CEREDIGION COUNTY COUNCIL’S RESPONSE TO:

THE LAW COMMISSION - REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Background

In July 2011 the Law Commission agreed to undertake a law reform project on the law of taxis and Private Hire Vehicles (PHVs). The Department for Transport (DfT) proposed the project, but in such cases the Law Commission is independent of Government.

Consultation

On 10 May 2012 the Law Commission published its provisional proposals along with associated Questions. All parties have until 10 August 2012 to submit responses.

Proposals and Questions

What follows is a summary of the Law Commission’s proposals.

Proposed future action

The Law Commission intends that its consultation will be its main information-gathering exercise. After the consultation, the Commission will analyse responses and reconsider this document’s proposals. The Commission aims to produce a report containing its final proposals and a draft Bill by November 2013.
PROVISIONAL PROPOSAL 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and PHVs, which can only accept pre-booked fares.

This, in effect, represents the retention of the current, “two-tier” system. The main alternative would be a one-tier system in which a single category of vehicle would be able to take pre-bookings, to hail and to rank.

A one-tier system would be simpler because it would avoid the distinction between regulation of taxis and PHVs. However, the Law Commission’s view is that it would require additional regulatory distinctions to be devised to accommodate the different range of services regulated. For example, executive cars and novelty vehicles (“limousines”) would have to come under some different form of control as it would be difficult to impose generic taxi and PHV regulation to these types of services.

The Commission also believes that moving to a single-tier would diminish consumer choice. Regulators would be faced with difficult choices, such as whether fares should be regulated for all journeys (as they may be now for taxis).

RESPONSE

We do not support this proposal. The distinction between Taxis and Private Hire creates unnecessary difficulties. This is an opportunity to update and clear up any ambiguity by introducing a one tier system.

PROVISIONAL PROPOSAL 2

London should be included, with appropriate modifications, within the scope of reform.

This proposal is not considered relevant to Welsh considerations according to the Welsh Government.

RESPONSE

This is considered as irrelevant to this Authority.
PROVISIONAL PROPOSAL 3

The regulation of taxis and PHVs should not be restricted to any particular type of vehicle, but should rather focus on road transport services provided for hire with the services of a driver.

RESPONSE

We support this proposal.

QUESTION 4

Would there be – and if so, what – advantages to restricting licensing to motor vehicles that require a driving licence?

The Law Commission’s preferred approach is to take abroad view, in the spirit of the current legislation, in which “taxis” are “every wheeled carriage, whatever its form or construction”.

Technological developments make it difficult to predict what modes of transport may become common in future. The Law Commission concludes that it would be undesirable to use a definition which might not cover some vehicles that may provide a service similar to that of a taxi or PHV.

Consequently, a greater range of standards would be needed to apply to a broad definition. Possible vehicles include motorbikes, limousines, horse-drawn carriages and pedicabs, which call for different sets of safety standards tailored to each. The default inclusion of all vehicles carrying passengers for hire might act as a barrier to entry in respect of novel vehicles that may not fall within a pre-established category with defined standards. Standards of fitness for such vehicles would need to be agreed before they could be allowed to operate.

Or the taxi and PHV regime could be restricted to vehicles that require a driving licence – simple and clear. Limiting the definition to “motor vehicles” would be another alternative – so that motorbikes would be covered but pedicabs and horse-drawn carriages would not.

Overall, the Commission argues that the power to regulate taxis and PHVs should apply to a wide range of vehicles, providing flexibility to impose different standards for widely-different classes of vehicle, and the possibility of exempting certain types of vehicles or services.

RESPONSE

We do not support this proposal.
By restricting licensing to motor vehicles that require a driving licence you expressly exclude numerous vehicles including horse drawn carriages and pedicabs. We would favour different standards to be applied to differing types of vehicle. This would, potentially, allow limousines and novelty vehicles to be regulated, including other types of vehicles that currently are in ‘grey’ areas from a legislative perspective.

PROVISIONAL PROPOSAL 5

Public Service Vehicles should be expressly excluded from the definition of taxi and PHVs; and taxis and PHVs should only cover vehicles adapted to seat eight or fewer passengers.

Buses – and lorries – are regulated as Public Service Vehicles (PSVs). This covers any vehicle used for hire and reward adapted to seat more than eight passengers. PSVs fall within the scope of mandatory EU Regulations covering drivers’ working hours and tachographs. But PSV drivers are not required to undergo criminal record checks.

Private hire regulation expressly excludes PSVs and only applied to vehicles with fewer than nine passenger seats. Taxi legislation predates modern public service legislation and instead of excluding PSVs carves out “stage coaches” or “stage carriages” which charge separate fares. Unlike PHVs, taxis have no limits in primary legislation on their passenger seating capacity, meaning that there is a potential overlap between PSVs and large taxis.

The Commission believes that the considerable discrepancies between PSV regulation compared with taxi and PHVs make it desirable to reduce the area of overlap to avoid providers selecting the licensing regime that is least onerous. The Commission’s proposal is therefore to use the number of passenger seats as a way to distinguish between taxi and PHV regulation on the one hand; and PSV regulation on the other.

RESPONSE

We support this proposal.

We suggest that the current system of permitting operators to choose which licensing regime to follow (L.A’s or Transport Commission) should be removed.
**PROVISIONAL PROPOSAL 6**

References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis.

The current – Victorian – taxi legislation expressly carves out stage coaches (an historical term for PSVs) and stage carriages from licensing requirements. Where passengers pay separate fares in vehicles with fewer than nine passenger seats, the law is unclear about whether or not that should count as a stage coach. This means that the proper scope of taxi licensing is, as a consequence, also unclear.

As an example of this unsatisfactory state of affairs, in London, pedicabs are considered to be stage carriages (i.e. cannot be licensed) whereas in the rest of England and Wales pedicabs may be licensed as taxis.

**RESPONSE**

We do not support this proposal.

Horse drawn coaches are no longer used as PSV’s but as ‘novelty’ or tourist attractions. As such they should be part of taxi licensing as an integral part of the suggested ‘one tier system’

**PROVISIONAL PROPOSAL 7**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other “novelty” vehicles to assist consistency.

The Law Commission acknowledges that there is an overlap between the regulation of small PSVs (with fewer than nine passenger seats) and PHVs that can give rise to confusion.

Whereas PSV standards are outside the scope of the Commission’s review, it consider it important to get the relationship between the standards adopted under the respective licensing regimes right. The Commission therefore proposes that limousines should seek licences as PHVs where they have fewer than nine passenger seats. [However, should a local licensing authority refuse to license limousines at all operators may have little choice but to license their limousines with the Traffic Commissioner as small PSVs.] The Secretary of State has power to issue guidance to the Senior Traffic Commissioner who, in turn, may issue guidance and general directions to Traffic Commissioners and their deputies.

**RESPONSE**

We support this proposal.
We favour the proposal that ANY vehicle with 8 or less passenger seats should be licensed by local authorities, not the Transport Commission.

**PROVISIONAL PROPOSAL 8**

| The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and PHV licensing to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. |

The Commission considers it undesirable that the law currently “catches” activities where transporting passengers to a destination is not the principal purpose – e.g. looking after children. Taxi and PHV regulation should aim to cover services that are principally for the purpose of transport and have a commercial element.

Volunteers would automatically be excluded by an “in the course of business” definition. Volunteers may be subject to registration under the Vetting and Barring Scheme under the auspices of the Independent Safeguarding Authority. Some services may also be provided under a community transport (i.e. Section 19) permit.

Requiring volunteers to hold private hire licences (including a driver, vehicle and operator licence) seems excessively onerous and unnecessary.

**RESPONSE**

We support this proposal, however, as regards the term ‘volunteer’ it is difficult to establish at what point the profit made by the individual would define their journey as having a commercial element. Likewise, transport to and from hotels or courtesy journeys to and from a garage service centre may well be a commercial consideration for that business. For a hotel to employ a driver, for example, certainly represents a cost to the hotel and is ultimately paid for in part by the person transported to or from the hotel. It may be simpler to regulate all journeys where passengers are carried and include them all in the one tier system with differing charges but retaining public safety measures.

**QUESTION 9**

| How, if at all, should the regulation of taxis and PHVs deal with carpooling and members’ clubs? |

Carpooling is increasingly popular and should continue to be encouraged. Carpooling arrangements where passengers pay separate fares are expressly exempted from the public service licensing regime provide that they are not “in the course of a business of carrying passengers”. This is not the case in respect of taxi and private hire legislation.
In carpooling the vehicle is not for hire in the conventional sense but there is a payment. DfT takes the position that carpooling lacks a commercial element and so is “not for hire” in the terms of the PHV licensing regime. Overall, the absence of profit appears to be the main determinant.

Some private hire services may be offered only to members of a club or to particular sections of the public, such as disabled passengers. In principle, taxi-type services could be similarly restricted.

RESPONSE

(i) Carpooling.
Generally carpooling in rural areas and particularly in the current economic climate represents a good service. However, if profit is made from a journey, then the vehicle must be licensed. We would suggest a separate category for Carpooling for Profit under the one tier system.

(ii) Members clubs.
Case law exists and makes this activity licensable. We see no reason to change the position.

PROVISIONAL PROPOSAL 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

The Law Commission’s proposal for broad definitions in respect of vehicles and services to be covered in the regulatory regime means that some activities may be caught which should not be. This is especially true in the case of PHVs, where pre-existing arrangements are in place.

A key rationale for excluding a category of drivers or vehicles form the regulatory framework is where there is an alternative structure already in place to ensure safety and quality controls are met.

This proposal is linked to proposal 11, below.

RESPONSE

We support this proposal, however, local authorities should be consulted prior to national standards being set.
**PROVISIONAL PROPOSAL 11**

Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation.

Where a vehicle is hired in connection with a wedding or funeral it is currently exempt from PHV licensing requirements. The Commission has noted that wedding cars could be provided by companies that also provide transport for other occasions which would not give rise to an exemption – e.g. stag or hen parties, or anniversaries. It is not clear why wedding cars should be excluded.

On the other hand, the case for continuing to exclude funeral cars may be stronger because those would usually be provided as part of the broader funeral function and transport in this case might be regarded as ancillary.

This proposal is linked to proposal 10, above.

**RESPONSE**

Where vehicles’ sole use is for weddings and funerals we would support the exemption remaining.

**QUESTION 12**

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the powers to set national standards?

If so, what modifications could be made to help prevent abuse?

The so-called contract exemption excluded vehicles under a contract of hire for a period of not less than seven days. This was repealed in 2008 to enhance public safety by ending perceived loopholes.

The rationale for contract exemption was that where long-term contractual arrangements are in place the contracting parties can put in place sufficient safeguards in respect of vetting vehicles and drivers on their own terms. In these cases, there is no need for the burdens of general licensing criteria to be met. Public bodies, in particular the NHS and education authorities, need to set up large contracts for transporting children and vulnerable individuals. Such organisations are best-placed to set standards and monitor their attainment. Unlike most pre-bookings, such contracts will typically be subject to negotiation and be in writing.

The public safety argument is support of the repeal is less convincing because the most vulnerable passengers are in many cases transported by volunteer or contract drivers outwith the taxi and private hire licensing regime. Where drivers are remunerated, as with care workers, this is typically as part
of a wider package, often with carers using their own vehicles. Public-spirited individuals, some of whom had been offering long-term services based on lasting relationships, had been put off by the extra costs of licensing.

On balance, the Commission suggests that the Secretary of State and Welsh Ministers standard-setting powers would be the more appropriate means of addressing the contract exemption. This would allow such powers to be used flexibly in amending the terms of the exemption. For example, the exemption might only apply where the customer is a public sector organisation or for a contract period longer than seven days. Alternatively, certain limits on the contract exemption which had been introduced through case law might be made express, including – for example – the requirement for the contract to have an end date, or that it relate to a specified vehicle.

RESPONSE

We see no merit in this proposal. The contract exemption was flawed and was repealed in 2008 because it allowed unlicensed drivers who had not undergone CRB checks, and unlicensed vehicles to operate, potentially carrying vulnerable members of the public.

PROVISIONAL PROPOSAL 13

Regulation of the way taxis and PHVs can engage with the public should not be limited to “streets”.

The statutory framework does not take a consistent approach towards private land. Significant areas – such as hospital, airports, railways, shopping centres and amusement parks – can fall within this category.

Some aspects of regulation are limited to (public) streets. This is true for plying for hire outside London. “Street” includes any road, square, court, alley and thoroughfare or public passage.

Where a taxi at a stand or in the street accepts a hiring, it is not under a duty to accept any passenger, but once it has accepted the passenger, it must take the passenger anywhere they might wish to go, within a prescribed distance.

This concept of compellability is limited to streets in London and in the rest of England and Wales.

Railways, which are on private land, have been dealt with specifically by statute so that licensing authorities’ requirements can apply to the railway station precinct as if it were a street or rank. There is no equivalent provision in respect of airports.

Subject to the need to comply with additional conditions imposed by private landowners, the Commission believes that it would be desirable to remove restrictions on the applicability of regulation by reference to streets. The
imperative of public safety applies no differently whether services to the public are being provided on public – or private – land. The general law would therefore apply as a default minimum standard which could be raised by private landowners. This would adopt the current position in London.

RESPONSE

We support this proposal.

QUESTION 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports?

In particular, where concessionary arrangements are in place, should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

Unlike railways, taxi and private hire legislation does not deal with airports specifically. Airports are now mainstream integrated transport hubs and market failures in airport settings are, if anything, more extreme than those at railway stations. Consumer transport options at airports for onward travel can be limited and some do not have rail links. Particularly vulnerable consumers, such as tourists, are a significant part of the consumer base. This makes information deficits a particular problem. Airports also have limited space which also reduces the scope for competition.

This appears to suggest that the rationale for extending taxi and private hire licensing to railways might similarly apply at airports. Byelaws under the Civil Aviation Act 1986 cover the provision of taxi services. Some airport owners enter into contracts with chosen taxi and private hire companies and restrict access by all other providers. Other vehicles may only park some distance from the terminal.

It is important to consider how regulations can encourage competition and consumer choice. Funding information desks through a levy on the trades can be controversial. A requirement to monitor customer satisfaction according to agreed parameters might be useful. Waiting times and facilities could be rated, and benchmarking used to ensure that if satisfaction fell below agreed levels regulators might intervene.

RESPONSE

We do not agree with special provisions being made for airports; please see previous question relating to the removal of the term ‘streets’.
PROVISIONAL PROPOSAL 15

The defining feature of taxis, the concept of “plying for hire” should be placed on a statutory footing and include:

a. References to ranking and hailing.

b. A non-exhaustive list of factors indicating plying for hire.

c. Appropriate accommodation of the legitimate activities of PHVs.

There is no statutory definition of “plying for hire”, although it is widely accepted as meaning exhibiting a vehicle as available for immediate hire by the public. Given that unlawful plying for hire is a criminal offence, it is important that its meaning should be clear and accessible.

The Commission believes that the central aspects of plying for hire should be put on a statutory footing to be more accessible and better reflect modern understandings of what taxis do.

The Commission suggests that there should be three key elements of a proposed statutory definition:

1. Use of the concepts of ranking and hailing;

2. Reference to a non-exhaustive list of factors relevant to determining plying for hire in grey areas; and

3. Accommodating the legitimate activities of PHVs.

RESPONSE

We support this proposal.

PROVISIONAL PROPOSAL 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.

The Commission suggests that plying for hire should not be interpreted to extend to novel technological ways of engaging vehicles, through mobile ‘phones and internet-assisted applications, which should remains means of pre-booking.

RESPONSE

We support this proposal.
QUESTION 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place”, instead of “plying for hire”?

In Scotland, taxis are defined as “A hire car which is engaged, by arrangements made in a public place, between the person to be conveyed in it (or a person acting on their behalf) and its driver for a journey beginning there and then.”

Private hire cars (as they are known in Scotland) are “any kind of vehicle which is, with a view to profit, available for hire by the public for personal conveyance, but is not a taxi”.

The taxi definition retains the idea of immediate availability for hire, but references to a “public place” could cause problems, especially as regards the internet.

RESPONSE

The term ‘plying for hire’ needs updating, however, the two Scottish definitions taken together are not ideal. If one tier is supported this definition will need further research.

PROVISIONAL PROPOSAL 18

The concept of compellability, which applies exclusively to taxis, should be retained.

A key feature of taxis is that they are not permitted to refuse jobs once the consumer has engaged them appropriately, either at a rank or by hailing.

RESPONSE

We support this proposal but, once again, this will require further consideration should the one tier system be introduced.
PROVISIONAL PROPOSAL 19

Pre-booking would continue to be the only way of engaging a PHV and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Under current law, the key distinction from taxis is achieved through restricting PHVs in how they can be engaged by the consumer. Bookings must be made in advance and through a licensed operator.

RESPONSE

As stated previously, a one tier system would resolve these issues.

PROVISIONAL PROPOSAL 20

Leisure and non-professional use of taxis and PHVs should be permitted. There would, however, be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Currently, leisure use of licensed taxis and PHVs outside London driven by unlicensed drivers is not allowed. Restricting this sort of use to licensed drivers restricts the scope to use a family vehicle for leisure. On the other hand, enforcing the legislation is difficult if the driver were to argue that the vehicle was being used privately at any time.

The Commission is persuaded that the deregulatory arguments in favour of allowing leisure use are strongest. Experience in London has not shown any particular problems.

RESPONSE

We do not support this proposal. Currently leisure use is permitted but the driver must hold a licence to drive a taxi, both licences, taxi and driver, from the same Authority. Allowing unlicensed drivers would become ever more difficult to regulate.

PROVISIONAL PROPOSAL 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and PHV licensing requirements.

The Commission considers that the existence of statutory guidance might be helpful in obliging licensing authorities and judges to consider it when exercising their functions, aiding consistency. The DfT’s existing guidance on what could count as a PHV would form the basis of any such statutory guidance.
RESPONSE

We would support this proposal with the caveat that a one tier system is preferred.

PROVISIONAL PROPOSAL 22

Reformed legislation should refer to “taxis” and “PHVs”, respectively. References to “hackney carriages” should be abandoned.

This is eminently sensible as a hackney carriage is an historical term now out of date.

RESPONSE

We agree with the proposal to remove the term “hackney carriage” as this is clearly antiquated, however, there would be no requirement for classifications if one tier is introduced.

QUESTION 23

Should PHVs be able to use terms such as “taxis” or “cabs” in advertising provided that they are only used in combination with terms such as “pre-booked” and do not otherwise lead to consumer confusion?

Current law prohibits private hire operators from using the terms “taxi” or “cab” in signs and advertising. Many people use the term “minicab”.

Allowing PHVs to use the term “taxi” would represent a significant change, even if accompanied by a qualifying prefix. On the other hand, many consumers use the term in respect of taxis and PHVs. The key message for consumers is that PHVs can only be pre-booked.

RESPONSE

We do not agree with this proposal. We would like to see confusing terms removed.

PROVISIONAL PROPOSAL 24

Taxi and private hire services should each be subject to national safety requirements.

The Law Commission argues that, as a matter of principle, everyone using taxis and PHVs should be entitled to expect the same, basic level of safety. The impact of such a change would be highly deregulatory for PHVs, where a wide range of standards exists at the moment.
In addition, for effective cross-border enforcement by local licensing authorities, the establishment of the same, minimum standards would ensure that each local authority would be applying – at least – the same standards.

**RESPONSE**

We agree that national safety requirements are essential.

**PROVISIONAL PROPOSAL 25**

| National safety standards, as applied to taxi services, should only be minimum standards. |

The Commission proposes that taxi regulation would continue to work differently from private hire regulation because consumers are able to engage taxis at ranks and by hailing – the local nexus is strong. The ability of licensing authorities to control pricing and apply extra local standards to reflect local conditions is therefore important.

Licensing authorities would therefore retain the ability to impose requirements over and above the national (Welsh) standards to taxis being hailed or using ranks within their licensing area. These could be linked to safety, but the Commission also recognises that authorities might wish to impose other quality standards (e.g. accessibility, colours and signage, CCTV, a “knowledge” test or specific vehicle requirements.

**RESPONSE**

We agree with this proposal.

**PROVISIONAL PROPOSAL 26**

| National safety standards, as applied to private hire services, should be mandatory standards. |

The Commission proposes that the regulation of private hire services should be limited to addressing safety concerns in accordance with standards set by the Secretary of State and by Welsh Ministers. Licensing authorities in the case of private hire services would not have powers to impose additional standards on private hire drivers, vehicles or operators. Private hire services would be able to exceed the mandatory standards in response to competition.

**RESPONSE**

We do not agree with this proposal. All operators should have the same standards as all licensed vehicles are carrying members of the public with a view to profit.
PROVISIONAL PROPOSAL 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

The Commission has two reasons for treating private hire services differently from taxis. First, for private hire vehicles, all journeys are pre-booked so can be planned in advance. The economic incentive to take the shortest route therefore lies with the provider. Second, a knowledgeable driver is a key example of a quality service but does not affect safety.

