

To: General Purposes Licensing Committee

Date: 17 October 2012 **Item**

To: City Executive Board

Date: 5 December 2012

Report of: Head of Environmental Development

Title of Report: Request to licence electrically assisted passenger carrying Pedicabs in the city

Summary and Recommendations

Purpose of report: To consider a request to licence electrically assisted passenger carrying Pedicabs.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy
Cleaner, Greener, Oxford

Recommendation(s):

- i) that General Purposes Licensing Committee comment on whether further consideration should be given to the licensing of electrically assisted passenger carrying Velotaxi in the City.
- ii) that City Executive Board decides whether further consideration should be given to the licensing of electrically assisted passenger carrying Velotaxi in the City; and subject to this decision:
- iii) to request that the Head of Environmental Development submit a further report detailing the draft conditions of fitness applicable to such vehicles and the costs likely to be incurred by the Authority in relation to the licensing of electrically assisted passenger carrying Velotaxi in the City.

Introduction

1. A request has been received to licence "Velotaxis" which are electrically assisted passenger carrying Pedicabs in the City. The company proposing this green transport is Veloform UK, who have submitted a brief of their proposals which is attached at **Appendix One**.

2. At the time of writing this report, it is believed to be the case that no other Authority has yet issued a licence for the vehicles detailed in the proposal document.

Background

3. There are a number of issues that the Committee may wish to consider before deciding if such transport services should be licensed as the Velotaxi does not meet with the conditions of fitness applicable to either Hackney Carriage or Private Hire Vehicles licensed by the Authority.
4. Furthermore, the Council regulates the number of Hackney Carriage Vehicle licences, and therefore a Velotaxi could not be licensed as a Hackney Carriage unless the Council determines to deregulate the number of Hackney Carriage Vehicles it licences.
5. Therefore, a Velotaxi may only be licensed as a Private Hire Vehicle, and as such the conditions of fitness applicable to such vehicles would need to be amended to permit the vehicles proposed by the applicant.
6. The current criteria for Private Hire Vehicles adopted by the Council relates solely to motorised passenger vehicles of an engine size of 1375 cc or more and that may carry between 4 and 8 passengers. The Conditions of Fitness applicable to the licensing of Private Hire Vehicles can be found at page 16 of the Hackney Carriage and Private Hire Vehicle Licence Application Pack that is attached as **Appendix Two**.

Legal Considerations

7. The Town Police Clauses Act 1847 allows a Local Authority to licence vehicles as a Hackney Carriage, Section 37 of that Act and Section 16 of the Transport Act 1985 allows an Authority to regulate the number of licenses it issues. This Authority currently licences 107 Hackney Carriage Vehicles.
8. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a local authority shall not licence a vehicle for private hire unless it is satisfied that it is suitable in type, size and design for such a use and is safe, comfortable and in a suitable mechanical condition. An authority may attach such conditions to the grant of a private hire vehicle licence as it considers reasonably necessary.
9. If Council is minded to licence a Velotaxi as a Private Hire Vehicle, then particular attention should be paid to the current Law Commission reform of Taxi and Private Hire services, whose view is that such vehicles would not be deemed to be either Hackney Carriage or Private

Hire Vehicles, and that they would be regulated under an alternative form of legislation to be drafted along with national standards set by the Secretary of State. The Law Commission are due to publish a response to their reform consultation in the Spring of 2013 and it is hoped that clearer guidance will be available then.

Financial Considerations

10. If Council wishes to consider this proposal further rather than await the outcome of the Law Commission reform of Taxi and Private Hire services, then Officers will need to explore the criteria of the proposed Pedicabs, in order to draft conditions of fitness, and report back to this Committee to seek approval to amend the current conditions of fitness applicable to Private Hire Vehicles.
11. If the vehicles were to be licensed as Private Hire, fees are already set for the drivers, proprietors and operators.

Recommendations

12. It is recommended:
 - i) that General Purposes Licensing Committee comment on whether further consideration should be given to the licensing of electrically assisted passenger carrying Velotaxi in the City.
 - ii) that City Executive Board decides whether further consideration should be given to the licensing of electrically assisted passenger carrying Velotaxi in the City; and subject to this decision:
 - iii) to request that the Head of Environmental Development submit a further report detailing the draft conditions of fitness applicable to such vehicles and the costs likely to be incurred by the Authority in relation to the licensing of electrically assisted passenger carrying Velotaxi in the City.

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Appendix One : **Veloform UK proposal**

Appendix Two: **Hackney Carriage and Private Hire Vehicle Licence Application Pack**

Version number: 1

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