

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

30th OCTOBER 2009

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

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – Application by Mr Winfield Appendix 2 – Photographs of MMZ Tuk Tuk Appendix 3 – Letter from Mr Winfield Appendix 4 – Private Hire Licence Conditions (Auto Rickshaws - Tuk Tuk)

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 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 Council's Private Hire (Novelty Vehicles) Policy and the Conditions relating to Tuk Tuks of the Council.**

3. BACKGROUND

- 3.1 An application has been made by Mr Winfield to license a motorised MMZ Tuk Tuk to operate as a Private Hire Vehicle within the District (*Appendix 1*).
- 3.2 Photographs of the vehicle are attached (*Appendix 2*).
- 3.3 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 The Vehicle which is the subject of this application is an imported vehicle to the UK and was registered in the UK on 1st November 2000.
- 4.2 The date of manufacture is unknown and its public service history is unknown.
- 4.3 The Council's Private Hire Vehicle Policy specifies that any Tuk Tuk vehicle presented for licence shall be under 2 years old and shall be of a specified type, size and design. (*Appendix 4*).
- 4.4 Mr Winfield's Tuk Tuk fails to meet these proposed conditions in that:
- It was more than two years of age when first presented for Vehicle Licence.
 - The kerb weight exceeds 350KG.
 - The vehicle exceeds the recommended dimensions.
 - There is no clearance of at least 360mm from the rear to the back seat.
 - The engine size exceeds 250cc.

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 public safety relating to the type and specification of vehicles, which may be licensed as a novelty vehicle.
- 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 The Licensing Authority must exercise all due diligence in licensing matters.

8. CONCLUSION

8.1 The MMZ Tuk Tuk does not comply with the Council's Private Hire (Novelty Vehicles) Policy and there are no grounds to depart from it.

9. CONSULTEES

9.1 Director of Legal and Corporate Services.

10. BACKGROUND PAPERS

10.1 None.