Unlike taxis, consumers are able to avoid private hire services – which rely on repeat business - that demonstrate lack knowledge, whether through the route chosen or the ability of the driver to plan.

RESPONSE

We do not agree with this proposal. Our favoured option of one tier would make this proposal unnecessary.

QUESTION 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage?

Are there other areas where local standards for PHVs are valuable?

The Commission also acknowledges that particular areas of private hire standards can have a local dimension. For example, vehicle signage has an impact on safety. Clear vehicle signage can help to counteract the risk that consumers will get in to an unlicensed vehicle, but such problems do not exist everywhere.

RESPONSE

We support this proposal. As matters currently stand Ceredigion PHV’s can be any colour other than white. This is to distinguish them from the hackney fleet which have to be white.
QUESTION 29

What practical obstacles might there be to setting common national safety standards for both taxis and PHVs?

By their very nature, private hire standards would apply without geographical variation. At the same time, taxis and PHVs compete for pre-booked journeys. Consequently, if a licensing authority were able to adopt taxi standards lower than those proposed for PHVs, drivers would have an incentive to license in that area even if they had no intention of working there as taxis.

Common safety standards do not require common specifications because different vehicles – of varying design - require different criteria to be met.

Introducing a single set of safety standards for taxis and PHVs would avoid the risk of a mismatch in taxi and private hire standards, but the different ways of working of taxis and PHVs may make it impractical to use the same standards for both.

RESPONSE

We are of the view that there should be no difference in standards because hackneys and private hire vehicles are of similar risk.

QUESTION 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

The safety of taxi and private hire services goes beyond the safety of passengers, and must also address drivers’ safety.

Options that have been considered include a partition between the driver and passenger space; CCTV, audio recording; and panic buttons.

RESPONSE

In our area all drivers are now dual badged. Driver safety is as important regardless of the classification of vehicle they happen to be driving.
PROVISIONAL PROPOSAL 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and PHVs should only cover conditions relating to safety.

The Commission believes that each of the pillars (driver, vehicle and operator) under the current licensing regime has a role in promoting safety. The Commission proposes that the scope of standard-setting powers granted to the Secretary of State and to Welsh Ministers would only extend to conditions relating to the safety of taxi and private hire services.

RESPONSE

We support this proposal with the caveat that all vehicles to be included under a one tier system. Any alternative system should have to comply with mandatory safety standards, likewise for Drivers and Operators.

PROVISIONAL PROPOSAL 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

RESPONSE

We support this proposal as the opportunity to consult allows authorities to influence the outcomes and gain ownership of the proposed national safety standards.

PROVISIONAL PROPOSAL 33

What would be the best approach for determining the content of national safety standards?

In particular, should the statutory requirements to consult refer to a technical advisory panel?

National vehicle standards might include the use of roof signs, signage more generally, taxi-meters, CCTV cameras, tracking systems, driver shields (partitions), or tinted windows.

The Commission believes that the standard-setting powers held by the Secretary of State and Welsh Ministers, along with those of the licensing authorities in setting local standards for taxis, would be sufficiently flexible to deal appropriately with such issues.
RESPONSE

Licensing Technical Panels already sit on a regional basis. These would be well placed to advise the Technical Advisory Panel which could either be a National Panel or evolve from current Regional Panel.

PROVISIONAL PROPOSAL 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

Local conditions would continue to apply but exclusively to taxis. Matters relating to quality and fares are key examples where local decision-making for taxis would be valuable (e.g. London’s “Conditions of Fitness”).

The Commission’s provisional view is that licensing authorities should retain the discretion to impose licensing conditions provided that they do not fall below national standards.

RESPONSE

We support this proposal.

QUESTION 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

The arguments in favour of regulating quality features are inevitably weaker than they are for safety features. A reformed system could be used to limit local licensing authorities’ powers in this regard.

In Scotland, the Secretary of State and Scottish Ministers already have powers to make some conditions mandatory and – conversely – to prohibit conditions that are deemed undesirable. These powers may be applied differently reflecting local circumstances, including the type of taxi or PHV. There is also a specific [power to set types, sizes and designs of vehicles. Potentially, this could be a useful model for limiting the scope of licensing authorities’ discretion to set local standards.

RESPONSE

Much depends on the National Minimum Standard. We would point out that quality features generally tend to safety orientated e.g. a requirement to only use a purpose built taxi might appear to be a quality issue but would also amount to a safety feature.
QUESTION 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

Under the Commission’s proposals, nationally-set standards relating to safety would be the only form of regulation affecting private hire services. Taxis would instead be subject to two distinct sets of standards – one national, and one local.

The national standards may – or may not – be the same as those that would apply to PHVs.

Licensing authorities would not be obliged to introduce local conditions but would have the option to do so depending on local circumstances. Local standards could not, however, be any lower than the nationally-set minimum standards relating to safety.

Currently, licensing authorities may set conditions that apply to all licensees generally in their licensing area, as well as tailoring conditions specific to particular licensees. This applies to both taxis and private hire services.

The Commission considers this flexibility to be helpful, and believes that it should be retained for taxis as it is compatible with local licensing – albeit with the presumption that general conditions should be used, and individual conditions would be the exception.

RESPONSE

Generally, a more uniformed approach is favoured. There would need to be some scope for local conditions e.g. in Ceredigion Hackney Carriages have to be white in colour whilst Private Hire can be any colour other than white.

QUESTION 37
Should the powers and duties of licensing authorities to co-operate be on a statutory footing, or is it best left to local arrangements?

Some local licensing authorities work together through an integrated regulatory service function within a single management structure. This should reduce management and overhead costs as well as encouraging consistency of standards.

Such arrangements can be made informally, while there are also statutory powers (Section 21 of the Local Government Act 1972) under which local authorities can arrange for certain functions to be discharged by other authorities.
RESPONSE

Local Authorities already co-operate on an ad hoc basis. We see no reason to make co-operation mandatory.

PROVISIONAL PROPOSAL 38

Neighbouring licensing authorities should have the option of combining areas for the purpose of taxi standard setting.

Where licensing authorities have combined resources in administering and enforcing taxi and private hire functions, they may also wish to combine their remaining licensing activities relating to taxi standard-setting.

The Local Transport Act 2008 introduced powers for the creation of integrated transport authorities and to change the constitutional arrangements in existing ones. Under such arrangements, functions of the Secretary of State or a local authority can be delegated to the integrated authority.

RESPONSE

We support this proposal; please see response to question 37.

PROVISIONAL PROPOSAL 39

Licensing authorities should have the option to create or remove taxi zones within their areas.

DfT recommends the abolition of taxi licensing zones to provide greater benefits to passengers through the greater availability of vehicles and more consumer choice. It also allows taxi drivers to ply for hire in a wider area, promoting more efficient operation.

On the other hand, where licensing authorities have proposed removing existing zones drivers have raised concerns about potentially higher fares through the introduction of blanket tariffs across a then wider area.

The Commission proposes the introduction of more flexible powers enabling licensing authorities to respond more easily to local circumstances. Such powers could allow authorities to create licensing zones or to remove them within their areas.
RESPONSE

We have not adopted taxi licensing zones in Ceredigion. The vast majority our fleet are hackney carriages operating on a dual purpose level. Due to the rural nature of our area there would be no benefit in creating taxi zones.

QUESTION 40

Would it be useful for licensing authorities to have the power to issue peak-time licences, which may only be used at certain times of the day as prescribed by the licensing authority?

Peak-time licences might offer an attractive, targeted option for ensuring provision at times of perceived, unsatisfied demand. Such a system is used successfully in parts of Australia.

RESPONSE

Peak time licences would be difficult to police and could lead to an increase in complaints from the trade.

PROVISIONAL PROPOSAL 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to using drivers or vehicles licensed by a particular licensing authority.

Currently, licensing officers have no enforcement powers in respect of vehicles licensed outside their licensing area. Moving to a common set of safety standards would mean that licensing officers would have a shared set of standards they may apply to any vehicle, driver or operator.

Also under current legislation, taxis may only ply for hire within their licensed area but may undertake pre-booked journeys anywhere. The Commission proposes retaining this. The scope for local variation in taxi standards, and in particular the different fares and accessibility standards, means that they should be restricted to working on ranks and to hailing passengers located in their licensing area. On the other hand, taxis would continue to be able to do pre-booked work out of borough as they can now.

Private hire operators are restricted to inviting and accepting bookings within their licensed area, and using vehicles and drivers licensed within the same licensing area. This is notwithstanding that PHVs are free to pick up and drop off anywhere.
Taxi drivers undertaking pre-booked journeys have no similar constraints whether taking bookings directly or where a third party may invite or accept bookings on their behalf (thus acting like an operator).

The move to mandatory national standards would mean that, although licences would be issued locally by different licensing authorities, their requirements would be the same. Cross-border restrictions, and the so-called “triple licensing” requirement whereby the operator, driver and vehicle must all be licensed by the same licensing authority, would therefore fall away in respect of private hire services.

**RESPONSE**

We support this proposal.

If we do move to national mandatory standards, cross border restrictions could be removed.

**PROVISIONAL PROPOSAL 42**

The Law Commission does not propose the introduction of a “return-to-area” requirement in respect of out-of-area drop offs.

The Commission does not propose the adoption of specific measures aimed to restrict cross-border activities of licensed PHVs or taxis. Introducing a return-to-area requirement would only lead to increased prices and reduced flexibility in the provision of services.

Taxis and PHVs could, after dropping off a passenger, legitimately pick up a different fare outside their licensed area pursuant to a pre-booking. Increasingly, intelligent dispatch systems make the likelihood of matching up passengers with proximate vehicles a reality. If drivers were required to drive back empty to their own licensing area that would not only be expensive but also environmentally damaging.

The danger that an out-of-area taxi or PHV might illegally ply for hire requires specific action through targeted enforcement.

In addition, the introduction of common safety standards reduces the seriousness of cross-border issues. If a licensed vehicle is illegally plying for hire it may be competing unfairly and breaching various regulatory requirements but it does not present a safety risk.

**RESPONSE**

We do not support this proposal. We can see conflict occurring between cross border drivers.
PROVISIONAL PROPOSAL 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

Price controls are widely used to address market failure in the taxi rank and hail markets. Most licensing authorities regulate maximum fares determined in accordance with formulae to reflect the cost of running a taxi further to a consultation process.

The private hire market does not require such intervention because of the existence of normal market competition. This does not mean that private hire fares are completely unregulated because general consumer protections do apply. For example, where a PHV has a meter it must comply with the Measuring Instruments Directive and trading standards controls.

Nothing in the Commission’s proposals would require local licensing authorities to regulate fares, and local authorities would retain the choice of whether to do so.

RESPONSE

We support this proposal. Regulating maximum taxi fares ensures that customers have a level of protection.

QUESTION 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

Under current law, taxi fares for pre-booked journeys ending inside the licensing area are capped at what have been the metered fare. Out-of-area journeys can be subject to a higher fare provided that this is agreed.

Taxis compete directly with PHVs in respect of the pre-booked market, so in effect provide competition pressure on taxis in respect of such journeys. The rationale for fare regulation of pre-booked taxi journeys is therefore less strong.

There are advantages to regulating pre-booked taxi fares. Taxis can be booked without operators and under current law they are not required to keep records of pre-booked journeys (unlike PHVs). If a taxi driver were to demand more than the metered fare it would be hard to track down that taxi, whereas if an operator is involved it would be easier to complain.

Requiring details of pre-booked taxi journeys to be to be kept and a presumption that the metered fare applies could allay concerns.
RESPONSE

We do not agree that Taxis on pre-booked journeys should be allowed to charge higher fares.

QUESTION 45

Should national driver safety standards such as the requirement to be a “fit and proper” person be either:

a. Set out in primary legislation; or

b. included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

A “fit and proper” person is not defined in statute. This might include the driver's medical health as well as their level of training and skills. This is especially relevant in terms of assisting disabled passengers.

While the Commission acknowledges that certain requirements might best be set out in primary legislation, it also recognises that the powers of the Secretary of State and Welsh Ministers to set conditions in respect of bottom-line safety requirements could be sufficiently wide to cover such issues.

RESPONSE

We recommend that national driver safety standards should be set out in Primary Legislation.

PROVISIONAL PROPOSAL 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Currently, general vehicle requirements for both taxis and PHVs leave much discretion for setting local standards, which can relate to appearance, design and any distinguishing marks.

London’s Conditions of Fitness are the most prominent example of locally-set conditions and have been adopted by other authorities.

PHVs must satisfy licensing authorities in respect of:

- Suitability of type, size and design.
- Sufficient difference to taxis to avoid confusion.
- Suitable mechanical condition.
- Safety.
- Comfort.
- Proper insurance cover.

The Commission has suggested that the Secretary of State and Welsh Ministers should have powers to set national safety-related standards subject to a statutory consultation.

In England and Wales outside London the owner of a licensed vehicle is not subject to any statutory suitability requirements – there is no express power to refuse a vehicle owner a licence for reasons related to the applicant, as opposed to the vehicle. In respect of taxis, licensing authorities can issue byelaws “regulating the conduct of the proprietors”. They may also suspend or revoke a taxi or private hire licence for any reasonable cause. This may be broad enough to include reasons linked to the licence holder.

Vehicle owners in London must satisfy Transport for London that they are of good character, good business repute and, having regard to their financial position, are “fit and proper”.

Owners do not come into public contact so are remote from considerations relating to passenger safety.

RESPONSE

We do not support this proposal. We believe that vehicle owners retain legal responsibility e.g. acquiring vehicle excise licence, DoT Test Certificates and insurance certificates and therefore should be subject to ‘fit and proper’ person test.

QUESTION 47

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<th>Should national vehicle safety standards be either:</th>
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Currently, licensing authorities can take into account a broad range of criteria (beyond safety) in respect of licensing both taxis and PHVs.

The Commission has suggested that national standard setting would only extend to vehicle safety. This would also cover features distinguishing taxis from PHVs. On the other hand, considerations relating to broader quality considerations (e.g. colour or comfort) could only be regulated locally, and then only in respect of taxis.

Appropriate vehicle testing and insurance remain key safety requirements.
RESPONSE

We would recommend that this is set out in primary legislation.

PROVISIONAL PROPOSAL 48

Operator licensing should be retained as mandatory in respect of PHVs.

Operators have only indirect contact with the public, although this is not the case for pre-bookings. Passengers in the latter circumstances do not know who the driver will be until they are collected. In private hire this is reinforced by the fact that the contract is between the consumer and the operator, not the driver.

Operators should periodically check that drivers and vehicles comply with safety requirements, as well as checking that they continue to satisfy relevant regulatory requirements. Operators’ reliance on customer goodwill for repeat business is an important regulatory control.

In Scotland, operator licensing was deemed unnecessary when private hire licensing was introduced. However, because of a perceived increase in concerns about public safety and public order, operator licensing was introduced in 2009.

RESPONSE

We support this proposal.

QUESTION 49

Should operator licensing be extended to cover taxi radio circuits and, if so, on what basis?

Unlike private hire drivers, taxi drivers may take pre-bookings directly. This means that a third party who arranges a pre-booking can, in principle, act merely as an agent and take no direct responsibility in respect of the booking.

Third-parties taking bookings on behalf of taxi drivers have no formal role in legislation but it may appear that taxi radio circuits – dispatching solely taxis – carry out a very similar function to operators.

If all third parties who invite bookings for taxis had to be licensed that would effectively ban agency arrangements. The third party would, by statute, have to take substantial legal responsibilities in respect of the taxi service provided.

RESPONSE
If the Taxi radio circuit ‘operator’ also has ownership of the vehicles.

PROVISIONAL PROPOSAL 50

The definition of operators should not be extended to include intermediaries.

Intermediaries may have a long-standing contract for particular events. They may also contact an operator to dispatch PHVs or taxis. In such cases, the customer is not in any meaningful way relying on the operator, but rather on the identifiable intermediary. Given this overlap, there is an issue as to whether the definition of operators should be extended to intermediaries.

Under current arrangements, customers may still have recourse through contract law if a problem arises. The operator ultimately engaged would remain liable and subject to regulation.

RESPONSE

We are of the view that with regard to intermediaries who deal solely with licensed operators then there should be no requirement, however, if they deal directly with drivers then they should be required to licence as operators.

QUESTION 51

Should “fit and proper” criteria in respect of operators be retained?

Currently, licences may only be granted to operators if they are “fit and proper” persons and subject to such conditions as a licensing authority may deem “reasonably necessary”. Operators are directly liable for breaches by their drivers, and vehicles.

There is evidence that initial checks on operators can yield significant intelligence useful to the police.

RESPONSE

We would favour retention.

PROVISIONAL PROPOSAL 52
Operators should be expressly permitted to sub-contract services.

Where a customer contacts an operator who is unable to fulfil the proposed booking, that operator may wish to sub-contract the job to another operator.

Currently, it is illegal to sub-contract bookings elsewhere in England and Wales, whereas it is expressly permitted in London – where the original operator remains liable to the customer.

**RESPONSE**

We would support this proposal provided the sub-contracting is between operators.

**QUESTION 53**

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

The Commission does not suggest that taxi drivers should be required to obtain an operator licence to take pre-bookings. However, a requirements to keep records of pre-booked journeys might be reasonable, particularly if fare regulation did not apply to such journeys.

**RESPONSE**

If fare regulation will not apply, then some record keeping should be required. The logistics of keeping records might prove problematic.

**PROVISIONAL PROPOSAL 54**

Licensing authorities should no longer have the power to restrict taxi numbers.

**RESPONSE**

We do not operate quotas and support this proposal.

**QUESTION 55**
What temporary or permanent problems might arise if licensing authorities lost the ability to restrict numbers?

Under current legislation, licensing authorities have the option to limit taxi numbers, but only in the absence of “unmet demand”.

Restricted numbers limit competition and so consumer choice. Quantity controls also create a market for taxi licences. In some parts of England, there is evidence that a taxi licence can command up to £60,000.

An as yet unimplemented provision of the Equality Act 2010 would further restrain authorities’ scope to limit numbers by preventing the refusal of a licence to a wheelchair-accessible taxi.

As at the end of February 2012, some 93 licensing authorities had quantity controls in place. Approximately 21,000 vehicles are currently operating in areas with quantity controls, accounting for just over ¼ of all taxis operating in England and Wales.

Lack of provision can push consumers into taking unlicensed vehicles.

Taxi representative groups have highlighted the potential benefits to the public through restricting numbers which flow from a more stable and better paid trade. However, those could also be achieved through regulation targeted at ensuring appropriate quality standards.

On balance, the Commission is proposing that arguments in favour of deregulation, and for the abolition of quantity controls, are most convincing.

RESPONSE

National quality controls coupled with demand/market forces should restrict numbers.

QUESTION 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

There is some concern that removing quantity restrictions may drive out high skilled drivers as a sudden influx of drivers could force down standards. Even if the new entrants leave after a few years, the overall standards might be lower then than before the change. There would be reputational issues, too.
However, the risk of lower standards can be protected against by ensuring that new entrants are required to provide services to an appropriate standard. London is a prime example, as there are no quantity restrictions but there are stringent quality controls. Even in such circumstances, there has to be an adequate enforcement regime to monitor and enforce those standards.

RESPONSE

We see no requirement for transitional measures. Demand and market forces coupled with national quality standards should suffice.

QUESTION 57

<table>
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<th>Should there be a separate licence category for wheelchair accessible vehicles? This could involve:</th>
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<tr>
<td>a. A duty on licensees to give priority to disabled passengers; and</td>
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<td>b. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.</td>
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Ensuring proper accessibility is a priority of the Law Commission’s review.

Some authorities have a policy requiring all licensed taxis to be wheelchair accessible. This guarantees a disabled person an accessible taxi. Such vehicles may not be ideal for passengers with other disabilities.

The Commission is not arguing that a percentage of taxis should be wheelchair accessible.

The Commission has considered whether a specific accessible taxi licence could be required, so that licence holders would be obliged to prioritise bookings from passengers in wheelchairs. There could be special ranks for such vehicles.

RESPONSE

We are of the view that operators/drivers should be encouraged to purchase wheelchair accessible vehicles and perhaps incentives would assist. We currently have removed age related restrictions from wheelchair accessible vehicles but this in itself can create problems when those vehicles become old and somewhat unsightly in appearance.

The question of making adequate provision on ranks is more problematic particularly when some such vehicles are side loading whereas others are rear loading.
QUESTION 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

RESPONSE

We would be concerned that any reduction in licence fees could mean that the Authority does not cover costs of the licensing regime.

QUESTION 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and for catering for the different needs of disabled passengers?

In some countries, the licence fee for a wheelchair accessible taxi is considerably lower than for other vehicle types. This helps to offset the cost of purchasing an accessible vehicle. One option might be, therefore, to introduce a range of fees relating to vehicles that satisfy different accessibility standards.

RESPONSE

Disability awareness training and manual handling should be an essential part of drivers operating wheelchair accessible vehicles.

