from being used. To simplify the process, this Committee could approve specific named makes/models, as they do currently for hackney carriages. Alternatively, a simple specification for this type of vehicle could be drawn up which would cover such areas as wheels/tyres, lights, number of seats etc.

2.5.3 What items should be included in licence conditions for tuk tuks?

A copy of the existing vehicle licence conditions for hackney carriages is attached in Appendix 2(a). A copy of the existing vehicle licence conditions for private hire vehicles is attached in Appendix 2(b). A proposed, simplified set of conditions for tuk tuks is attached in Appendix 2(c).

2.5.4 Should tuk tuks be subject to annual inspection/safety check?

All currently licensed vehicles are examined annually. Members are asked to consider whether this requirement should extend to tuk tuks, or whether they should be exempt in view of their simplified construction (compared to currently licensed motor vehicles). If testing is required, a suitable testing facility will need to be found or an alternative method of approval sought.

2.5.5 Should suitable insurance cover (for passengers and third parties) be a licensing requirement?

Since tuk tuks are road going vehicles subject to excise duty and capable of being involved in accidents, Licensing Officers believe this is necessary.

2.5.6 What items should be included in licence conditions for tuk tuk drivers?

A copy of the existing hackney carriage driver licence conditions is attached in Appendix 3(a). The existing private hire driver licence conditions are very similar in their content. A proposed, simplified set of licence conditions for tuk tuk drivers is attached in Appendix 3(b).

2.5.7 Should a driver be required to have a CRB check prior to licensing?

Currently licensed drivers are required to have an 'enhanced' CRB check prior to licensing.

2.5.8 Should a driver be required to have and pass a medical, prior to licensing?

Currently licensed drivers are required to pass a medical prior to licensing.

2.5.9 Should a driver have a knowledge test of some kind?

If licensed, tuk tuks will potentially be able to operate across the whole of the Council's district; a knowledge test of the city is therefore considered appropriate.

2.5.10 What level should fees be set at?

At this stage it is not possible to accurately calculate the cost of licensing tuk tuks and therefore fees can only be based upon estimates. Licensing Officers propose a fee level of £20 for a tuk tuk licence. If the same level of requirements are imposed on applicants as for a normal private hire or hackney carriage drivers licence, it seems reasonable to charge a similar fee.

2.5.11 Will those parts of the existing advertising policy that relate to content/material be applied to adverts on tuk tuks?

A copy of the relevant parts of the existing advertising policy is attached in Appendix 4.

For more information contact:	David Dowbenko tel 01332 716268 e-mail dave.dowbenko@derby.gov.uk	
Background papers:	None	
List of Appendices:	Appendix 1	Implications
	Appendix 2(a)	Existing licence conditions for hackney carriages
	Appendix 2(b)	Existing licence conditions for private hire vehicles
	Appendix 2(c)	Proposed simplified licence conditions for tuk tuks
	Appendix 3(a)	Existing hackney carriage driver licence conditions
	Appendix 3(b)	Proposed simplified licence conditions for tuk tuk drivers
	Appendix 4	Relevant parts of existing advertising policy
	Appendix 5	Access Officer's Briefing Note
	Appendix 6	Business Plan from Nicholas Manning

IMPLICATIONS

Financial

1. None

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.
- 2.3 The view therefore is that for the purposes disclosed to officers, tuk tuks are licensable. In that event, there is an obligation on the Council to safeguard the interests and welfare of the public who have access to, and will make use of, such vehicles.

Personnel

3. None

Equalities impact

4. Tuk tuks would be available for hire to all residents and visitors to Derby. However, unlike existing hackney carriages, they will not be accessible to wheelchair users. Officers have received a briefing note from the City Council's Access Officer concerning the potential use of tuk tuks. This is attached as Appendix 5.

Corporate priorities

5. Taxi Licensing contributes to the priority of **giving excellent services and value for money.**
6. The licensing of tuk tuks supports the Council's priority of **creating a 21st century city centre.**