

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
25TH SEPTEMBER 2009

Application by Mr Roger Arthur Winfield to Licence a Tuk Tuk motor vehicle as a Private Hire vehicle

OPEN	
RESPONSIBLE OFFICER:	Director of Planning and Regulatory Services
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APPENDICES:	Appendix 1 – Application by Mr Winfield Appendix 2 – Application by Mr Winfield Appendix 3 – Letter from Mr Winfield Appendix 4 – Private Hire Licence Conditions Appendix 5 – Inspection Sheet

1. PURPOSE OF REPORT

- 1.1 To consider an application by Mr Roger Arthur Winfield of The Cock and Magpie Public House, Severnside North, Bewdley to approve an MMZ Tuk Tuk Auto Rickshaw (three wheeled vehicle) for licensing as a Private Hire Vehicle.

2. RECOMMENDATION

The Committee is asked to DECIDE:

- 2.1 **that the MMZ Tuk Tuk Auto Rickshaw, registration number M12 TUK is not suitable for use as a Private Hire Vehicle in the District as it fails to meet the mechanical test/proposed draft conditions of the Council, and is contrary to current policy.**

3. BACKGROUND

- 3.1 An application has been made by Mr Winfield to licence a motorised MMZ Tuk Tuk (Auto Rickshaw) to operate as a Private Hire Vehicle within the District (*Appendix 1*).
- 3.2 Photographs of the MMZ Tuk Tuk are attached (*Appendix 2*).

- 3.3 Tuk Tuks are three -wheel motorised vehicles, which have traditionally been used for town / city centre transport in India, Thailand and South East Asia.
- 3.4 Passenger capacity varies from 2-3 persons up to 6-8 and the configuration can also vary in that the seats can face forwards, inwards or sideways.
- 3.5 Seat belts can be simple lap type, but three point belts can be fitted in some vehicles.
- 3.6 The passenger compartment can be enclosed by perspex / plastic covers and doors, but are generally left open. Passenger comfort is minimal with no heater and basic seats.
- 3.7 One important factor is cill or passenger compartment height which has a direct relation to the centre of gravity and thus its stability.
- 3.8 Tuk Tuks are not routinely fitted with safety features such as air bags, crumple zones etc. so that crash protection is less than in a modern purpose built taxi or saloon type vehicle.
- 3.9 Mr Winfield wishes to use the MMZ Tuk Tuk as a Private Hire Vehicle in the District, mainly to convey customers between the Cock and Magpie Public House in Severnside North, Bewdley to the Hop Pole Inn, Cleobury Road, Bewdley (*Appendix 3*).

4. KEY ISSUES

- 4.1 Officers have significant concerns regarding the safety of Tuk Tuks for use as licensed vehicles and any conditions applied would only improve not ensure public safety.
- 4.2 The most obvious safety considerations being the absence of doors, the flimsy construction of the vehicle, the question of roll-over stability and the provision of seat belts.
- 4.3 In addition, the level of impact protection is negligible. Tuk Tuks provide limited protection to passengers and the driver.
- 4.4 This Council's policy requires seating in Private Hire Vehicles to have a minimum width of 16 inches per person. This means that a seat for three people must have a minimum width of 48 inches.

- 4.5 However, on the positive side, licensing Tuk Tuks would provide a further range of transport options for members of the public. They would also be an additional attraction to the many visitors to the district. It may be that Tuk Tuks have a place in limited geographical areas such as restricted town centres or country parks, but care must be taken when deciding if they are fit to be used for use on the open highway amongst general traffic movements including heavy lorries.
- 4.6 Given their low emissions level (LPG/Electric) Tuk Tuks could be viewed as an environmentally friendly form of public transport, however the likelihood is that if they are successful, other operators may also look to set up in the district.
- 4.7 The Vehicle subject of this application is an imported vehicle to the UK and was registered in the UK on the 1st November 2000.
- 4.8 The Council's Private Hire Vehicle Policy specifies that any vehicle presented for licence shall be under 2 years old, and must be built to M1 European Whole Vehicle Approval or Low Volume Type Approval standards (*Appendix 4*).
- 4.9 The Council recognises the recent development in the taxi trade and the demand for 'Novelty' Private Hire Vehicles (including Auto Rickshaws) and is currently reviewing its Policy whilst consulting with Stakeholders and the Taxi Trade.
- 4.10 The proposed policy will be asking Council if it wishes to licence Tuk Tuks in principle and if so put forward draft conditions which would make the vehicles as safe as possible given their construction.
- 4.11 The proposed Licensing Conditions are made to make the operation of these vehicles as safe as possible for the travelling public.
- 4.12 Mr Winfield's Tuk Tuk fails to meet these proposed conditions in that:
- More than two years of age when first presented for Vehicle Licence
 - The kerb weight exceeds 350KG
 - The vehicle exceeds the recommended dimensions
 - The vehicle has no rear doors no higher than 550mm
 - There is no clearance of at least 360mm from the rear to the back seat
 - The seating capacity exceeds 3 passengers
 - The engine size exceeds 250cc
 - The manufacturer's design speed exceed 40mph
 - The vehicle was originally inspected on 3 September 2009 and found to be not mechanically safe for a number of reasons. On 14 September 2009 the vehicle was re-tested and remains not mechanically safe (see appendix 5).

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 A Private Hire Vehicle means a vehicle constructed or adapted to seat fewer than 9 passengers (other than a Hackney Carriage or Public Service Vehicle (PSV)).
- 6.2 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council must not grant a Private Hire Vehicle Licence unless they are satisfied that the vehicle is:-
- a) suitable in type, size and design for use as a private hire vehicle;
 - b) in a suitable mechanical condition;
 - c) safe and comfortable.
- 6.3 The Council currently has a strict policy regarding the type and specification of vehicles, which may be licensed as Private Hire Vehicles.
- 6.4 The specification is designed to ensure the safety of fare paying passengers as well as other road users. It also aims to ensure that vehicles are comfortable and suitable for use as a Private Hire Vehicle.
- 6.5 The Council would need to consider if it is appropriate to deviate from the specification to allow the MMZ Tuk Tuk to operate.
- 6.6 Any applicant refused a Private Hire Vehicle Licence has the right of appeal to the Magistrates Court.

7. RISK MANAGEMENT

- 7.1 There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

8. CONCLUSION

- 8.1 The Council has not adopted a Policy which would enable the MMZ Tuk Tuk to be licensed as a Novelty vehicle. The proposed vehicle would not comply with draft Conditions relating to Tuk Tuks which are due to be presented to Council in December 2009. These Conditions relate to the safety and welfare of persons using such vehicles.

9. CONSULTEES

- 9.1 Director of Legal and Corporate Services

10. **BACKGROUND PAPERS**

10.1 None