PROVISIONAL PROPOSAL 60

The Commission does not propose the introduction of quotas for wheelchair accessible vehicles.

The Commission is not persuaded of the need for quotas because of the fluidity of the industry and because many drivers and vehicle owners are sole traders. It also recognises that quotas may not help many disabled people in a wheelchair because there is no guarantee that an accessible vehicle would be available at the time and place they required it.

RESPONSE

We support this proposal. It is questionable whether there would be sufficient business for an operator/driver, therefore quotas are unnecessary. We agree that whatever the status quo, there is no guarantee that an accessible vehicle would be available when required.
PROVISIONAL PROPOSAL 61

National standards for drivers of both taxis and PHVs should include recognised disability awareness training.

There are plenty of examples of disabled people – in particular those in wheelchairs or with assistance dogs – having been refused service or discriminated against in the provision of a service. More needs to be done to eradicate illegal and unacceptable practices.

There should therefore be a national standard requiring all taxi and PHV drivers to complete a recognised accessibility training course as a condition of holding a licence.

Assisting a disabled person also has safety implications.

Some local authorities (e.g. South Ayrshire) have introduced a mandatory requirement for licensed drivers to attend an appropriate course.

RESPONSE

We support this proposal.

PROVISIONAL PROPOSAL 62

To better address concerns about discrimination, taxis and PHVs should be required to display information about how to complain to the licensing authority.

This would be consistent with the spirit of the Equality Act 2010, because – regrettably – discriminatory practices are not rare. More can be done at local level to ensure that discrimination is not condoned. Licensing authorities should take appropriate action against licence holders who participate in discriminatory practices.

RESPONSE

We support this proposal with the caveat that the logistics of displaying appropriate information could prove problematic e.g. bilingual, multilingual, braille.
QUESTION 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them?

Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Legislation already prohibits discrimination against disabled people in the provision of goods and services – including services provided in taxis and PHVs. This includes a requirement to make “reasonable adjustments” in the provision of the service, including the provision of auxiliary aids.

The law provides that there should be no additional charge for carrying an assistance dog, although this is not always followed.

Taxis are not under a general duty to stop when hailed, and the Commission does not seek to change that.

Good practice would suggest that licensing authorities should require taxis to display their availability for hire by some obvious means to the public. This, in turn, could be coupled with a requirement to stop in response to a hailing if free and safe to do so.

RESPONSE

Training, as mentioned earlier, would surely assist. An obligation to stop if available for hire when hailed by a disabled passenger should be obligatory.

QUESTION 64

Should authorised licensing officers have the power to stop licensed vehicles?

Breaches of taxi and PHV legislation are criminal offences enforced through magistrates’ courts. Licensing authorities also have powers to suspend, revoke or refuse to renew an existing licence, and to refuse to issue licences.

Licensing officers do not currently have powers to stop a vehicle, although they can inspect licensed vehicles for fitness. This requires them to work closely with the police and the Vehicle and Operator Services Agency.

It would not be possible for a licensing officer to determine that a vehicle and driver are licensed in advance of stopping them. There are questions about the propriety of a licensing officer – rather than an uniformed police officer – approach members of the public and questioning them about their behaviour. Such powers would have to be proportionate, appropriate and accompanied by safeguards.
RESPONSE

We have concerns regarding Health & Safety implications. Such power would need backing up i.e. offence of failing to stop for licensing officer. Such officers would also require a recognisable uniform.

QUESTION 65

What more could be done to address touting (the offence in a public place of soliciting persons to hire vehicles to carry them as passengers)?

Touting can be a serious problem at airports and town centres with an active nightlife.

RESPONSE

Limited resources but the use of Taxi Marshalls could be beneficial subject again to cost.

QUESTION 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

The Vehicle and Operator Services Agency and Traffic Commissioners are empowered to impound vehicles in respect of illegally operated public service and goods vehicles. The police have powers to seize vehicles that are operated without insurance.

If a vehicle is impounded it is for the owner to show that the vehicles has not been operated in contravention of the law. Were they unable to do so, the vehicle would be sold or destroyed.

RESPONSE

We would agree that perhaps there should be powers for serious breaches but precise guidelines would be required.

QUESTION 67
Should licensing authorities make greater use of fixed penalty schemes and, if so, how?

A number of road traffic offences are now classed as fixed penalty offences. A Fixed penalty Notice (FPN) may be given on the spot by authorised persons where that person has reason to believe that someone is committing, or has committed, a fixed penalty offence. They are only appropriate where the commission of an offence can be assessed objectively.

The recipient may choose to pay the fine or have the matter heard in court.

Making certain breaches of taxi and PHV legislation fixed penalty offences would reduce the number of cases reaching court, and would be consistent with the enforcement of breaches of other professional motoring requirements.

**RESPONSE**

*We would agree that use could be made of fixed penalty schemes particularly as recent decisions have brought into question the value of the penalty point schemes exercised by many local authorities.*

**PROVISIONAL PROPOSAL 68**

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Currently, enforcement officers are only able to take enforcement action against vehicles licensed in the authority for which they work. Currently also, PHVs can work legally in authorities other than that in which they are licensed providing the licences held by the operator, driver and vehicle are from the same authority.

The Commission’s proposals would enable private hire operators to use drivers and vehicles licensed in another authority to fulfil a booking, and it is important to ensure that enforcement systems sit properly with this greater flexibility.

**RESPONSE**

*We would not advocate crossing borders to enforce but we see an opportunity to enforce against vehicles operating FROM other areas.*

**QUESTION 69**
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so, what would be the best way of achieving this?

Non-criminal sanctions can be very effective. Under the current licensing framework, only the home licensing authority has the power to take such action. As this is the licensing authority that originally granted the licence and which holds information about the licensee, this makes sense.

Under a system allowing cross-border enforcement, where a vehicle or driver licensed in one area was found to be in breach of regulations in another area, their home licensing authority would be alerted to this and expected to take appropriate action.

The authority might need to have an incentive to do so. This could be overcome by informal co-operation between licensing authorities; or by formal procedures for cross-border co-operation; or by authorities having full powers to suspend and revoke licences cross-border.

RESPONSE

We disagree, whilst general enforcement against vehicles from other areas would be beneficial, suspensions and revocations should remain with the ‘Home’ Authority’.

PROVISIONAL PROPOSAL 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, the holder of the relevant licence.

Currently, there are differences in the rights of appeal available in the taxi licensing regime as opposed to the private hire regime. There are also differences in the regime that applies in London compared to that which applies in the rest of England and Wales.

The Commission’s proposals envisage three main types of standards that might apply to any licensee:

- National standards for taxis and PHVs.
- Additional local standards for taxis only; and
- Individual conditions of licence.

In principle, where the challenge is to a general standard the mode of challenge should be a judicial review. A successful challenge would strike down the standard itself.
If the ability to impose individual conditions is retained, an appeal to the magistrates’ court in respect of the specific condition would be appropriate.

A licensee may also wish to challenge how a standard was applied in a particular case. This would again involve a magistrates’ court.

The Commission recommends that statutory rights of appeal should be limited to the applicant or licence holder, because general conditions will only be susceptible to challenge via judicial review.

**RESPONSE**

*We support this proposal.*

**PROVISIONAL PROPOSAL 71**

The first stage in the appeal process throughout England and Wales – in respect of refusals, suspensions or revocations – should be to require the licensing authority to reconsider its decision.

London has a statutory right to require a local licensing authority to reconsider its decision. If the applicant remains unhappy they have a right of appeal to a magistrates’ court. An application to a magistrates’ court can also be made first, bypassing the reconsideration stage.

This option does not exist anywhere else in England and Wales. The applicant must instead appeal directly to the magistrates’ court (or Crown Court).

**RESPONSE**

*An appeal to Magistrates Court is a costly matter for drivers/operators. It would appear that if the first stage is for the Authority to reconsider, then additional expense could fall on the Authority by setting up a second hearing and the whole appeal process could extend considerably.*

**PROVISIONAL PROPOSAL 72**

Appeals should continue to be heard in the magistrates’ court.

This already applies in most cases, although most magistrates have little or no experience of taxi and private hire licensing issues. They are not specialists like the Traffic Commissioners or the First-Tier Tribunal (Transport).
The Commission’s proposals are that only complaints about decisions that directly affect individuals (and potentially, individual conditions) would be heard before the magistrates.

**RESPONSE**

*We support this proposal.*

**QUESTION 73**

Should there be an outright right of appeal to the Crown Court?

The Commission’s proposals provide a two-step appeal system, with decisions first subject to reconsideration by the authority followed by a right of appeal to magistrates. This should provide adequate safeguards, but retaining an onward right of appeal to the Crown Court would be desirable given the possible impact on livelihoods.

**RESPONSE**

*There should be an outright appeal to Crown Court.*

David Lloyd Roberts  
1st August 2012
Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

North Devon Council has always embraced the principle that ‘once a taxi always a taxi’. Any change as suggested will ultimately provide a system which is more open to abuse, one which will undermine the sanctity of licensed vehicles and lead to unnecessary enforcement difficulties. The travelling public need to be sure what is and what is not a taxi.

If the above proposal does come to fruition, a suggestion would be that all taxis should display a sign similar to those on buses which clearly states that the vehicle is ‘not in use’.

Provisional proposal 21
The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Agree.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Agree – hackney carriage is an outdated term and one for which the travelling public do not use and are not familiar with.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

No – if the two tier regime remains, in order to achieve the best possible separation of roles/functions, private hire vehicles should not be able to utilise this term.

**Provisional proposal 24**

*Taxi and private hire services should each be subject to national safety requirements.*

Agree - there is an overwhelming need for improved consistency of safety requirements across local authorities. The current process of each individual authority making these sorts of considerations is unnecessarily costly.

**Provisional proposal 25**

*National safety standards, as applied to taxi services, should only be minimum standards.*

Agree.

**Provisional proposal 26**

*National safety standards, as applied to private hire services, should be mandatory standards.*

Agree.

**Provisional proposal 27**

*Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.*

Agree.

**Question 36**

*Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?*

Yes, licensing authorities should retain this power. It should be noted that as with North Devon Council a large number of authorities issue joint hackney carriage and private hire drivers licences to be able to add conditions to a licence. It is suggested that any review should remove this unnecessary inconsistency between licence types.

The legislation should ultimately provide for an unfettered discretion to impose conditions that are reasonable and in line with a number of licensing objectives. Currently there are no licensing objectives similar to those found under regimes such as the Licensing Act 2003 and Gambling Act 2005. A clear set of objectives would be beneficial in outlining what the licensing process is trying to achieve. At present whilst criteria exist e.g. ‘fit and proper’, there is nothing formal and a clear set of objectives would provide further consistency in the decision making process.
**Provisional proposal 38**  
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

Agree.

**Provisional proposal 39**  
Licensing authorities should have the option to create, or remove, taxi zones within their area.

Whilst zones may be of value in metropolitan areas, zones are unlikely to be value for predominantly rural districts. They may create increased enforcement costs e.g. drivers not adhering to zones and there are doubts as to whether a zoning system could be operated fairly. Zones could be deemed a restraint of trade akin to the restriction of taxi numbers, and there may be questions in respect of the equal distribution of rank spaces between zones.

**Question 40**  
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

Perceived to be of limited use.

**Provisional proposal 43**  
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

There is some merit in the retention of the ability to regulate fares for hackney carriages and we concur with the proposal that powers should not exist to regulate private hire fares. What is more pressing however is that at present there is little guidance available on this subject. What would be of value is a clear set of principles to apply to fare setting.

At present there is little or no consistency between authorities in the way in which fare tariffs work. To provide benefit to the travelling public it is our belief that factors such as ‘night’ and ‘day’ commencement times, holiday periods, flag distances etc should be the same nation wide. Whilst this would not impact on the cost of a journey, what it would do is to help the travelling public understand when the price of their taxi will go up from one rate to another in the evening for example, and how much they are being charged for the first set distance whenever they used a taxi. Fare tariffs are a confusing area and it is very difficult for customers to ascertain the price of a journey from a tariff card. Having a national charging matrix would help passengers to better understand fare regulation and aid consistency between authorities.

**Question 44**  
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

When there is an unequal distribution of hackney carriage and private hire vehicles (as within the district of North Devon -figures as of 1st July 2012 - 198 hackney...
carriages, 291 hackney carriage drivers, 16 private hire vehicles, 2 private hire drivers) it may be of value to allow taxis to charge dead mileage in this way. It is often alleged by North Devon taxi drivers that persons residing in outlying areas are not well served as there are few private hire vehicles able to charge dead mileage. If a change to enable taxi drivers to charge dead mileage is introduced, the legislation would have to be made sufficiently robust to include the provision of an explanation to passengers that the fare would be higher than that shown on the taximeter.

**Question 45**
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:
(a) set out in primary legislation; or
(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

a) Set out in primary legislation.

**Provisional proposal 54**
Licensing authorities should no longer have the power to restrict taxi numbers.

North Devon Council agree that licensing authorities should not have the power to restrict taxi numbers. The fact that this a highly emotive issue amongst drivers, and that the legislation is weak has meant that this area has been the subject of numerous committees meetings in North Devon. This makes for a very costly process at a local level.

We believe that the law should make it absolutely plain of the very specific grounds on which a vehicle licence can be refused. The present system whereby those local authorities desperate to limit numbers find a totally irrelevant reason for doing so, e.g. the protection of drivers incomes, means that the current system is not fairly administered.

**Question 55**
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

Congestion may arise at certain ranks. It is noted that this has been discussed at Law Commission consultation meetings. We would wish to raise the point however that congestion is beyond the control of local authorities and licence holders. Congestion is often linked to traffic issues, the geographical nature of ranks, presence of one way systems, the nature of access routes, restrictions etc. Often unrelated events such as the opening of a night club can cause congestion. Even with evidence of congestion at certain ranks it is difficult to see how authorities could refuse to grant a licence to an applicant when that individual may not wish to use the particular rank in question. The Highway Authority has a greater role in congestion and we strongly believe that congestion should not be a relevant factor with respect of limitation of taxi numbers.

**Question 58**
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?
If quotas are not introduced then some form of incentive for drivers to purchase accessible vehicles should be explored. We support the concept of reduced fees and believe the legislation should reflect the ability for a fee to be reduced in this way.

**Provisional proposal 60**

*We do not propose to introduce national quotas of wheelchair accessible vehicles.*

Whilst the rationale for this proposal is understood, it is difficult to see how to effectively increase the number of wheelchair accessible vehicles in a district where concerns have been raised about the number of providers of accessible services. Although fees may make some contribution, this is likely to be minimal considering the cost of an accessible vehicle as opposed to a standard saloon. As highlighted in the Law Commission Consultation document policies allowing licences to be granted only in respect of wheelchair accessible vehicles have been challenged. We believe there is definite merit in making the legislation clear as to whether authorities can impose this type of requirement, thereby enabling them to do so without the risk of challenge.

**Provisional proposal 61**

*National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.*

North Devon Council strongly believe that all drivers should receive recognised disability awareness training. This Council require all new drivers to undertake the BTEC Introduction to the Role of the Professional Taxi and Private Hire Driver, a substantial element of which includes dealing with disabilities. We believe that this qualification should form an acceptable level of training.

**Provisional proposal 62**

*In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.*

This Council provide this type of information but do not require it to be displayed. We believe that the requirement to display it is a sensible proposal.

**Question 63**

*What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?*

Such an obligation may be of some value, however the situation that currently exists for rural authorities with small numbers of accessible vehicles is that the majority of journeys are pre-booked rather than hailed. The real issue for disabled persons in our area is that they do not have a sufficient number of firms to choose from and they tend to relying on one or two operators or suffer from a lack of service at certain times of the day. We believe that the focus of any review should be on possible methods to increase the number of service providers in a district.
Question 64
Should authorised licensing officers have the power to stop licensed vehicles?

Yes authorised officers should have this power.

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

The current legislation, guidance, and case law makes the offence of touting a confusing area. The legislation could improve this situation by redefining the offence. At present the spirit of the law is unclear – is the law trying to outlaw licence holders competing for business in a robust or aggressive manner or does it solely relate for unlicensed drivers trying to tout for business?

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

In a district like North Devon this power has never been perceived as necessary. There would be an enormous onus of responsibility on Licensing Officers if this was introduced. In the case of unlicensed vehicles the power is unlikely to be of real value considering vehicles can be gained relatively cheaply. What would be of value it to increase the relevant sanctions for unlicensed operation, operating without insurance etc. At present fines are low, an increased penalty for these types of offences may be more effective.

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how?

We believe fixed penalty schemes are of limited value. In our experience more than half of those individuals prosecuted by the Council for offences such as refusal of fares have pleaded not guilty, and therefore a fixed penalty would not have been a realistic option.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Agree.

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

We have concerns as to the prospect of cross-border enforcement powers being extended to suspensions and revocations of licences, as the inappropriate or over-zealous implementation of such powers could compromise the delicate relationship the licensing authority has built with the trade, and expose the authority to
complaint, in view of the serious financial consequences which can follow the taking of such draconian action.

The authority which issues the licence is better able to weigh up the benefits and shortcomings of suspending or revoking a licence in particular circumstances, and defend appeals in the local magistrates' court when necessary.

**Provisional proposal 72**

Appeals should continue to be heard in the magistrates’ court.

Agree.

**Question 73**

Should there be an onward right of appeal to the Crown Court?

Agree.
From: stewart ashton
Sent: 01 August 2012 12:09
To: TPH
Subject: taxi and private hire proposals

Hi

I wish to thank you for your extensive research and coverage of your report no stone has been left unturned in your report

I agree a two tier system should be retained but regulation should be uniformed right through the country one rule for all private hire and taxicabs

The rules need be clear and specific what private hire vehicles can do when waiting for anticipated cross border hire we find in Liverpool the tendency is that out of area private hire car will park near taxi hotspots l/e hotels tourist areas places of entertainment which is perceived as touting there has been prosecutions in Liverpool against such drivers illegal plying for hire.

Liverpool is a taxi town were both private hire and taxicabs are the cheapest fare rates in the country it also has a healthy safe vibrate night life which attracts many visitors this is where confusion has ensued by many out of town visitors think that these vehicles are taxi cabs by their actions they invite clients to break the law

So a standard taxi cab and a standard private hire car nationally would make things clearer for the public. Easily identified taxi cab and private hire

The regulation of fare rates or should be set locally for both

The regulation of numbers should be set by the local authority to reflect the need and changes of the developing community new drivers should conform to training in customer needs and after a qualifying period be allowed to apply for taxi cab license or private hire license

The open issue of licensing of taxi cabs will have an impact on the monetary value of a taxi cabs which have been purchased by owners’ and will affect their nest egg investment many of these are listed through there accountants as an asset and this asset will lose value overnight again these ones should be compensated for the change as in your reported change in Ireland overnight these owners lost a considerable amount of money and owed thousands of Euros because of loans to pay for their licenses

There should be a negotiated compensation paid to those who show that they have lost monetary value on their asset or assets

I look forward to the changes so long as a level playing field can be accomplished for all, that Regulation and legislation can be achieved fairly for both taxicab and private hire. that public safety is top of the agenda for the changes and further power of enforcement given to the local councils that companies, owners and drivers stay within the law

Yours Truly

Stewart Ashton
Dear Ms Patterson

Law Commission Consultation Paper No 203
Reforming the Law of Taxi and Private Hire Services

The following response to the consultation paper is made on behalf of the London Vintage Taxi Association (LVTA), an association for those who restore, preserve and enjoy the iconic purpose-built London taxi and related vehicles built on the taxi chassis. It has 257 members in 16 countries worldwide, 75% of them in the UK, with a further 86 members in its American Section. Approximately 370 vehicles, dating from 1907 to 2010, are recorded on the club register, 45% of which were built before 1960. Some members use their vehicles, *inter alia*, for weddings and funerals and the following comments therefore address issues relating to classic vehicles, wedding and funeral cars and, in particular, former taxis.

The fundamental purpose of regulating an activity must be to ensure the safety and integrity of that activity. Any increase in regulation must clearly serve that purpose and be viewed in the context of the Government’s initiative to abolish unnecessary and outdated rules. Any regulation must be fully justified on the basis of an established need and objective analysis of the risks. Paragraph 1.7 of the Law Commission summary paper rightly states that “each element of the existing regulatory system [should be looked at] to ensure that it does not impose unnecessary costs on the industry” but, similarly, potential new regulations should be assessed in that context.

The LVTA asserts that vehicles other than classic vehicles and those used for weddings and funerals present a significantly greater risk to the public by virtue of the nature of their activities and the intensity of the work they undertake. There is no justification for imposing an unnecessary cost and bureaucratic burden on classic, wedding and funeral cars which present a minimal risk.

“Provisional proposal 11

*Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.*”

There is no apparent need for the regulation of cars used solely for weddings and funerals. No evidence has been adduced of:

- accidents caused by mechanical faults that would have been prevented by licensing
o driver error or medical incidents that would have been prevented by licensing
o criminal assaults/criminal activity that would have been prevented by licensing
o route-finding issues that would have been prevented by licensing.

There are already provisions requiring wedding and funeral cars used for other purposes to be licensed.

If the meaning of “being used in connection with a wedding” is not clear, a more comprehensive definition should be introduced in preference to licensing. The LVTA would advocate redefining ‘wedding use’ to journeys conveying participants (including bride, groom, bridesmaids, partners, family friends and other guests) of a wedding or civil partnership ceremony and any reception within the 24 hour period including the ceremony. It would, for example, include journeys to and from the bride's house, the ceremony and the reception. This would not include wedding anniversary parties.

If wedding and funeral cars are licensed, classic taxis will be prevented from undertaking any such work as they cannot be licensed as private hire vehicles and other (non-taxi) classic vehicles are likely to be priced out of the market.

The LVTA asserts that:
- wedding use should be redefined rather than introducing regulation.

**Vehicles**

With effect from 18 November 2012, vehicles manufactured prior to 1960 (estimated to total 162,000, ie 0.6% of licensed vehicles) will no longer be required to undergo an annual MoT test because, according to the Department for Transport, test failures reduce with vehicle age and only 0.03% of accidents involve such vehicles. Roads Minister Mike Penning is quoted as saying “we are committed to cutting out red tape which costs motorists money without providing significant overall benefits. Owners of classic cars and motorbikes tend to be enthusiasts who maintain their vehicles well – they don’t need to be told to look after them, they’re out there in all weathers checking the condition of the engine, tyres and bodywork. Owners of classic vehicles will still be legally required to ensure that they are safe and in a proper condition to be on the road...”.

Wedding, funeral and classic cars cater for a different market from mainstream taxis and private hire vehicles and they are seldom, if ever, booked with less than 24 hours’ notice. Often bookings are made following personal recommendations and viewings by the potential hirer. Classic vehicles are restored and maintained to very high standards by enthusiasts or specialists who have acquired considerable skills. These vehicles do not incur high mileage, it being estimated that they cover only 500 miles a year on average. Owners do not want to over-work their vehicles with the risk that they deteriorate since repairs can involve skills that are no longer widely available and spare parts can be unobtainable or very costly. The underlying aim is to give and receive enjoyment. Whether or not there is a business element, classic vehicles are, in all but a few instances, a hobby which can be very expensive and time consuming. LVTA members have calculated that the cost of providing a classic taxi is £200 - £250 per wedding before any profit is earned. This includes the costs of maintenance and repair, insurance, fuel, etc. Whilst mainstream taxis and private hire vehicles seek to maximise the number of customers per day, classic car services tend to be confined to one customer per day on those days that the vehicle is worked, and they are not worked every day.

Requiring classic wedding and funeral cars to be licensed in London would cost what are normally owner-drivers approximately £500 pa – ie £250.60 for an operator’s licence, £105.67 for a driver’s licence (including CRB check but excluding the cost of a medical) and £114 per vehicle for a vehicle licence. Taking one LVTA member as an example, he undertakes about eight weddings a year in his classic Austin FX3 taxi. His annual costs would increase by £500 for licensing thereby adding over £60
per wedding for no apparent benefit. As an operator he would also have the burden of additional record-keeping.

**Relative risks**
Horse drawn vehicles appear not to be included in this consultation document, and yet the potential for harm to passengers is greater than with classic motor vehicles since a normally well trained and well behaved animal could bolt as a result of some sudden noise or event. An approach has, in the past, been made to the Public Carriage Office for a licence to operate horse-drawn ‘taxis’ and proposals for providing taxi services using innovative and unusual vehicles (eg tuk tuks or auto rickshaws) are occasionally received. The regulatory regime needs to encompass such ‘novelty’ vehicles.

Furthermore, the danger with pedicabs in the capital is worrying and, again, significantly greater than with classic vehicles. They are often seen going the wrong way down one way streets, jumping red lights, mounting pavements, driving in pedestrian-only areas, running without adequate lighting, blocking junctions, and obstructing emergency exits of entertainment venues. They and their riders are invariably not identifiable by means of vehicle numbers or rider’s badges. It would seem that people who pay to travel with little or no protection in these flimsy vehicles on some of the busiest streets in the world are putting themselves in considerable danger. Unlike with classic vehicles, pedicabs present a clear risk and regulation is needed.

Stretch limos also raise safety issues with concerns relating to the integrity of their construction/modification; availability and use of seat belts; the number of passengers carried; the design of their interiors; and the nature and installation of post-production interior fittings (eg, smoke machines, lighting rigs, sound systems) some of which are potentially lethal. In our considered opinion these, too, present a greater risk than classic vehicles and justify regulatory intervention rather more than well cared-for classic vehicles.

If public safety is the paramount justification for regulation, there is clearly greater justification for licensing pedicabs and stretch limos than there is for classic vehicles and/or wedding and funeral cars. There is also some justification for ensuring there is provision for licensing horse-drawn vehicles.

**The LVTA strongly asserts that:**
- wedding and funeral cars should remain exempt from the need to be licensed;
- classic vehicles used for any purpose should be exempt from licensing; and,
- all other forms of conveyance used to carry passengers for hire and reward should be subject to licensing (eg pedicabs, stretch limos and horse drawn vehicles).

**Drivers**
Those who drive classic vehicles have skills which are not possessed by most modern drivers. Such vehicles may necessitate double declutching to change gear; they may have column gear change; the foot pedals may not be laid out as in modern vehicles; there is no power steering or disc brakes; the windscreen wipers are less effective than today’s cars; and there may not be direction indicators. In some vehicles there is little or no protection from the elements for the driver. All this means that it is not easy to replace the driver of a classic wedding or funeral car at short notice in the event of illness or other late non-availability and to find a licensed driver at short notice would be more difficult and place some wedding and funeral journeys at risk.

Unlike pedicab riders who constantly demonstrate little regard for existing road traffic legislation and who may only be in this country for one season, the drivers of wedding, funeral and classic vehicles are not undertaking the role for a short term or single season but are committed for the long term and drive vehicles which do not lend themselves to dangerous driving.
Medical fitness

“The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before such a licence could be granted” and in London the same standard is applied to private hire drivers. “Current best practice advice is contained in the booklet “Fitness to Drive”: A Guide for Health Professionals published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006. This recommended that the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers, should also be applied by local authorities to taxi drivers” [DVLA ‘At a Glance Guide to the Current Medical Standards of Fitness to Drive’]. In the publication Medical Aspects of Fitness to Drive by Dr J F Taylor CBE FRCP DDOM, published by The Medical Commission on Accident Prevention, it states that “these higher standards are justified because professional drivers spend substantially longer at the wheel than do private motorists, so that the risk of sudden illness occurring whilst actually driving is greater. .....Furthermore, it is not easy for a professional driver to stop driving if he is feeling unwell due to schedules that have to be maintained. Taxi....drivers should be required to meet Group 2 standards.”

Drivers of classic vehicles do not undertake the same volume of work as taxi and private hire drivers and do not, therefore, necessitate the higher standards applied through licensing. They do not travel the same distances or undertake the same intensity of driving and consequently there is not the same need for a medical requirement greater than for a Group 1 driving licence.

Character
The occasions when vulnerable people travel alone in such vehicles are rare as they are social vehicles rather than functional. The nature of the work they undertake is not conducive to assaults by drivers or dangers caused by long journeys or lone travel. Indeed, classic taxis retain their original partition between driver and passengers.

Topographical knowledge
The degree of advance planning involved in weddings and funerals (which is possible due to the lower volume of work) and the relatively local nature of the work suggests that no topographical knowledge test is needed (classic vehicles not generally being well-suited to long distance travel).

Funeral services
The funeral services of the country rely on a lot of casual drivers. The cost of licensing drivers and vehicles would be prohibitive and result in the cost of funerals increasing considerably as directors would be forced to take on, and pay for, more staff who are properly licensed. Most funeral directors, including some of the most well known in the trade, have only one or two limousines and hearses and rely on hiring additional vehicles and drivers when necessary from independent companies specialising in such hire. These companies would be at risk of going out of business because of the increased overheads.

Wedding and funeral use
Increased regulation must surely be justified on the basis of demonstrable need and there is no apparent need, ie no record of accidents or assaults or other dangers to passengers or the public. Classic vehicles form a niche market and although their design and construction may not meet modern safety standards as regards air bags, seat belts, impact absorbing surfaces, etc, such deficiencies measured against modern standards are patently obvious to those who hire them and, indeed, contribute some of the very character which makes them attractive and novel. Furthermore, speed is not a term associated with most classic vehicles used for road work and this, in turn, reduces the risks.
Whilst there have been instances with taxis, private hire vehicles, stretch limos and pedicabs of accidents and safety risks and, with their drivers/riders of inappropriate and criminal behaviour, no such dangers have come to attention with classic vehicles and their drivers thereby indicating that regulation is unnecessary.

The cost of licensing would deter enthusiasts thereby removing many classic cars from the wedding and funeral business and risking the loss of part of Britain’s motoring heritage. Drivers and owners would be unable to share their ‘pride and joy’ with others, and those who would normally want to hire such vehicles would be denied the opportunity of using something that helps make their special day memorable. In effect, everyone would be denied the pleasure and enjoyment because of government-inspired over-regulation.

The LVTA strongly asserts that:
- the drivers and operators of wedding and funeral cars should remain exempt from the need to be licensed; and,
- the drivers and operators of classic cars used for any purpose should be exempt from licensing.

The unique position of classic taxis
Taxis in London are a niche within a niche in that they are expressly prevented from being licensed because they have, by virtue of the purpose for which they were designed and built, and because they complied with the Conditions of Fitness prevailing at the time of manufacture, the appearance of a London cab and cannot therefore be licensed as a private hire vehicle (Private Hire Vehicles (London) Act 1998). They may also have familiar features such as meters, ‘taxi’ lights and old-style licence plates or stencilled markings. Nonetheless, they are popular wedding cars, occasionally undertake funerals (there is a hearse version of both the Austin FX3 and FX4) and their owners often receive requests for other types of journey.

Were their use not constrained by the current ‘wedding and funeral’ legislative provision, the use of classic taxis for conveying passengers would, on the basis of requests received by LVTA members, extend to wedding and other anniversaries, parties, proms and tourist/nostalgia tours. They form part of the transport heritage of the capital in particular and have a role to play in tourism, promotional events, ceremonials (eg Lord Mayor’s Parade) and in promoting London. They are recognised nationally and internationally.

Defining a classic vehicle, however, presents some difficulty and, in relation to taxis, may depend on local circumstances such as if, and when, the particular vehicle was licensed as a taxi in that area. For example, in London a definition of vehicles built before 1960 (consistent with the MoT test exemption) would exclude Beardmores and Winchesters which are unlikely to be confused with a licensed taxi because of their body shape. Alternatively, defining it as a vehicle built before 1973 (consistent with the vehicle tax class of ‘historic vehicle’) would classify Beardmores and most Winchesters as ‘classic’ but would also include early FX4s.

A further complication is posed by Asquiths which have a retro appearance but which first entered licensed service in 1994. It is believed that only two remain licensed and only one is listed on the LVTA register. Whilst resembling a Low Loader of the 1930s this is a modern vehicle and would not fall within either of the definitions above. Paradoxically, licensed Asquiths are often not recognised as being licensed taxis in London.

It is acknowledged that FX4s (and Asquiths) do have the appearance of currently licensed taxis although in London the few remaining Fairways (which have virtually the same body shell as FX4s) and Asquiths may all cease to be licensed in a few years under the Mayor’s Air Quality Strategy.
(Interestingly, TfL has adopted the pre-1973 date for ‘historic vehicles’ for the purpose of this strategy.) Although it would impact on some owners (including LVTA members), it is conceded that if Fairways and Asquiths continue to be licensed this may prevent some classic taxis being licensed until a period has elapsed when no similar model has been licensed. However, this is a judgement which could be made by the local Licensing Authority in the circumstances pertaining in the particular licensing area. The expectation would, however, be that all classic taxis over about 40 years old would be exempt from any licensing requirement. Assuming wedding and funeral cars continue to be exempt, the owners of FX4s, Fairways and Asquiths (licensed as taxis or otherwise) would still be able to undertake such work.

The LVTA would favour the broadest possible definition of a classic vehicle in order to accommodate the range of vehicles owned by its membership but it is acknowledged that the London taxi has the potential for unscrupulous use because of its familiar appearance. Passengers tend to rely on its familiar shape and the ‘taxi’ light rather than on the licence plate when hailing the vehicle. The sheer endurance of the FX4/Fairway design means that it has been in licensed service for 50 years and has become an icon of London (appearing on postcards, mugs and numerous other souvenirs of the capital). Whilst a credit to the manufacturer, and an enduring image of London, this may militate against its use in an unlicensed capacity at this time, much as the LVTA would wish otherwise.

However, in order to embrace the largest number and range of taxis within the ‘classic vehicle’ definition the LVTA would be interested in exploring further such provisions as:

- the display of signage indicating that the vehicle is not licensed;
- the ‘for hire’ light/flag not being illuminated/in the ‘for hire’ position; and,
- banning the illumination of the ‘taxi’ light on such vehicles whilst on the public highway.

If wedding and funeral cars have to be licensed, classic taxis would be prevented from undertaking any paid work because they cannot be licensed either as taxis or private hire vehicles. There is no justification for such a draconian approach to vehicles which are relatively rare and do not pose a threat to the public through unscrupulous use or to the mainstream trade by posing as legitimate licensed taxis.

The LVTA strongly asserts that:

- classic taxis should not be prevented from undertaking wedding or funeral work if such activities are regulated.
- classic taxis should be defined as those manufactured before 1973 but with provision for local licensing authorities to exclude (subject to periodic review) specific models where their appearance is such as to pose a potential risk.
- when Asquith taxis cease to be licensed they should, because of their retro appearance, be regarded as ‘classic vehicles’ and be permitted to undertake all activities available to such a class of vehicle in an unlicensed capacity.

“Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.”

“Non-business hire
....... services may be provided for profit without necessarily being in the course of business. It may not be easy to decide what frequency of activity is enough to cross such a threshold. Although a business does not have to be full time it should be more than a hobby...... In the context of taxi and private hire licensing this
might be relevant to the owners of classic taxis who might occasionally hire them to the public; if done at an amateur level and only in order to maintain the vehicle, it may not amount to business use. Generally, such activities would not be caught by licensing requirements.”

Whilst there are members of the LVTA who have up to 14 classic vehicles (not all taxis), the majority of classic taxi owners have only one or two cabs. The LVTA member with the largest number of cabs recorded on the register has 12 classic taxis (none used for payment) whilst two members have five cabs, eight have three cabs and 18 have two.

Intensity of use
A clear distinction between mainstream taxis/private hire vehicles and classic vehicles is the intensity of use. Throughout this submission reference has been made to the different volume and nature of work undertaken by classic vehicles. Whereas the mainstream trade seeks to maximise vehicle usage and will usually undertake several bookings each working day (often working seven days a week), classic vehicles would not normally undertake more than three bookings a week (and often much less). Even pedicabs undertake considerably more bookings than this.

The LVTA asserts that:
- it is true that using a classic vehicle does not necessarily constitute a business and/or justify regulation;
- classic vehicles undertaking no more than three bookings a week should be exempt from licensing.

SUMMARY
The LVTA view is that:
- wedding use should be redefined rather than introducing regulation;
- wedding and funeral cars should remain exempt from the need to be licensed;
- classic vehicles, ie those manufactured prior to a specified date or those over a specified number of years old, used for any purpose should be exempt from licensing;
- all other forms of conveyance used to carry passengers for hire and reward should be subject to licensing (eg pedicabs, stretch limos and horse drawn vehicles);
- the drivers and operators of wedding and funeral cars should remain exempt from the need to be licensed;
- the drivers and operators of classic cars used for any purpose should be exempt from licensing;
- classic taxis should not be prevented from undertaking wedding or funeral work if such activities are regulated;
- classic taxis should be defined as those manufactured before 1973 but with provision for local licensing authorities to exclude (subject to periodic review) specific models where their appearance is such as to pose a potential risk;
- when Asquith taxis cease to be licensed they should, because of their retro appearance, be regarded as ‘classic vehicles’ and be permitted to undertake all activities available to such a class of vehicle in an unlicensed capacity;
- it is true that using a classic vehicle does not necessarily constitute a business and/or justify regulation; and,
- classic vehicles undertaking no more than three bookings a week should be exempt from licensing.
Members of the review team are welcome to attend a committee meeting of the LVTA or to meet with the committee at a specially convened meeting. Alternatively, the authors of this paper would be pleased to meet with the review team in order to explain and discuss further the thinking behind our recommendations. In particular, if any of the above recommendations are pursued further the authors would value the opportunity to comment further on the detailed proposals. Both authors have considerable, and complementary, experience relevant to the matters which are the subject of consultation.

Doug Cheshire  
LVTA Chairman

- Head of Design and Technology Departments in secondary schools between 1978 and 2006.
- Member of the Vintage Austin Register since 1973.
- Member of the 1100 Club.
- Former member of the Austin 10 Drivers Club, the Rolls Royce Enthusiasts Club and the Uxbridge and District Vintage Vehicle Society.
- Has owned and maintained pre-war vehicles since 1973.
- Currently owns, maintains and drives two 1934 Austin Low Loaders.
- Regularly exhibits his cabs at rallies.
- Uses his cabs for charitable purposes at no charge, eg annual London Taxi Benevolent Association for War Disabled outing to Worthing.
- Has used his cabs for weddings since 2006.
- Had driven for a funeral limousine hire company since 2006.

Roy Ellis  
LVTA Vehicle Registrar

- Head of the Public Carriage Office, London, 1995 – 2007 (which included transferring the PCO from the Metropolitan Police to Transport for London; the introduction of private hire licensing in London; and the review of the Conditions of Fitness).
- Licensing Authority’s representative for the purpose of licensing appeals under S.17 Transport Act 1985 from 2007 to present.
- Former Director of the International Association of Transportation Regulators (IATR).
- Former member of the National Association of Taxi and Private Hire Licensing and Enforcement Officers (NAPTHLEO).
- Freeman of the Worshipful Company of Hackney Carriage Drivers.

For and on behalf of the London Vintage Taxi Association
Hi,

The Hackney Carriage licenses are being sold for One Hundred and Thirty Thousand Pounds, £130,000, in Oxford. When they are initially issued by the City Council and are the property of the City Council. How can a poor driver afford to own his own Hackney Carriage? I believe it is very unfair and it is for a few wealthy who can afford to buy them. If a family man looking to feed his family by owning a Hackney Carriage he couldn't simply own one because you can't buy one. It doesn't matter how long he has been driving for somebody else. The City Council is against the deregulation in Oxford because all the Asian councilors who belong to Labour Party own their own Hackney Carriage Licenses, and they manipulate the rest of the Labour Councilors to vote in their favour so they can even get wealthier. The whole of Oxfordshire and around Oxfordshire in other counties you will find it has been deregulated for a very long time. It is only Oxford which has control over the numbers because of those City Labour Councilors. I hope the commission will take this in account and provide the equal opportunity for all Hackney Carriage drivers to become proprietors if they so wish because at the moment, doesn't matter how long you been driving for somebody else, you cannot become a proprietor of a Hackney Carriage in Oxford unless you have One Hundred and Thirty Thousand Pounds (£130,000). As the commission is well aware, the whole of Europe is deregulated and majority of England is also deregulated so therefore why should Oxford be an exception because those Labour Councilors have their own vested interest. I sincerely hope, the commission will take notice of this very important matter.

Thanking you,

Yours Sincerely,

M. Dilpazir

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Introduction
We are delighted that Pedicabs have been included in the above Consultation, and trust that we can assist The Law Commission in drawing some conclusions and recommendations with regard to the matter of licensing pedicabs fairly and appropriately countrywide. It has been recognised in the Consultation that there are different interpretations of the law around the country together with differing views as to whether or not pedicabs should be licensed or indeed allowed to operate at all.

I was one of a group, which started the London pedicab industry in 1998 (Bugbugs Ltd), and have been involved throughout in the various legal and political arguments that continue to prevail today.
We have been part of the fundamental development of this new industry from the outset, which has included exercising due diligence in all aspects of the trade, the development of best practice in terms of systems and procedures, together with devising training and maintenance programmes and working with pedicab manufacturers to improve designs.
We have robustly advocated and lobbied for a fair and appropriate licensing regime to be introduced for pedicabs (countrywide) for many years, but the issue has remained in the ‘too difficult’ pile both in London and elsewhere in the UK.
This wide experience we hope will help clarify many of the myths that prevail about the industry and demonstrate that the pedicab industry, properly regulated, would represent a high quality, environmentally friendly and efficient mode of transport in appropriate areas across the country.

London Background
Pedicabs provide transport for passengers on short, emission-free journeys around London. The demand for this mode of transport has been very strong, and pedicabs have become a colourful and vibrant part of the wider integrated transport network available to Londoners and tourists alike. This has resulted in a number of businesses entering the market operating several hundred pedicabs, which have provided millions of safe journeys and created thousands of employment opportunities. Pedicabs should logically be included in the cycling revolution currently being actively promoted and encouraged by politicians in London and throughout the UK.
Whilst there are some elements of the pedicab industry which have adopted a ‘lowest common denominator’ approach, and fall well below the standards one would expect of fit and proper businesses operating within the transport industry; there are many others which have exhibited the utmost due diligence and best practice to ensure the safety and integrity of this new, dynamic and environmentally friendly mode of transport. With the profound environmental challenges of today, all initiatives, which reduce our carbon emissions, especially in inner city areas, should be embraced and allowed to flourish, albeit within a light-touch regulatory framework.

It might be tempting to attribute the current and in parts undesirable status quo entirely to the pedicab industry (in London), but it is firmly on the record that much of the industry has been ready, willing and proactive in efforts to bring the appropriate authorities to the table in order to resolve the problems that prevail. Due to their failure (or fear of the taxi industry) to act, much of the responsibility must remain with the various London authorities. Quite apart from the expenditure of eye-watering amounts of public funds on litigation and legislative initiatives, all of which have failed, there has been a distinct lack of candour and joined-up thinking on behalf of the authorities. This has directly resulted in the mess in which we find ourselves today.

Over the years the industry has been involved with a variety of legal and political activities. Some of these have been genuinely designed to create a fair, workable and appropriate licensing regime, whilst others have had the objective of either overtly banning them or quietly removing them by the back door. There is overwhelming evidence that the vast majority of stakeholders want pedicabs to be properly licensed – and fast!

The licensed taxi industry has sustained vigorous campaigns since pedicabs arrived in London, to seek a ban and to eradicate this perceived ‘competition’. Clearly pedicabs cannot compete with licensed taxis with regard to distances travelled or numbers of passengers and as such do not represent competition. The intense lobbying, legal and political activity of behalf of the taxi associations and unions has thwarted each and every move to regulate pedicabs.

It is evident that the ability of pedicabs to ‘ply-for-hire’ is the primary motivator of the opprobrium towards the industry on behalf of the taxi lobby. This is the cache, previously only enjoyed by licensed taxis but now pedicabs can also enjoy the same modus operandi, which is anathema to taxi drivers.

Legal

It is clear from the Consultation papers that The Law Commission are conversant with the legal position concerning pedicabs around the UK, so below are very brief details.

In London pedicabs are classified as Stage Carriages under Section 4 of The Metropolitan Public Carriage Act 1869. This classification was upheld in the High Court in 2003 (R (oao) Oddy v. Bugbugs Ltd). As such pedicabs can legally ply-for-hire in any street or place within
Greater London. The licensing provisions in Section 6 of the Act do not extend to Stage Carriages but apply only to Hackney Carriages.

Mr Justice Pitchford stated in 2003: “I recognise that the consequence of this decision is that the pedicab plying for hire in London is subject to no licensing regime. That may be regarded as an unwelcome consequence. The first respondent (Bugbugs) has submitted to the London Public Carriage Office a draft strategy for pedicab regulation and it is anticipated that a scheme will be prepared within the next few months. I comment only that unless my decision is wrong in law, primary legislation will probably be required”.

The Licensed Taxi Drivers’ Association sought leave to appeal the above decision in the House of Lords and approached Transport for London to join them in the appeal. Transport for London declined in 2003 because they regarded the High Court decision as being sound.

In 2006 Transport for London then sought a Declaratory Judgement in the administrative court to overturn the above judgement, which if successful, would have changed the classification of pedicabs from Stage Carriages into Hackney Carriages. The proposal, after a Public Consultation, was to then license pedicabs as Hackney Carriages under S6 of the Metropolitan Public Carriage Act 1869. However, as stated at Opposed Bills Committee in the Lords (LLA & TfL (2) Bill HL), TfL abandoned the case on the basis that after all it was inappropriate to license pedicabs in this manner. Counsel for the Promoters:

346. MS Lieven QC: The position is that when this clause was drafted and the Bill was deposited it was based on an assumption that pedicabs would be subject to the Hackney Carriage Licensing regime because at the time of the deposit of the Bill there was litigation going through the courts about the issue of whether pedicabs fell within the Hackney Carriage Licensing regime, and the assumption was that that litigation defined that they were and therefore these clauses would proceed on that basis.

347. However, Transport for London, who were a party to that litigation, have recently decided that it is not appropriate to pursue the course of licensing pedicabs under the Hackney Carriage Licensing laws, and the litigation is not being proceeded with. In essence, my Lords, that is because the view has been taken that the pedicab industry, if I can put it like that, should be given the opportunity to adopt a voluntary registration code before there is any further consideration of whether they should be subject to statutory regulation. Further, Transport for London did not think that the Hackney Carriage Licensing regime was actually particularly appropriate to pedicabs, even if they had proceeded with the litigation and had been successful.

(Hansard minutes of evidence March 10th 2009):
Outside London pedicabs are classified as Hackney Carriages. Pedicab operations have largely been thwarted because of the difficulties in transposing hackney carriage regulations in order that they may apply equally to pedicabs. This we understand has been achieved in very few instances indeed, but in cases where pedicabs do operate as hackney carriages, the regulations have somewhat ‘skewed’ in order to shoehorn them into the regulations. Many local authorities, some of which have been very keen indeed to set up or endorse pedicab services, have simply said ‘no’ or given up on the basis that it is too difficult.

In Scotland again the law is different and pedicabs are operating successfully in Edinburgh and other cities in Scotland, licensed by local councils by means of Street Trading Licences. This has been reasonably successful and does provide a modicum of control. However as far as we are aware street trading regulations do not extend to mandatory insurance, conditions of fitness for pedicabs and other measures one would expect of a formal licensing regime.

**Political**

The DfT, TfL, the Public Carriage Office, Mayor’s Office, and Westminster City Council (WCC) have for many years concurred with the pedicab industry view that licensing and hence new legislation is required, but have ultimately ignored it and the issue has simply been bounced around between authorities. The focus, particularly on behalf of Westminster City Council, has been on civil enforcement of parking, stopping and moving traffic regulations.

The Licensed Taxi Drivers Association (LTDA) and other taxi groups and unions have conducted robust media and lobbying campaigns since 1998 to ban pedicabs and eradicate the perceived competition. This included the private prosecution against Bugbugs Ltd and two riders 2003 (R (oao) Oddy v. Bugbugs Ltd).

There have been attempts, using essentially the same drafting of legislation in each case - a rack of civil enforcement measures, in two private LLA & TfL Bills, and government bills - The Road Safety Bill, The Local Transport Bill and The GLA Bill, all of which have failed. The LPOA also managed to get some Clauses tabled in the above three government Bills, which would have legislated for the licensing of pedicabs by local traffic authorities countrywide, but this initiative also failed.

The big problem has been that in no case (apart from the LPOA clauses tabled, in which the Secretary of State would give the power to local traffic authorities to license pedicabs) were there proper licensing provisions, but simply a Registration Scheme in one form or another, which would have allowed the authorities to issue automatic Penalty Charge Notices (PCN). As we understand it from the Lords Opposed Bills Committee in 2009, it is not acceptable to introduce a Registration Scheme in the name of traffic enforcement.
The key issue with the Clauses for the pedicab industry in both LLA & TfL Bills was that in effect pedicabs would not be able to stop or stand and ply-for-hire virtually anywhere without attracting a PCN (often issued automatically using camera technology). This, amongst other things was recognised by the Committee (and the government) in the Commons at the Opposed Bills Committee of the first LLA & TfL Bill in 2005 and hence the Clause was deleted.

As mentioned above, the matter became rather more complicated in the LLA & TfL (2) Bill [HL] because initially the draft pedicab Clause assumed that by the time the Bill reached parliament pedicabs would have been re-classified as Hackney Carriages as a result of the litigation being pursued by TfL, also discussed above under ‘legal’. This litigation was abandoned shortly before Committee in the Lords as per the Hansard extract above.

If TfL had been successful with the litigation, in theory Pedicabs Ranks would have been a requirement (within the Hackney Carriage licensing scheme), and which would of course have mitigated one of burning issues of pedicabs standing and plying-for-hire. However we have strong anecdotal evidence that if TfL had been successful there was in fact little or no intention of actually proceeding with licensing pedicabs as hackney carriages. If we were correct in this suspicion then of course pedicabs would have become illegal hackney carriages overnight and there would have been an option on this basis to clear pedicabs from the streets.

We will probably never know whether indeed this exercise was an elaborate sham or a genuine attempt to license pedicabs, but our experiences, articles in the press and discussions with parties ‘in the know’ strongly suggest the former!

The result of the above was that the Promoters of the LLA & TfL (2) Bill [HL], were left with the so-called Voluntary Arrangements Approved by the Mayor, and the pedicab industry fully engaged with the drafting of that Scheme. The Promoters proposed that for those pedicab operators signing up to the Scheme, which included requirements such as insurance, pedicab Standards, rider training and various other operational criteria, pedicab ranks would be installed throughout Westminster to be used exclusively by those joining the Scheme. The pedicab industry was broadly in agreement with the Terms of the voluntary scheme and totally in agreement about the necessity for the provision of pedicab ranks. However we were concerned about the lack of provision of ranks outside the key areas in London’s west end and more particularly other London boroughs. The other issue was the ‘Henry VIII’ Clause which would have allowed WCC / TfL to make regulations by way of Statutory Instrument (S.I.) with no scrutiny by parliament. This was amended by the Lords Committee (amongst other things) to ensure that any SI would be subject to annulment pursuant to a resolution in either House. This potential little ‘trick’ was therefore thwarted by the Committee.

We subsequently worked with WCC for more than two years on reaching agreement on the various aspects of the Scheme. However each time we neared an agreement WCC moved the goal posts so it became virtually impossible to settle on the Scheme. Moreover the actions needed on behalf of WCC with regard to the pedicab ranks ground to a halt. Signs approval from the DfT was granted, with considerable work being done by the industry in identifying potential sites for ranks in appropriate and strategic positions but that appears to be where the
initiative ended. WCC were required to carry out a public consultation as to the siting of ranks but this never happened, further indicating a great reluctance to go through with the plans for ranks outlined at Committee in the Lords.

Extraordinarily, in early 2012 WCC decided to abandon the pedicab Clauses in the Bill. The undertakings by WCC in parliament to install the pedicab ranks finally evaporated which of course were intrinsic to the Scheme we had been working on for so long. As said, there was little appetite to install these ranks (on behalf of WCC) anyway, and also with the Lords Committee amendment, which would require parliamentary scrutiny of any regulations introduced by S.I., WCC back-pedaled very swiftly!

Without this amendment, S.I.s could have been used to unilaterally introduce any number of potentially pernicious regulations.

Despite many recent meetings with TfL and the Mayor’s office there remains a great reluctance to fully engage with the LPOA to resolve the prevailing problems. It is thus left to the LPOA to attempt to improve the wider industry, which has for so many years been allowed by the authorities to flourish with zero controls of almost any description in place.

**Quasi-Regulation and enforcement**

We have had a good relationship with the police over the years and the lack of any regulation also has an impact on them in terms of what regulations they can / cannot enforce with regard to pedicabs as vehicles and the riders. They have no powers in relation to lack of insurance, lack of training for riders or a pedicab that might not be fit for purpose for carrying passengers. They only really have the very limited Cycle Construction and Use and Lighting regulations, which are unclear with regard to pedicabs or indeed other three or four-wheeled cargo or work bikes. The police are limited to moving traffic regulations applicable to cyclists and wilful obstruction of the highway. The police are also very much in favour of pedicab ranks in sufficient numbers at strategic places so as to avoid pedicab standing and plying-for-hire at what are sometimes inappropriate places. With ranks in place (exclusively for those operating as fit and proper businesses as discussed elsewhere in the document) there would be clarity about where a pedicab can and cannot stop / park. Moreover, with some kind of legislation in place they could also deal with lack of insurance, training, poor quality pedicabs etc.

At this date, we are setting up our own Scheme in London, in association with the Metropolitan Police, whereby the LPOA have designed a ‘Registration Scheme’ of our own. Only operators, riders and pedicabs that meet certain criteria, eg insurance cover, training, LPOA ‘approved’ pedicabs + a range of other signed documentation (Code of Practice for Operators and Code of Conduct for Riders) will be registered on a computer database. This Scheme will raise the bar considerably in London and we are hoping that more operators and riders will be encouraged to get their acts together to achieve these new Standards. The database information will be shared with the police so as to help them draw a clear distinction on the streets between responsible operators / riders, and rogues unwilling or unable to comply with the terms of our Scheme. This will also provide clear identification (riders carry photo ID and pedicabs have a unique LPOA number plate linked to frame number) where necessary for enforcement purposes. We will also
conduct a public relations campaign (hopefully TfL will engage with this) to inform the public and persuade potential passengers, advertisers and events organisers to use operators, riders and pedicabs in the Scheme. This might further encourage others to improve their game. At this date we have only just started this process, but are optimistic that with good cooperation between the LPOA and the police, which is what we are expecting, we can help to resolve some of the difficulties being experienced in London.

The Future
Considering the history of this issue it must be clear to all that we need to stand back and start again by taking a common sense view of this issue. Rather than trying to shoehorn pedicabs into existing legislation or find other clever arguments in the courts, this is an opportunity to harmonise any regulation that might apply to pedicabs countrywide.

Considering the fact that pedicabs are essentially cycles and therefore relatively benign, we propose the introduction of relatively light-touch legislation, giving rise to appropriate and fair regulations applicable to pedicabs. The Secretary of State could give the power to local traffic authorities to license pedicabs by way of secondary legislation subject to certain conditions set out by parliament. I’m sure that at this stage The Law Commission isn’t concerned with the detail, but following is a very broad outline of the issues that should be considered by a local traffic authority when making regulations for the operation of pedicabs:

Pedicabs
There is currently no Standard for pedicab construction or design apart from the Cycle Construction and Use and Lighting Regulations. We understand that the Department for Transport is currently carrying out a scoping exercise on this matter (perhaps in collaboration with VOSA and BSI). There are some straightforward criteria which should be included:

- Two independent braking systems
- Passengers should face forwards and be seated in a cab behind the rider
- Safety passenger lap belt installed
- Full lighting sets hardwired including brake lights and indicators
- Safety hand-bars in front of the passengers (to assist passengers embarking / disembarking)
- Tyres specified to carry a certain weight
- Electric Assist is currently the subject of a Consultation of behalf of the DfT to decide whether or not to harmonise the UK Regulations with the EU Regulations regarding Electrically Assisted Pedal Cycles. Our view is that Electric Assist (EA) allowed to the extent of the EU Regulations (250W maximum power + a pedalec controller whereby power is only available if the rider is pedalling) represents an improvement for pedicabs since it provides assistance on starting-off and when travelling up hills. The EA does not otherwise improve speed capabilities.
- Manufacturer Product Liability insurance in place
Conditions of fitness
Clearly pedicabs must be subject to regular maintenance and safety checks. Clean and presentable at all times

Identification
Unique ID number (linked to pedicab frame number) similar to car registration plates for ease of identification and hence accountability.

Operators / Owner-Operators
Evidence that Operators (and Owner Operators) are set up as fit and proper businesses or self-employed people as one would expect of any other business activity.

Riders
Pedicab riders tend to be young fit individuals working on a seasonal basis although in London there are some ‘career’ pedicab riders (the oldest being 68!). Some will be students, others on a career break or cycling enthusiasts enjoying being part of an environmentally friendly transport option.
Most will be self-employed
All should carry a photo ID Card for accountability and to give reassurance to the public.
Riders should be trained by an accredited instructor to attain proficiency to the National Cycling Standard Level 3 + an additional Pedicab Module (both devised by the CTC – the National Cyclists’ Organisation)

CRB Checks
Since pedicabs are slow-moving, operate in busy inner city areas and are unenclosed we do not regard a CRB as being necessary. You will see from the supporting documents to this submission (and I have many more examples in minutes of official meetings) that there are varying views on this issue but on balance CRBs have not been regarded as being necessary.

Medical Checks
A certificate from a GP indicating that an individual is fit, healthy and physically able to ride a pedicab

Insurance
3rd Party Public Liability Insurance should be in place covering property damage and personal injury to any 3rd party to £10M for any one event.

Fare Structure
In London pedicabs currently operate as Stage Carriages whereby they charge single and separate fares per person (as prescribed in the legislation). This is a perfect fit for pedicabs since
it clearly requires more effort on behalf of the rider to take two or three passengers than it does to take one.
Fare guidelines should exist eg £3.00 per person per mile or suchlike, and fares should be agreed with passengers prior to embarking on a journey.

Traffic Management
Pedicabs should adhere to Highway Code and be subject to all moving road traffic regulations applicable to cyclists.

Pedicab Ranks
This has been the burning issue in London and is one that needs to be addressed. Pedicabs have a much smaller footprint that most motor vehicles, so pedicab ranks can be positioned in places inappropriate for motor vehicles. Riders should be with their vehicles at all times when working and as such can easily move should it be necessary.
It is important for the public to be aware where they can reliably find a pedicab in the same way as they can for taxi ranks.

The Knowledge
Since pedicabs operate in relatively small areas and make relatively short journeys, local knowledge is very quickly achieved. A straightforward local area knowledge (perhaps included in training programmes) could be developed easily by any licensing authority if indeed this was deemed to be necessary.

Summary
We trust that the above gives The Law Commission some flavour of the almighty and disproportionate challenges that have been faced all round. It has been a game of cat and mouse – which side can litigate or legislate in their favour first – the pedicab industry, the authorities or the taxi industry?
Pedicabs do in our view need some new legislation to overcome the differences in the law applicable in London and the rest of the UK. Nearly all modes of transport are regulated to some degree, and as has been exemplified in London over the years, there does need to be some element of regulation to ensure that basic measures are in place to protect as much as is possible the public. We do not think that these regulations should be overbearing since pedicabs are essentially cycles and do not expose the public to the same potential dangers as motor vehicles or other taxi services. A common sense approach is required whereby pedicab services are seen as what they are – an environmentally sustainable transport option in appropriate areas, for relatively short and pleasurable journeys!
We will be very pleased to discuss this further as The Law Commission makes progress with the consultation. We will also be able to report on the progress of the new Scheme we are currently introducing in London, which may help to inform how the industry (and potentially legislation) might develop in the future both in London and elsewhere.

Chris Smallwood
Spokesman
For and on behalf of The London Pedicab Operators Association

Tel: 

August 2012

Further references
Public Consultation on Licensing Pedicabs as Hackney Carriages (2006 TfL)
Responses to the above Consultation (2007)
TfL Pedicab Market Survey (2009)
TfL Pedicab user survey- additional analysis
January 26, 2009
Prepared by TfL Customer Research

Note on methodology:

Please note that whilst these findings are completely accurate in terms of data collection, entry and analysis (of our survey sample of 113 respondents), these results are only indicative of the wider population of pedicab users. Results based on a sample of this size therefore need to be interpreted with care.

Main Findings

The majority (70%) of respondents in this survey were from London (within the M25). This result, together with the finding that 5% of Londoners have taken a pedicab in the past twelve months (source: Synovate Regular Research Slot Omnibus, January 2009, n=844), appears to support the theory that the bulk of London pedicab users are Londoners rather than tourists.

Journey purpose

Respondents were asked for the main purpose of their visit to London on the day of the interview. Of the 113 completed interviews, 24 had used a pedicab on the day of the interview, and 89 had used one at some time in the previous 12 months. The question is therefore more relevant to the 24 who had used a pedicab on the day of the interview. Both groups are shown in the graph below:
Reasons for using pedicab

The main reasons given for using a pedicab were fun (38%), convenience (29%), and wanting to try it (19%).

Results for those who had made the pedicab journey on the day of the interview versus those who had made a pedicab journey in the past 12 months are similar except that the former group are somewhat more likely to have taken a pedicab because they wanted to try it or because it was a treat for someone else.
Distance travelled

Most journeys were perceived as being less than a mile.

Cost of journey

The average reported journey cost was £11.14; however the 24 people who made the journey on the day of interview reported an average cost of £9.26 compared to £11.67 amongst those who had travelled in a pedicab in the last twelve months.

Satisfaction with Value for Money

Very similar ratings were given by people resident in the UK and those resident abroad, however, people who had made a trip on the day of interview scored 74 for VfM compared to 67 for those who had travelled in a pedicab in the past twelve months.

Overall Satisfaction

Again, those who made the journey by pedicab on the day of the interview gave a higher satisfaction rating (80) than those who had travelled in a pedicab in the past twelve months (75).
Reasons for dissatisfaction

People who gave a score of 6 or less for overall satisfaction were asked what the main and other reasons were for their dissatisfaction.

"Too expensive" was the reason given by 15 of the 19 people who answered this question.

None of the non-UK residents gave a rating of 6 or less for overall satisfaction and therefore were not asked this question.

Likelihood of using again

Over two thirds of pedicab users would consider using one again. Users from outside the UK are slightly more likely to consider re-using than those from within the UK, however this is only directional in nature because of the very small base size.
Transport for London
Public Carriage Office

Consultation on the Licensing of Pedicabs

Report on Responses
January 2007

1. Introduction and background

1.1 The Consultation on the Licensing of Pedicabs was published on 28 June 2006 and is still available on the TfL website. It reviewed the history of pedicab operation in London and the associated problems, and proposed a form of licensing for pedicabs, their owners and their riders. The document invited comments from all those who have an interest in this activity and allowed three months until 27 September 2006.

1.2 It was pointed out that, in the light of the Better Regulation Taskforce report, the Public Carriage Office (PCO) expects to be reviewing the legislative requirements in respect of taxi and taxi driver licensing with a view to simplifying and reducing the burden on licensees. This led several respondents to ask for a 'light touch' licensing regime from the beginning, "as too many rules and regulations would be counterproductive".

1.3 Overall, the consultation was welcomed by those representing the pedicab industry.

The consultation process

1.4 470 copies of the consultation document were issued in booklet form, and there were 2,840 visitors to the PCO website with 1,157 downloads of the document. In addition, there were articles in the Londoner, the London and trade press, and radio news broadcasts.

Responses

1.5 There were 115 responses to the consultation, several of which brought together responses from a number of individuals. These responses were received from:

- 4 politicians;
- 8 local authorities;
- NALEO;
- 4 from the Police and the magistrates association;
- 2 from within TfL (CCE and TPED);
- 2 user groups;
- 2 residents' associations;
- 11 pedicab operators, associations, manufacturers and riders;
- 1 cycling group;
- 14 taxi drivers and taxi trade associations;
- an insurers association, and
- 65 individuals.

1.6 The aim of this report is to:

- report on the responses to the consultation;
- suggest conclusions which may be drawn from those responses; and
- propose licensing requirements for pedicabs and their riders.

1.7 Document Structure

The following paragraphs consider the responses to the consultation: they follow the paragraph numbers of the original consultation document.

*Paragraphs in italics are quotations from the Consultation Document. (References in italics and brackets identify the respondent). [The Response Number is given in square brackets).*
2. **Background**

2.1-2.3 These paragraphs gave the legal background to Transport for London’s present actions.

2.4 The consultation document described concerns with the present arrangements due to:
- the safety of pedicabs and their riders, and,
- the inability of Transport for London (TfL) and local authorities to take effective enforcement action against those pedicab riders who contravene traffic and parking regulations.

**Responses**

The pedicab trade, and one Assembly Member, suggested that TfL, the London Boroughs and the police already have sufficient powers to control pedicabs and that they do take action when necessary. (Assembly Member Peter Hulme Cross [69]. Pedicab operators LPOA [43], BugBugs [59] and Chariot [93]. Also one individual [115].)

One operator suggests that travelling by pedicab is statistically safer than other modes (Cycles Maximus [99]).

2.5 This paragraph stated the PCO’s aims to achieve better regulation and traffic management through a fair licensing system which enables effective enforcement. This will give structure to a form of public transport which is not at present regulated.

Three respondents specifically welcomed the PCO’s aims. (TfL Cycling Centre for Excellence [107] and TPED [90]. Pedicab Operator Cycles Maximus [99]).

2.6 This paragraph summarised the current legal position.

The operators forming the London Pedicab Operators association (LPOA) disagreed with TfL’s legal view and noted the defence lodged in the High Court by Bug Bugs. (LPOA [43] and BugBugs [59]).

2.7 This paragraph noted, inter alia, that pedicabs are not motor vehicles.

Several pedicab operators saw the need to allow for pedicabs with electrical assistance, as such vehicles are becoming available and do help the pedicab rider, particularly in starting off more quickly from a stopped position. (LPOA [43], BugBugs [59], London Pedicabs [76], Chariot Bikes [93], Cycles Maximus [99]).

3. **Making a Submission**

Section 3 explained the process for responding to the Consultation.

Pedicab industry respondents expressed surprise that the whole process is dependent on the High Court accepting TfL’s legal point of view. They do not consider this to be certain and question what will then happen. (Assembly Member Peter Hulme Cross [69]. Pedicab operators LPOA [43], BugBugs [59] and Chariot [93]).
4. Overview of the proposals

4.1 Hackney carriages, normally referred to as taxis (and sometimes as “black cabs”) and their drivers are regulated by the PCO on behalf of Transport for London. The principal regulations are contained in the London Cab Order 1934 made under the Metropolitan Public Carriage Act 1869. Applying the same regulations to pedicabs would require both vehicles and riders to be licensed.

Responses to 4.1

Of the 115 responses received, 112 offered an overall view of pedicabs. Of these:

- 45 strongly object to pedicabs and want them banned;
- 44 have objections to pedicabs but will accept them with adequate licensing;
- 19 support pedicabs and will welcome licensing, and
- 4 support pedicabs and object to any form of licensing.

The overview responses included the following:

**Political:**
Pedicabs are not in direct competition with black cabs, they provide a different, niche, market. Overall support for licensing but it needs a light touch, so as not to suffocate the industry. The financial cost to the industry must be one which can be reasonably sustained. *(London Assembly Conservative Group [43])* Do not regulate them out of existence. Do not regulate them like taxis, but take a fresh approach. *(Peter Hulme Cross [69])*  

**Local Authorities:**
Support for the proposals, attracted by pedicabs and support for bringing them into the mainstream of acceptable transport. *(Lambeth [86])* The highway authority should be able to ensure that pedicabs do not stand in places that would inconvenience other road users, including pedestrians; the public should be protected from untrustworthy or in other ways undesirable pedicab riders; and any licensing regime should be sufficiently flexible to be applied quickly to new areas of pedicab activity. *(Kensington & Chelsea [91])*  

**TfL:**
Welcome the proposals in order to revalue and promote cycling and to integrate it into traffic and regulating regimes. *(Cycling Centre of Excellence [107])*  

**User Groups:**
Desire to maintain standards of taxis and PHVs. *(London TravelWatch [103])* Dislike of anything which does not match the quality and standard of existing taxis and PHVs. *(Taxiwise [92])*  

**Pedicab trade:**
Pedicab operators consider that they offer complementary services to taxis, so the legislation should reflect the differences. *(London Pedicabs [76])*  

**Taxi trade:**
Taxi operators object to pedicabs on grounds of safety, and quote the TRL report for LTDA. *(LTN [97])* They also object on grounds of the damage to the taxi trade. *(RTG [113])*  

**Individuals:**
Taxi drivers are unlikely to welcome pedicabs, but they are not in direct competition with each other. We should avoid eroding the ‘little pleasures of life’ through excessive bureaucracy. We all expect to live with some risk in our lives. *(27)* Pedicabs are unsafe, uninsured and breach traffic regulations (one-way streets, red lights, pavements). *(83)*
Summary

These responses reflect a broad spread of opinion from those who wish to ban pedicabs completely, to those wanting a fully regulated regime. Between these extreme positions is a suggestion of a simplified licensing regime that recognises the differences between pedicabs and other forms of public transport, in both the market served and the people involved in operating it, and which is designed to fit for this specific purpose.
4.2 The consultation document stated that, in summary, licensing assesses the ‘fitness’ of both vehicles and riders on the following aspects:

Vehicles:
- suitability for the role; and,
- condition of the vehicle.

Riders:
- age;
- character;
- medical fitness;
- topographical skills (an appropriate Knowledge of London assessment); and,
- driving / riding ability.

The consultation document also addressed:
- the means of identifying licensed vehicles and riders;
- requirements relating to those who own licensed vehicles;
- ranks; and,
- fares.

Responses to 4.2

Pedicab operators: Larger pedicab operators agree that there should be controls over vehicle suitability and condition, that riders should be vetted and that owners and operators should be accountable. (BugBugs [59], LPOA [63], London Pedicabs [76], Chariot Bikes [93]) Support for topographical testing. (Cycles Maximus [99])

Individuals: Suggestion that it is a bonus if the rider knows where he is going, otherwise he will refuse the fare. No need for PCO to decide if the rider is unfit - up to the rider! No need to inspect the vehicle - rider will fix the brakes if they are unfit - problems not on the same scale as MHCs. [27] Pedicabs generically unsafe, as decided by Cambridge – so why are they considered safe in London? [83]

4.3 In the event that pedicabs are found by the High Court to be hackney carriages, no pedicab would be permitted to carry passengers for hire and reward unless licensed and ridden by a licensed pedicab rider. Licensed pedicabs would be permitted to ply for hire on the street and at designated ranks. Fares could be regulated by TfL. This will place requirements upon the rider, the vehicle and the owner of the vehicle. Each of these aspects is considered in the paragraphs that follow.

4.4 These proposals will require changes to the London Cab Order 1934 which will be considered following this consultation exercise.

4.5 Throughout this document distinction is drawn between motor hackney carriages (MHCs) and pedal-powered hackney carriages (pedicabs). Both would, subject to the declaratory judgment referred to in paragraph 2.6, constitute taxis and be subject to the regulations (amended as necessary) relating to taxis.

Responses

Pedicab trade: It is important to clearly define what a pedicab is, and to classify it as a bicycle wherever possible. PCO definition should comply with the EU directive (2002/24/EC). (German pedicab manufacturer [77]) Need to ensure that the regulations will be appropriate and not cause confusion through using MHC type regulations where something more appropriate would be better. (Cycles Maximus [99])
5. Rider licensing

5.1 The Consultation Document proposed that rider requirements would be met by a rider licensing scheme operated by the PCO. The proposed requirements were presented in detail in Annex D, whilst the principal issues arising were discussed in this paragraph.

5.2 The purpose of these requirements is to ensure that any licence issued fulfils the requirements already in place for taxi driver licensing. Some requirements have been modified to ensure that they are appropriate to the pedicab industry.

5.3 A pedicab rider licence will be required in order to ply for hire with a pedicab. Those wishing to become pedicab riders will be required to apply for a licence and meet the required conditions. Applicants will be required to demonstrate that they are eligible to work in the UK.

Responses

Political: 
Agree the proposal. (London Assembly Conservative Group [6])
No limit on number of licences – let market decide. (Baroness Gardner [6])

Police: 
Support for rider licensing. (Met Police [79])
Fully support the proposal. The age restriction, testing and CRB checks will significantly improve the calibre of pedicab riders. (Chinatown Police [94])

TfL: 
Support for licensing. (Cycling Centre for Excellence. [107])

User Associations: 
Support for licensing. Licence should be displayed on the pedicab to reassure passengers. (Taxiwise [92])

Pedicab trade: 
Operators can vet, licence and control riders. (Traditional Rickshaws Ltd [80])
Operator stresses the distinction between pedicabs and taxis and wants the regulations to reflect this. (London Pedicabs [78])
Manufacturer supports the licensing framework. (Cycles Maximus [99])

Pedicab Riders*: Of 115 riders, 81% support licensing. 17% do not agree, 2% did not respond. (London Association of Rickshaw Drivers [89])
20 independent owners/riders seek a limit on the number of licences to protect the work available from the larger operators who survive on advertising revenue. [109]

Taxi trade: 
Imperative that riders wear badges. (London Taxi Board [66])
Object to pedicab licensing, and want them banned. (LTDA [108], RTG [113])

Individuals: 
Licensing is inappropriate, excessive, not worth the gain. [27]
Wants checks on riders and vehicles. [28, 29, 42, 46, 62, 67, 68]
Late night rowdiness and daytime delays to buses and other traffic, riding on pavements, one way streets, blocking fire exits, rob tourists. [38, 54, 57, 81. Also taxi drivers 56, 82, 112] Should not be permitted/should be banned. [60, 65]
Are they declaring income for Income Tax? [83]
Pedicab riders choose this work as they cannot work legitimately in the UK. Will they be properly regulated so that pedicabs operate within the law, or will they be stopped, so the trade declines? [16, 83]

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* These two submissions summarise surveys of 115, and 20, pedicab riders and owners respectively. We have not been shown either of the surveys or the individual responses.
5.4 The licence will be valid for a period of three years.

Responses

Political: Seasonal work, so 3 years is not appropriate. Will there be a refund system? How much will that cost to operate? (Peter Hulme Cross [69])
London Assembly Conservative Group agree proposal. [43]

Pedicab Trade: 3 years is inappropriate as it is seasonal work. One year is preferable (BugBugs [59], LPOA[83])
OK if they can pay in 3 instalments. (London Pedicabs [76])

Cycling group: An annual licence would be less of a barrier to the market. 3 years is inappropriate. (London Cycling Campaign [106])

Conclusions to 5.1 – 5.4

There is broad support for the proposal to licence pedicab riders, with a minority view that it is inappropriate. The pedicab operators themselves propose that they can vet, licence and control the riders, which could provide a more cost-effective form of control.

There is some concern over the proposed 3-year term of the licence.
5.5 Evidence will be required that a rider is competent to handle a pedicab. This could be achieved by a requirement that the applicant has achieved CTC (National Standard for Cycle Training) Level 3 and has demonstrated this competence on a pedicab. This independent qualification is the nearest equivalent to a motor vehicle driving licence, and demonstrates that a pedicab rider has completed a competence based qualification that is relevant to the type of vehicle being ridden. The PCO has the following options:

- require the CTC (National Standard for Cycle Training) Level 3 and demonstration of this competence on a pedicab;
- require a more demanding achievement, such as a full DVLA motor cycle licence, or
- do nothing and assume that pedicab riders understand road traffic regulations and are capable of riding safely in central London traffic.

The PCO is minded to adopt the first option. Views are invited on the level of cycling competence necessary.

Responses

Political: Level 3 is the right balance between too high and too low requirements. (London Assembly Conservative Group [43], P Hulme Cross [69])

Local Authorities: Support for CTC3. (Westminster [84], Lambeth [86], City [88], Kensington and Chelsea [91], Enfield [105])

NALEO: Agrees level 3. [70]

Police: Agrees with PCO. (Met [79], Chinatown [94])

TfL: Cycling Centre of Excellence supports the principle. [107]

User Associations: CTC3 agreed. Badge should be worn. (London TravelWatch [103])

Pedicab trade: CTC 3 agreed. (BugBugs [59], LPOA [63], London Pedicabs [76], Chariot Bikes [93], Cycles Maximus [99])

Operator can assess, train and supervise riders. (Traditional Rickshaws [80])

German manufacturer suggests an EU driving licence. [77]

Pedicab riders: 83% agree CTC3; 15% disagree as it will take longer to start working, 2% did not answer. [89]

Cycling group: London Cycling Campaign agrees level 3. [106]

Taxi Trade: Proper training required. (LTB [66], LTN [97])

Motorcycle license (at least) as anything less is unendorsable in the event of a misdemeanour. (TGWU [75])

Individuals: Much of cycle training is for 2-wheeled vehicles. Suggests National standard level 3, full motorcycle licence, or full car licence. [16]

Full car licence and hire-and-reward insurance. [49]

Support for an appropriate level of training. [71, 73, 100, 102]

Conclusion

There is broad support for CTC3 as a required standard for prospective riders to demonstrate on a pedicab. Operators have suggested that they can assess and train new recruits, and so it may be possible to set up a procedure for them to provide any training necessary at lower costs than suggested above.
Age

5.6 The present requirement for taxis is that a driver must be at least 21 years old. This is considered to be an age at which a driver has experience and is capable of the responsibility of moving passengers in London traffic. Comments are invited on whether a similar age should be required for pedicab riders.

Responses

Political: Suggests age 18 with CTC3 and CRB check. (London Assembly Conservative Group [43], P Hulme Cross [69])

Local Authorities: Age 21 is too stringent, and may contravene age discrimination law. (Hillingdon [45], Enfield [96, 105], Kensington & Chelsea [91])

21, though maybe 18. (Westminster [84])

21. (Lambeth [86])

Police: Agree 21. (Chinatown [94])

Suggest 18. (Met Police [79])

User Group: Age 18. (TravelWatch [103])

Pedicab Trade: Age 18. [59, 63, 76, 93, 99]

Pedicab Riders: 65% say 21, 33% say 18. [89]

Taxi Trade: Age 21. (LTB [66])

Age 21 for parity with PSV sector. (TGWU [75])

Individuals: Prefers age 17/18. (16)

No restriction, self regulate. (27)

Conclusions

Advice is needed on the age discrimination law. There is significant support for the age of 18.
Character

5.7 The PCO intends to require evidence of an applicant's character, including information on convictions, cautions and any outstanding charges. This requirement is equivalent to that for other driver licences issued by the PCO, ie taxi and private hire drivers. A conviction will not automatically disqualify an applicant from holding a licence. Consideration will be given to the type of offence(s), if any, and the date(s) when they occurred. The PCO has the following options:

- do nothing and expect that pedicab riders are all of good repute;
- require a Criminal Records Bureau (CRB) check with a standard disclosure; or,
- use the existing established method for taxi and private hire drivers of a Criminal Records Bureau (CRB) check with an enhanced disclosure, recognising that a pedicab rider may have contact with vulnerable people.

The PCO is minded to require the third option with enhanced disclosure, as past offences have demonstrated that, even if there is reduced information available for some riders (such as overseas applicants), a reduced level of security checks will increase risk. This will require overseas criminal history checks if the applicant has lived in a country other than the UK for one or more continuous periods of 3 months during the last 3 years. TFL will require a Certificate of Good Conduct from their embassy, which must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. This will be required in addition to the CRB check. At present, it takes between four and six weeks to receive the results of a CRB check.

The PCO cannot influence this timescale. A pedicab rider licence will only be issued on receipt of a satisfactory CRB report.

Responses
Political: Agreed 3rd option. (London Assembly Conservative Group [43]). No, it is inappropriate for this work - "Taking a sledgehammer to crack a nut". (P Hulme Cross [69])

Local Authorities: Yes. (Westminster [84], Lambeth [86], City [88], Greenwich [95]) Standard disclosure only. (Enfield [96] & [105])

NALEO: Supports – imperative it is the same as for operators. [70]

Police: Agree with proposal. (Met [79], Chinatown [94])

Users: Support the proposal. (Taxiwise [92], Travelwatch [103])

Pedicab Trade: Too onerous for this work. (Chariot Bikes [93]) Only acceptable if the rider can work while the check is taking place. Not aware of any case where CRB check would have mitigated the likelihood of an offence. (BugBugs [59], LPCA [63]) Suggests a temporary 3 month licence while the checks are carried out. (London Pedicabs [76]) Agrees CRB standard. (Cycles Maximus [99])

Rider Survey: 56% agree with CRB if they can work while the check is being carried out. 35% think it inappropriate for a cycle. 9% did not answer. [89]

Cycling group: CRB standard. (London Cycling Campaign [106])

Taxi trade: Supports proposal. (LTB [66], TGWU [75], LTN [97]) Yes, same checks as taxi drivers. (Taxi driver [26])

Individuals: Yes – same checks as others. [62, 71] No – risk of assault by a pedicab rider is negligible. [16, 27]

Conclusion

We have stated a preference for a CRB check with enhanced disclosure, but should review this in the light of the above responses.
Topographical Knowledge

5.8 The PCO is considering whether a topographical knowledge test appropriate to pedicabs and their operating area would be beneficial. This would be to the benefit of passengers as a rider with knowledge would take a more efficient route which may affect the fare charged. A rider without detailed knowledge may take a journey which is longer in both distance and time. The PCO has the following options:

- to monitor the operation of pedicabs and consider the need for a knowledge requirement at a later date;
- to make a commitment to introduce a knowledge based competency test within the first rider licensing period. This accepts that existing pedicab riders have a basic knowledge of central London but that this needs to be demonstrated by new applicants; or;
- in the light of the proposed limited area of licensing (section 6), and the transient nature of pedicab riders, to require no specific topographical testing.

The PCO is minded to adopt the third option.

Responses

Political: No topographical test is appropriate. (London Assembly Conservative Group [43])
Do not test, but arrange appropriate training for new recruits. (P Hulme Cross [69])

Local Authorities: Option 2. (Westminster [84])
Some test is necessary. (Lambeth [86])
Depends on fares structure and area of operation. (City [88])
Agrees no test. (Kensington & Chelsea [91], Enfield [96, 105])

Police: Agrees with PCO, no test. (Met [79])
Want a knowledge test to demonstrate commitment. (Chinatown Police [94])

User Groups: Want a test. (Travelwatch [103])

Pedicab trade: Object to restricted area, so consider that some sort of knowledge test is appropriate. (BugBugs [59], LPOA [63], Chariot Bikes [93])
Option 2. (manufacturer [99])
Option 3, no test. (London Pedicabs [76])

Pedicab Riders: 43% support a test; 50% don’t think it necessary; 7% did not answer. (89)

Taxi trade: Want testing. (LTB [66], TGWU [75], LTN [97], RTG [113])

Individuals: Agree, no test. (16, 67)

Conclusion

There is broad-ranging, but not unanimous, support for the PCO’s proposal to not have a knowledge test. Some of this support is dependent on the proposed limited area of operation.
Medical Fitness

5.9 The PCO is also considering the need for a medical fitness standard for pedicab riders. The standards which are applied to taxi and PHV drivers take into account the vehicle that they are controlling. The pedicab is very different in weight, speed and in its ability to continue moving if the rider is incapacitated: the design and low speed of a pedicab should contribute to a relatively quick stop with little or no damage. The PCO has identified the following options:

- accept that a pedicab rider, if capable of operating the vehicle, is acceptably fit and will not require a medical examination;
- require a declaration from the applicant that they are not suffering from a medical condition that could affect the safe control of the vehicle;
- require confirmation from his General Practitioner that there is no medical condition likely to impair his ability to perform defined duties as a pedicab rider; or,
- require a medical examination comparable to that required for taxi and PHV drivers taking into account the differences of the pedicab vehicle.

Comment is invited on what medical standards would be appropriate.

Responses

Political: No medical required. The cost is unacceptable and those wishing to be riders should judge their ability for themselves. (London Assembly Conservative Group [43], Peter Hulme Cross [69])

Local Authorities: Option 1. (Kensington & Chelsea [91])
Option 3. (Enfield [96, 105])
Option 4. (Westminster [84], Lambeth [86])

NALEO: Option 4. (70)

Police: Option 2. (Declaration) (Met [79])
Option 3. (Chinatown team [94])

TFL: Option 2. (Cycling Centre for Excellence [107])

Users: Option 2 + medical certificate after major illness, and no smoking near the Pedicab. (Travelwatch [103])

Pedicab trade: Declaration, option 2. (BugBugs [59], LPOA [63], London Pedicabs [76], Chariot Bikes [93], manufacturer [99])

Pedicab Riders 50% self-declaration; 43% no test; 2% no answer. (89)

Cycling group: Option 2. (London Cycling Campaign [106])

Taxi trade: Option 4. (TGWU [75], LTN [97])

Individuals: No standard required. [16, 67]

Conclusion

A clear majority support self-declaration of medical fitness, with a further substantial group opposing any form of medical test. Self declaration is a simple action for pedicab operators to fulfil when recruiting a rider.
Disciplinary Procedures

5.10 Existing disciplinary procedures for London taxi drivers would apply to pedicab riders, including provision for suspension or revocation of the licence in the event of a misdemeanour, and for appeals in the event of refusal, suspension or revocation of a licence.

Responses

Political: Must be required to observe traffic regulations. (Baroness Gardner [6])
Agree with PCO. (London Assembly Conservative Group [43])

Local Authorities: Agree. (Westminster [84], Enfield [96, 105])
Police: Agree. (Met [79], Chinatown [94])
TfL: Agree. (Cycling Centre for Excellence [107])
Users: Agree. (Travelwatch [103])

Pedicab trade: Operators want appropriate disciplinary procedures for pedicabs. (London Pedicabs [76], Cycles Maximus [99])

Conclusion

There is strong support for a disciplinary procedure, but care must be taken to avoid setting up a cumbersome administration to provide this. The alternative is to require operators to carry out discipline with evidence of their actions, as with London bus operators. Any complaints would be made in a manner consistent with TfL’s wider complaints procedure.
6.0 Area of operation

6.1 The PCO is minded to license pedicab riders for a specified area of operation only. This would be comparable to suburban taxi drivers, who can pick up passengers only in their specified area as they only have the knowledge qualification for that area, though they can take the passengers elsewhere. In addition, whilst MHC drivers cannot refuse fares and must undertake any requested journeys of less than 12 miles, it would be unrealistic to expect pedicabs to go beyond significantly smaller limits due to the physical demands on the rider. There must be an assurance that the passenger(s) will be safely delivered to their destination with no risk that they might effectively be ejected from the pedicab because the driver is tired or unable to continue. For visitors to London and vulnerable people, this could result in them being stranded in an unfamiliar or unsafe location with no alternative safe form of transport to continue their journey.

6.2 At present, there is no control of the areas in which pedicabs operate, but in practice they tend to work within a half-mile radius of Leicester Square Underground Station, including Piccadilly Circus, Covent Garden, Soho, Shaftesbury Avenue and Charing Cross. There are also individual trips to specific destinations such as Euston and Waterloo stations, Oxford Street, the Royal Festival Hall and the British Museum. These current ‘boundaries’ are self-imposed or defined by the availability and requirements of customers.

6.3 In defining the area(s) of operation there are a number of options, including:
- no limit at all;
- the area known as the Central London congestion charging zone (as at 31 March 2006). This would be easier to identify than a radius. This is the area identified in Annex I; or;
- a simple radius around Charing Cross. The boundary could be defined by named roads. A half-mile radius would include such places as Somerset House, Covent Garden, Horse Guards Parade but not Soho Square or the lower end of Tottenham Court Road. A three-quarter -mile or one-mile radius would include other destinations such as Waterloo Station, Oxford Circus and the British Museum.

The PCO is minded to adopt a half-mile radius around Charing Cross with the boundary identified by named roads.

6.4 Comments are invited on the proposals to limit the area of operation of pedicabs.

6.5 The PCO would also consider licensing riders for other sectors, the limits of which would be detailed in consultation with the local authority concerned. The PCO would consider and welcome comments on these and other possibilities. There will be a requirement to ensure that any area chosen is appropriate to the physical limitations of the pedicab rider. Pedicabs could be licensed to operate:
- within a named London borough outside the identified central zone;
- within a specified area within a London Borough;
- within an existing hackney carriage suburban sector;
- along a specified route or corridor; or,
- within a specified radius (eg half a mile) of a specified town centre or tourist attraction.

The PCO is minded to adopt the last of these options. Comments are invited on the proposals to introduce additional areas of licensing.
Responses

Political: Pedicab operation is self-limiting, and enforcing an area of operation will be difficult, so leave it. (Peter Hulme Cross [69], London Assembly Conservative Group [43])

Local Authorities: Prefers defined areas of operation. (Hillingdon [45])
If area of operation is restricted, there must also be a restriction on numbers of pedicabs to avoid pedicab congestion. (Westminster [84])
Suggests Congestion Charging Zone. (Lambeth [86])
Supports a small area, and will want to consider any proposals to operate in the City. (City [88])
Supports restricted area, wants to be consulted if they wish to expand. (Kensington & Chelsea [91])
No restriction. (Enfield [96, 105])
A radius is not always appropriate – it may be appropriate to specify a corridor, eg Greenwich peninsula. (Greenwich [95])

Police: Supports a restriction, but no proposal. (Met [79])
Suggests all Westminster. (Chinatown Police [94])

TfL: Want further study before restricting. (Cycling Centre for Excellence [107])
Supports restricted area of 0.5, 0.75 or 1.0 mile radius from Charing X, with similar restrictions in local areas. (TPED [90])

User Groups: Supports restriction for total journey, not just plying for hire. (Lambeth Residents [48])
Wants a defined area, suggests Congestion Charging zone + stations. (TravelWatch [103])

Pedicab trade: Pedicabs are self-limiting. Rejects any restriction. (BugBugs [59], LPOA [63], Traditional Rickshaws [80], Chariot Bikes [93])
Don't bottle them up, encourage them to develop wider markets. (Cycles Maximus [99])
Accepts restriction but wants larger area e.g. Congestion Charging zone.
Happy to seek LA approval for other areas. (London Pedicabs [76])
Restriction serves no useful purpose. (Manufacturer [99])

Pedicab Riders: 91% object, 7% will agree if the area is much larger (Earls Court, Old St, Camden, Elephant). [109]

Cycling group: Supports licences for specific areas. (London Cycling Campaign [106])

Taxi trade: Limit them to tourist areas and off main routes. (LTB [66])
Half mile of Charing X. (TGWU [75])

Individuals: Wants pedicabs restricted in area. [40]
Also wants them restricted to 'off road' routes and kept off main routes due to delays to buses etc. [40, 58, 64]. Also a taxi driver [82]
Supports Congestion Charging area + stations. [16]
Does not want them restricted. (Taxi driver [8])
Suggests vehicles, not riders, should be licensed to a specific area. [16]

Summary
All points of view are represented here! The largest group (19 responders) support restriction to a limited area, though in some cases the area they suggest is large (up to the Congestion Charging zone - those suggesting even larger areas are taken to object to this proposal).

14 responders do not agree. 8 of these suggest that a restriction is unnecessary because pedicabs are self limiting. However, this view does not tackle the problem of pedicabs working in areas and on roads that may not be suitable.

Less than 20% (6 respondents) support freedom to operate anywhere on principle.
7.0 Vehicle licensing

7.1 Vehicle requirements will be met by a licensing scheme operated by or on behalf of the PCO. The proposed requirements are presented in detail in Annexes C and E, whilst the principal issues arising are discussed in this section.

Responses

Local Authorities: Supports proposals. *(Westminster [84], Hillingdon [45])*

Police: Support PCO proposals. *(Met [79], Chinatown [94])*

TfL: Welcomes requirement to record drivers, so they can be traced for fines etc. *(TPED [90])*

User Groups: Supports proposals. *(Taxiwise [92], Travelwatch [103])*
Rider should be at the front. *(Travelwatch [103])* Suggests provisional licence to operator, with public invited to comment on the operator before full licence is granted.
*(Lambeth Residents [48])*

Pedicab Operators: Support. *(BugBugs [59], LPOA [63], Chariot Bikes [93], Cycles Maximus [99])*
Rider should be at the front. *(Traditional Rickshaws [80])*

Pedicab Riders: Seek CoF specific to pedicabs. *[109]*

Taxi trade: Wants impact testing of pedicabs. *(LTB [66])* Supports PCO proposals. *(TGWU [75])* Does not believe pedicabs are fit for purpose. *(LTN [97])* Suggests 2 inspections per annum. *(LTN [97])* Operators should hold 3rd party insurance. *(LTB [66])* Operators must record drivers so they can be made to pay fines. *(LTB [66])*  

Individuals: Support the principle. *[16, 28, 30, 42, 46, 55, 68]* Wants protective headgear for rider and passenger, & seatbelts. *[78]*

Conclusions

General support for this proposal in principle, but further analysis will be needed on the vehicle specifications. There is a warning about the cost of such an operation and a proposal that the pedicab operators should run it, with monitoring by the PCO as appropriate.
Pedicab owners, operators and proprietors

7.2 ‘Operator’ or ‘proprietor’ are other terms used in the relevant legislation to describe the owner of the pedicab.

7.3 The proprietor of a pedicab will be required to apply for a licence for the vehicle, and will be required to ensure that all his/her licensed pedicabs meet the licensing requirements at all times.

7.4 The proprietor will also be required to insure and maintain the vehicle.

7.5 If the vehicle is used by riders other than themselves, proprietors will be required to record the details of those riders together with the relevant dates and times that the vehicles are used.

7.6 Proprietors will also be required to complete a Criminal Records Bureau (CRB) enhanced check as they will control the use of pedicabs and so should meet the same standards of character. This requirement is consistent with that for MHC proprietors.

Responses to 7.6

Political: Agreed. (London Assembly Conservative Group. [43])
User Group: Agreed. (London Travelwatch. [103])
Individuals: Unnecessary. [16]

7.7 The proprietor may have responsibility for offences relating to that pedicab and will be required to provide the PCO and/or the relevant authorities with details of the rider when requested. This requirement is also consistent with that for MHC proprietors.

Response to 7.7

TfL: Support. (TPED [90])
User Group: Support. (Lambeth Residents [48])

7.8 It would be the responsibility of the owner to have the vehicle licensed whether or not that person was the rider.

7.9 The licensing period for a vehicle will be one year. A licence and identifying plate will be issued: both items would remain the property of TfL and would have to be returned when expired. The plate or other identifier will have a unique number and be affixed to the rear of the vehicle.

Responses to 7.9

TfL & Local Authority: Agreed, the plate to be readable by enforcement cameras. (TPED [90], Enfield [96])
Suggests second plate on nearside. (Cycling Centre for Excellence [107])

Pedicab Trade: Construct the plate from lightweight material. (Pedicab Mfr [99])

7.10 The details required in an application for a pedicab licence are given in Annex F.

Conclusions

General support for these provisions.
Suitability of the vehicle for the role

7.11 Taxis are required to comply with Conditions of Fitness which specify certain technical requirements to ensure that the cab is fit for purpose. Pedicabs will similarly be required to meet a minimum standard and be maintained to that standard throughout the licensing period. The PCO is aware that accidents, that could have been prevented by design, have occurred in the past involving pedicabs and, in licensing them, the PCO will wish to be assured that they are as structurally and mechanically safe as such vehicles can be.

Responses to 7.11

User Groups: Agreed. (Taxiwise [92])

Pedicab Trade: Agreed. (Pedicab Mfrs 77 and 99)

Taxi trade: Pedicabs are unsafe and should be banned. (LTDA [108], LTB [66])

Why are pedicabs not required to take wheelchairs? (RTG [113])

Individual: Should take wheelchairs. [83]

7.12 Pedicabs will, therefore, be required to comply with Conditions of Fitness specific to them. The proposed Pedicab Conditions of Fitness are detailed in Annex C and consultees are invited to comment on them. The PCO will particularly welcome responses from pedicab manufacturers.

7.13 The pedicab should be of a design which has the rider in the front or forward position and the passengers seated to the rear. Pedicabs that have the passengers in the forward position are considered to restrict rider visibility, especially when a canopy is raised, and to place passengers in a more vulnerable position.

Responses to 7.13

TfL: Agreed. (Cycling Centre for Excellence [107])

User Groups: Agreed. (Travelwatch [103])

Pedicab operators: Agreed. (LPOA [63], Chariot Bikes [93], Cycles Maximus [99])

Prefers passengers at front, driver at rear. (Traditional Rickshaws [80])

Pedicab riders: Agreed. [109]

Cycling group: The proposals are too narrow and do not allow for the full range of available vehicles. (London Cycling Campaign [106])

Individuals: Agree. [78, 114. Also taxi driver 82]

Should allow sidecars. [18]

7.14 The proposed overall dimensions for pedicabs are based on vehicles currently in use in London. It is necessary to specify maximum dimensions for traffic control, and to help specify the requirements and potential sites for pedicab ranks and the number of pedicabs that can wait at those ranks. The PCO will welcome comments on the proposed dimensions of pedicabs. (1250mm wide and 2650mm long).

Responses to 7.14

Local Authorities: Dimensions agreed. (Lambeth [86])

TfL: Dimensions agreed. (Cycling Centre for Excellence [107])

Pedicab manufacturers: Dimensions agreed. [99]

suggests width of 1m for maximum integration into traffic, length 3m as commonly accepted in Europe. [77]

Individual: Max width should be 1.3m. [16]
7.15 The PCO is minded to license pedicabs for a maximum of 2 passengers.

Responses to 7.15

Political: Agrees a limit should be set. (Baroness Gardner [6])
Local Authority: Agrees with PCO proposal for 2. (Enfield [96, 105])
TfL: Agrees with 2. (Cycling Centre for Excellence [107])
Pedicab operators: 3 should be permitted: pedicabs are designed for 3. (LPOA [63], London Pedicabs [76], Chariot Bikes [93], Cycles Maximus [99])
Pedicab riders: 78% say 3, 15% say 2, 7% did not answer. [89]
Pedicab manufacturer: 2 plus a child up to 7 years. [77]
Cycling group: 2 plus a third at the rider’s discretion. (London Cycling Campaign [106])
Individual: 3 should be permitted: pedicabs are designed for 3. [16]
No limit should be set. [27]

7.16 As with other taxis, pedicabs will not be permitted to carry any signs or advertisements which have not been approved by the Licensing Authority.

Responses to 7.16

Local Authority: Agreed. (Enfield [96])
Pedicab Operator: Agreed. (London Pedicabs [76])
Pedicab manufacturer: Agreed. [99]

Conclusions

The need for pedicab Conditions of Fitness is recognised, and most support the view that the rider must be in the front or forward position with the passengers at the rear. The London Cycling Campaign suggest that these proposals do not allow for the full range of available vehicles: however, the PCO will always consider new types of vehicles that are presented for inspection. The proposed dimensions are generally accepted, though a suggestion that they should be restricted to 1m in width could help ease their effect on other traffic, and reinforce the preference for a limit on two passengers. Consideration should be given to whether one child should also be permitted in addition to the two passengers.
Condition of the vehicle

7.17 The PCO is considering the most appropriate method of carrying out vehicle inspections, and will welcome comments and proposals in response to this consultation. The content of the inspection would be similar in each of the proposals.

7.18 Inspections could be carried out either:
- by examiners at TFL premises, or at the premises of TFL’s service provider; or,
- by examiners at the proprietor’s premises.

The PCO will identify the preferred procedure after considering responses to this consultation.

Responses to 7.18

Political: Checks at operators’ premises. (London Assembly Conservative Group [43], Peter Hulme Cross [69])

Pedicab operators: Checks at operators’ premises. (BugBugs [59], LPOA [63], London Pedicabs [76], Chariot Bikes [93], Cycles Maximus [99])
Pedicab manufacturer: Agree the need for professional inspection. [77]
Taxi trade: Check at TFL premises. (TGWU [75])
Individuals: Agree the need for professional inspection. [71]
Checks are unnecessary; the public will avoid them if unsafe. [35]

7.19 The PCO has the following options for ensuring the condition of vehicles.

- One licensing inspection for each pedicab each year with random, on-street compliance inspections. This is comparable to the present taxi regime, and is expected to deliver good regulatory control at a total estimated cost of £28,500 per annum, (£95 per vehicle) excluding the licence plate.

- Two licensing inspections a year with a reduced level of compliance inspections. This option is expected to increase costs to approximately £42,000 per annum (£140 per vehicle) excluding licence plates.

- One licensing inspection each year with reduced random, on-street, compliance inspections. This would reduce costs to the pedicab industry but would also reduce the effectiveness of regulation. The estimated cost of this option would be £22,500 per annum (£75 per vehicle) excluding licence plates.

The PCO is minded to adopt the first option.

7.20 Ongoing routine compliance enforcement is expected to be based on a random sample of a minimum of 30% of pedicabs each year. Analysis of the results of this sample will help target owners or proprietors for more detailed inspections where necessary. Identification and licence plate location.

Responses to 7.19 and 7.20

Political: Option 1. (London Assembly Conservative Group [43])
Option 3 but at lower cost. (Peter Hulme Cross [69])

Local Authorities: Option 1. (Lambeth [86], K&C [91], Enfield [96, 105])
Option 2 with policing. (Westminster [84])

NALEO: Option 1. [70]

TFL: Just one random on-street check per year per vehicle. (Cycling Centre for Excellence [107])

User Groups: Option 1. (Travelwatch [103])

Pedicab operators: Option 3. (BugBugs [59], LPOA [63])
Option 3 but at lower cost. (London Pedicabs [76], Chariot Bikes [93]).
Pedicab manufacturer: Option 1 or 3. [99].
Taxi trade: Option 1. (TGWU [75]).
Just one random on-street check per year per vehicle. (LTB [66])

Individuals: Option 1. [62]
Option 2 + Policing. (individual [32])
Option 3. [16]
Spot roadside checks should be sufficient. [16]

Conclusions
There is general agreement to the need for inspections, with a majority taking the view that this would be best carried out at the operator's premises. Option 1, as proposed by the PCO, has the strongest support.
Identification and licence plate location

7.21 Effective arrangements must be in place to identify vehicles in use as pedicabs. It is expected that this will be achieved by licence plates or other identifier attached to the rear of the vehicle and in the passenger compartment.

7.22 As pedicabs have no form of registration plate it is necessary for the rear licence plate to be placed centrally on the pedicab so that it is clearly visible to other road users and enforcement cameras, and readable from a reasonable distance. The style of the plate will be different to that of MHCs.

7.23 There should also be a small licence number plate fixed in a position within the passenger area so that passengers can identify the pedicab from their seat. In addition, there will be a requirement to display insurance details and a fare chart. Difficulty may be anticipated in adequately protecting these notices from the weather; responses will be welcome on these requirements and on the best method of meeting them.

Responses

Political: Agreed. (London Assembly Conservative Group [43])

Local Authorities: Agreed. (Enfield [105], Lambeth [86])

TfL: Additional licence plate on nearside. (Cycling Centre for Excellence [107])

Pedicab operators: Agreed. (London Pedicabs [76])

Pedicab manufacturer Agreed. [99]

Taxi trade: Licence plate should indicate area of operation (eg by colour). (TGWU [75])

Individual: Agreed. [78] Unnecessarily bureaucratic to display insurance details. [16]

Conclusion

General agreement on this requirement.
Costs

7.24 The cost of a one year licence for a pedicab is not yet finalised. An indication of costs is given in section 10 but this is expected to be comparable to other licences issued by the PCO, at present around £100.00 per annum.

Responses

All responses to this paragraph suggested that the costs quoted are too high, particularly when compared to a car MoT test. This response was received from:

Political: Peter Hulme Cross [69].

Pedicab operators: BugBugs [59], LPOA [63], Chariot Bikes [93] and Cycles Maximus [99].

One individual: [16].

Conclusion

The cost of licensing should be reconsidered with a view to bringing it down.
8.0 Pedicab ranks

8.1 As pedicabs are to be licensed, there will be a need to appoint ranks, so that there are dedicated places where they can ply for hire whilst stationary.

8.2 Ranks will be established using the present PCO procedures to accommodate pedicabs waiting for hire. It is expected that these will be specifically for pedicabs, in order to assist passengers in identifying the type of vehicle they wish to hire, and to help reduce the congestion and obstruction that is at present associated with pedicabs.

8.3 In the City of London, ranks are designated by the City Police. The PCO will initiate appropriate discussions with the City Police.

8.4 As pedicabs work predominantly in the evening and at night, there is the opportunity to operate ranks at certain times only. This will help to reduce the effects of those ranks on traffic flow at other times of the day.

8.5 As is customary with taxi ranks, the ranks for pedicabs will be appointed only after the PCO has consulted with the relevant local highway authority.

8.6 A condition may be placed on the licence of pedicab riders to prevent them from parking on existing taxi ranks that were designated with motorised hackney carriages in mind.

8.7 Comments are invited on whether motorised hackney carriages and pedicabs should share the same ranks or whether each should have their own separate ranks.

8.8 The PCO is minded to designate existing ranks for MHCs only, and to designate new ranks specifically for either pedicabs or MHCs.

Responses

Political: The need for ranks is agreed, to control excessive numbers of pedicabs waiting in the wrong places. (Baroness Gardner [6])
Pedicabs and taxis should not share ranks. (London Assembly Conservative Group [43])

Local Authorities: Ranks are needed. (Westminster [84], K&C [91])
It will be difficult to site pedicab ranks. (City 88)
Pedicabs and taxis should not share ranks. (Enfield [96, 105], K&C [91], Greenwich [95])
Pedicabs and MHCs should share ranks. (Lambeth 86)

NALEO: Pedicab ranks could be an extension of existing MHC ranks. [70]

Police: Agree that ranks are needed. Taxis and pedicabs should not share ranks. (Met [79], Chinatown [94])

TfL: Taxis and pedicabs should not share ranks. Preferred pedicab rank locations differ from MHC locations as pedicabs are hired on a whim, so ranks may undermine pedicab businesses if badly placed. (Cycling Centre for Excellence [107]).
Pedicabs and MHCs should not share ranks,
Ranks should not be on the TLRN. (TPED [90])

User Groups: Pedicabs and MHCs should not share ranks. (TravelWatch [103])

Pedicab trade: Taxis and pedicabs should not share ranks. (London Pedicabs [76])
Assurances needed that ranks will be provided at key locations, without artificial restrictions. Without this assurance, pedicab operators will wish to be able to use MHC ranks. (BugBugs [59], LPOA [63], Chariot Bikes [93])
Discussions needed with Westminster on sites. (London Pedicabs [76])
Pedicabs could be permitted to wait on single yellow lines after 6pm. (manufacturer [99])
Cycling group: Preferred pedicab rank locations differ from MHC locations as pedicabs are hired on a whim, so ranks may undermine pedicab businesses if badly placed. *(London Cycling Campaign [106])*

Taxi trade: Ranks are needed. *(LTN [97])*
Taxis and pedicabs should not share ranks. *(LTB [66], LTN [97])*
All possible sites are already in use for MHCs, and popular pedicab sites (e.g. Hamleys) have been refused for MHC ranks. *(TGWU [75])*

Individuals: Ranks are needed. *[16, 32, 62, Taxi driver [82]]*
A limited number of pedicabs could be allowed on each MHC rank. *[16]*

Conclusions

There is general support for the PCO's proposal. The PCO will need to work with the Local Authorities to define ranks for pedicabs which are appropriate to their business and which meet the normal requirements for safety and suitability of location. Agreement that pedicabs and MHCs should not share ranks.
9.0 Fares

9.1 Taxi fares in London are regulated by the PCO. Pedicab fares are not regulated at present: the fare is agreed by the rider and passenger(s) in advance. Separate fares are charged for each passenger – the pedicab is not hired as a whole. This method of charging arises from the previous interpretation of the law suggesting that if pedicabs charged in this way they could be defined as stage carriages and thereby be excluded from the hackney carriage definition. If pedicabs can no longer be classed as stage carriages and are to become licensed then this method of payment is no longer relevant.

9.2 There is a range of opinions on the present level of pedicab fares. Some consider them reasonable as the pedicab is a novel and fun form of travel. Others consider them excessive in comparison with taxi fares for the same journey.

9.3 Comments are invited on the introduction of regulated fares for pedicabs. The system adopted would need to take account of simplicity, accuracy and variations in vehicles and environment. For taxis, the London Cab Order 1934 requires fares to be displayed in order to inform passengers in advance of the cost of their journey.

9.4 It would be difficult to introduce metered fares based on distance due to the cost and technical difficulties in fitting meters to pedicabs. The available options are that the PCO sets fares using one of the following methods.

1. Set specific fares for the most popular journeys, with a published fare chart displayed on the pedicab. This would be straightforward in principle but many journeys will not match the examples specified.

2. Specify a simple time-based fare structure. Both rider and passenger(s) would be able to identify the time from start to end of hire. The fare can then be read from a simple fare chart.

3. Set zonal fares based on the number of zones the journey passes through.

4. Set fixed fares regardless of time or distance, and taking account of the restricted area of operation; or,

5. Do nothing, and leave riders and passengers to negotiate fares, as self-regulation will limit or expend the number of customers relevant to the fares charged.

9.5 Comments are invited on the method of charging which should be adopted.

9.6 The PCO is minded to set a standard fare for all journeys which would be per vehicle, not per passenger.

Responses

Political:
Agree that fares should be regulated. (Baroness Gardner [6])
Agree PCO's option 4. (London Assembly Conservative Group [43])
Fares should be per person, as the rider's effort is based on the load. (Peter Hulme Cross [69])

Local authorities:
Not agreed, leave as now. (Enfield [96, 105])
Option 2, time-based structure. (Westminster [84], Lambeth [86], City [88])
Option 3, Zonal fares. (K&C [91])

Police:
Option 2, time-based structure. (Chinatown Police [94])
Fares must be clear and simple to understand. (Met Police [79])

TfL:
Agree PCO's option 4. (Cycling Centre for Excellence [86])

User Groups:
Set maximum and minimum fares, to be displayed on the pedicab, and allow the rider and passengers to negotiate between these amounts. (TravelWatch [103])

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2 Numbers in red were not in the Consultation Document but are provided here for ease of reference.
Pedicab operators: Not agreed, leave as now. *(Traditional Rickshaws [80], independent owners [109]*)
  Fares should be per person, as the rider’s effort is based on the load. *(BugBugs [59], LPOA [63], Chariot Bikes [93], Cycles Maximus [99]*)
  Per person per mile. *(London Pedicabs [76]*)
  Place notices on the pedicab with a guideline fare per mile, with the requirement that the fare be agreed before commencement of the journey. *(BugBugs [59], LPOA [63], Chariot Bikes [93]*)
  Time-based structure. *(pedicab mfr [99]*)

Pedicab riders: 70% prefer to keep the current system, 20% support a simple time-based fare; 9% did not answer. *[89]*
Taxi trade: Agree PCO’s option 4. *(LTB [66], TGWU [75]*)
Individuals: Agree - fares should be regulated. *[28, 30, 38, 52, 61, 71, 114]*
  Not agreed, leave as now. *[67]*
  Fares should be agreed between rider and passenger(s) as now, but with a maximum equivalent to the taxi fare for the same journey. *[16]*
  Need to ensure riders do not refuse passengers. *[12]*
  Riders will not stick to the set fare if there is no meter. *[72]*

Summary

All options are covered here – there is no consistency of response.
10. **Cost of licensing**

10.1 The following paragraphs consider the costs of introducing the proposed pedicab licensing scheme in London.

10.2 Adequate insurance to cover third-party liabilities will be a requirement of pedicab licensing but, as it is understood that most pedicab proprietors already have such insurance, its cost has not been included in this assessment.

10.3 TfL has a statutory responsibility to recover all licensing costs through the licence fees. The proposed cost of an annual vehicle licence is £100, including the cost of the application, examination for compliance, grant of licence and production of the vehicle identification plate.

10.4 The cost of a 3-year rider licence is expected to be £185 including the cost of the CRB check (if required). The applicant would also incur a charge for the external medical examination which is expected to be £60, should this be required.

10.5 The table below gives an estimate of annual licensing costs for individual vehicles and riders, with an estimated total cost to the industry assuming 300 vehicles and riders.

10.6 This is a total annual cost, excluding any medical cost, to the industry of £48,500, equivalent to £161.67 per vehicle and rider. This gives a weekly cost over 52 weeks of £3.11 (£1.92 to the proprietor and £1.19 to the rider), though pedicab operations tend to be focused in the tourist season. These costs do not include insurance and maintenance.

10.7 The total cost to the industry, £48,500, represents costs incurred by the PCO in respect of:

- administration and conduct of vehicle inspections;
- administration and issue of pedicab licence and plate;
- administration and assessment of rider applications;
- rider CRB check;
- appeals process; and,
- rider and vehicle compliance activity.

**Responses**

**Political:** Costs are too high/must be kept low. (London Assembly Conservative Group [43], Baroness Gardner [6])

**Local Authorities** PCO proposal supported. (Westminster [84])

**Police:** Support PCO proposal. (Chinatown Police [94])

**User Groups:** Support PCO proposal. (Travelwatch [103])

**Pedicab operators:** Costs are too high/must be kept low. (BugBugs [59], LPOA [63], Chariot Bikes [93], Cycles Maximus [99])

The proposed insurance is inappropriate – special insurance is acceptable. (BugBugs [59])

One-year licence preferred. (BugBugs [59], LPOA [63], London Pedicabs [76], Chariot Bikes [93], Cycles Maximus [99])

**Pedicab riders:** 72% object to size of fee and 3-year licence; 20% accept a 3-year licence if payment is split into 3 years; 7% did not answer. [89]

**Cycling group:** Costs are too high/must be kept low. (London Cycling Campaign [106])

**Individuals:** Support PCO proposal. [27]

Costs are too high/must be kept low. [16, 17]
Must ensure that all costs are properly covered by the pedicab trade. [68]
Insurance is essential. [38, 49, 50, 62]
The proposed insurance is inappropriate, special insurance is acceptable. [83]

Insurance industry: The proposed insurance is inappropriate – special insurance is acceptable. (Association of British Insurers [87]

Conclusions

It is acknowledged that the costs of pedicab licensing must be covered by the licence fees, but a strongly stated desire to keep these costs to the minimum by a simplified, rather than elaborate, licensing scheme.

Note on insurance:
It is not proposed to insure pedicabs as motor vehicles, but only to ensure that there is adequate public liability insurance.
11. Conclusions

11.1 Overall, the consultation was welcomed, and was responded to in a constructive fashion. (Para 1.3)

11.2 The pedicab trade, and one Assembly Member, suggested that TfL, the London Boroughs and the police already have sufficient powers to control pedicabs and that they already take action when necessary. One operator suggests that travelling by pedicab is statistically safer than other modes. (Para 2.4)

11.3 The operators forming the London Pedicab Operators association (LPOA) disagree with TfL’s legal view and noted the defence lodged in the High Court by Bug Bugs. (Para 2.6)

11.4 Of the 115 responses received, 112 offered an overall view of pedicabs. Of these:
- 45 strongly object to pedicabs and want them banned;
- 44 have objections to pedicabs but will accept them with adequate licensing;
- 19 support pedicabs and will welcome licensing, and
- 4 support pedicabs and object to any form of licensing.

These responses reflect a broad spread of opinion: between the extreme positions is a suggestion of a simplified licensing regime that recognises the differences between pedicabs and other forms of public transport, in both the market served and the people involved in operating it, and which is designed to fit for this specific purpose. (Para 4.1)

11.5 There is broad support for the proposal to licence pedicab riders, with a minority view that it is inappropriate. The pedicab operators themselves propose that they can vet, licence and control the riders, which could provide a more cost-effective form of control. (Para 5.4)

11.6 There is some concern over the proposed 3-year term of the licence. (Para 5.4)

11.7 There is broad support for CTC3 as a required standard for prospective riders to demonstrate on a pedicab. Operators have suggested that they can assess and train new recruits, and so it may be possible to set up a procedure for them to provide any training necessary at a reasonable cost. (Para 5.5)

11.8 There is significant support for setting age 18 as the minimum for pedicab riders, though some respondents prefer 21. Legal advice is needed on the age discrimination law. (Para 5.6)

11.9 The consultation document stated a preference for ensuring the good character of riders by a CRB check with enhanced disclosure. This should be reviewed in the light of the responses received. (Para 5.7)

11.10 There is broad-ranging, but not unanimous, support for the PCO’s proposal to not have a knowledge test. Some of this support is dependent on the proposed limited area of operation. (Para 5.8)

11.11 A clear majority support self-declaration of medical fitness for pedicab riders, with a further substantial group opposing any form of medical test. Self declaration is a simple action for pedicab operators to fulfil when recruiting a rider. (Para 5.9)

11.12 There is strong support for a disciplinary procedure, but care must be taken to avoid setting up a substantial and costly administration to provide this. The alternative is to require operators to carry out discipline with evidence of their actions, as with London bus operators. (Para 5.10)

11.13 There is a wide range of opinions on the area of operation for pedicabs. The largest group of responses (19) support restriction to a limited area, though in some cases the area they suggest is large. 8 respondents suggest that a restriction is unnecessary because pedicabs are self limiting; 6 respondents want freedom to operate anywhere without restriction. (Para 6.5)

11.14 There is general support for the principle of vehicle licensing, but further analysis will be needed on the precise specifications. There is a concern about the cost of
licensing and a proposal that the pedicab operators should run the scheme, with monitoring by the PCO as appropriate. (Para 7.1)

11.15 There is general support for the proposals for licensing pedicab owners, operators and proprietors. (Para 7.10)

11.16 The need for pedicab Conditions of Fitness is recognised, and most - but not all - respondents support the view that the rider must be in the front or forward position with the passengers at the rear. Consideration should be given to whether one child should also be permitted in addition to the two passengers. (Para 7.16)

11.17 There is general agreement to the need for vehicle inspections, with a majority taking the view that this would be best carried out at the operator's premises. The option 1, with one licensing inspection for each pedicab each year with random, on-street compliance inspections, has the strongest support. (Para 7.20)

11.18 There is concern at the proposed cost of licences and a desire that ways should be found to reduce this. (Paras 7.24 and 10.7)

11.19 There is general support for the PCO's proposal to establish pedicab ranks separate from those for MHCs. (Para 8.8)

11.20 There is no consistency of response on fares. (Para 9.6)
The Regulation of Pedicabs in London

SCOPING DOCUMENT

25/06/2004
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## Document history and status

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Project manager: John Hawthorne  
Name of organisation: Transport for London  
    Public Carriage Office  
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Cover picture courtesy of Bugbugs Ltd.
Executive summary

Background
Transport for London (TfL) is considering regulating pedicabs (cycle rickshaws and powered or power assisted rickshaws and similar conveyances) in London.

This Scoping Study has been prepared for the Public Carriage Office (PCO) in response to a brief issued in November 2003.

During the course of the study, the remit has been considerably expanded to broaden the range of parties consulted and to extend the analysis of options available.

Current legal situation
Based on case law, which has examined the different legislation which applies within and outside London, pedicabs are defined as “hackney carriages” outside London, but they can be defined as “stage carriages” within London.

All three cases to date have upheld the ruling that because pedicabs in London can be defined as “stage carriages” and not “hackney carriages” they can be operated legally and fall outside the requirements for licensing.

The need for regulation
A number of interested parties were consulted, both prior to and in the course of this study.

Meetings with operators and Local Authorities prior to the study were generally in favour of some form of regulation. Key issues covered in consultation in the course of this study were:

- Public safety
- Traffic Operation

In addition views were expressed concerning:

- Fare regulation
- Quantity/area licensing

The emerging view was that regulation could provide a means to address the specific issues raised and the particular concerns of the parties consulted.

In particular, a consequence of the present lack of regulation may be that a significant proportion of current pedicab operation is uninsured or potentially uninsurable.
Possible types of regulation
Four possible regulatory scenarios are considered:

- Do nothing
- Voluntary self-regulation by operators
- Voluntary regulation administered by PCO
- Regulation by Licensing

The first three scenarios do not require any changed or new legislation. If the chosen option is the introduction of compulsory regulation, the report considers suggested ways in which licensing of pedicabs may be achieved.

Project plan for a possible regulation scheme
The purpose of regulation should be to ensure the safety of the travelling public in London, and to give Londoners confidence that when they use a pedicab they are dealing with an honest and professionally run organisation with reliable riders and safe vehicles.

In order to give a clearer idea of how a regulation might be implemented if the decision is taken to go ahead, the report sets out a suggested regulatory regime based on Voluntary regulation administered by the PCO.

This scenario has been chosen for detailed evaluation because:

- It offers a possible practical way forward without the immediate need for legislative change.
- It can be used as a convenient starting point for comparison with other possible scenarios

However, it will not necessarily meet the aspirations of all the interested parties.

This scenario is based on the assumption that the main focus of PCO involvement in authorisation and enforcement will be at operator level. This recognises the different structure of pedicab operation compared with taxi or PHV operation. Approved Operators will then be responsible for vehicle registration and rider approval on behalf of the PCO.

It is important to recognise that

- the final decision as to whether pedicabs should be regulated remains with TfL
- the decision as to how regulation might be implemented remains with TfL
Resource requirements
The PCO currently has no resources available which could be used to administer the regulation of pedicabs. Even if capacity was available, it would be reasonable to regard the provision of such resources as a cost to be borne were regulation to be introduced.

Key elements in the setting up of a regulatory regime which would need to be addressed are:

- System design
- Registration/licensing of existing operators, vehicles and riders
- Ongoing administration
- Inspection and enforcement

Based on the outline project plan, a working assumption is that once approval had been given, a voluntary system administered by the PCO could be set up to a stage at which operators could be invited to apply for approval within, say, six months.

The implementation of regulation by licensing would take longer, as the initial controlling factor would be the time required to draft, introduce and enact the necessary legislation. Further investigation is needed to identify appropriate forthcoming opportunities when legislative changes may be scheduled.

Costs and benefits
Were the full cost of regulation to be recovered, the average annual cost per operator (based on the estimated current number of operators) could be of the order of £5,000. Were the costs to be more closely aligned with the size of the operation, the cost to the larger operators could be in excess of £10,000.

Full cost recovery could therefore prove a major disincentive to voluntary regulation. If, as a result, fewer operators chose to register, full cost recovery would make the charges for those who did so even higher. Were regulation to be made mandatory, it is likely that there would be strong protests from the operators who would regard the likely level of costs to be an unfair imposition.

Thus it should be recognised that any scheme of regulation, whether voluntary or mandatory, is unlikely to cover its full costs of implementation and operation.

Any financial justification will therefore need to include an indication of how it is to be funded, with a clear understanding of the benefits to be gained in return for funding support.
Responsibilities and risks

Although it may not be regarded as an ideal situation for the travelling public, the current unregulated nature of pedicab operation means that TfL and the PCO can stand aside from issues of responsibility and risk.

A key issue for the PCO will be whether approval or licensing will give rise to any implied warranty in the event of an incident involving an approved or licensed operator, vehicle or rider.

A key issue for other interested parties is the need for clarification of the definition of pedicabs as compared with other types of pedal cycle.

There is concern that the current understanding of the duty of care to road users may be that cycles convey only the rider, or, exceptionally, two people on a tandem who could both be regarded as cooperating riding it. Recognition of pedicabs as a distinct vehicle type, whether through legislation or by implication through voluntary regulation could potentially highlight risks and responsibilities concerned with the conveyance of passengers.
1. **Introduction**

1.1 **Background**
Transport for London (TfL) is considering regulating pedicabs (cycle rickshaws and powered or power assisted rickshaws and similar conveyances) in London.

This Scoping Study has been prepared for the Public Carriage Office (PCO) in response to a brief issued in November 2003.

During the course of the study, the remit has been considerably expanded to broaden the range of parties consulted and to extend the analysis of options available.

1.2 **Study Objectives**
The objectives of this scoping study are set out in the brief.

The key objectives are to:

- Review information made available by TfL and the PCO
- Meet with interested parties where clarification of operational aspects is required
- Draft a scoping document to explore the question of regulation of pedicabs
- Present the above for client approval

1.3 **How pedicabs are defined**
The TRL report on “London Pedicab Operational and Vehicle Safety” (described in section 1.4) offers the following definitions, which are amplified as necessary for this report:

<table>
<thead>
<tr>
<th>Description</th>
<th>TRL definition</th>
<th>Amplification for this report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedicab</td>
<td>Any human powered vehicle of more than two wheels that is equipped for the carriage of passengers</td>
<td>No change</td>
</tr>
<tr>
<td>Operator</td>
<td>The company responsible for providing the service</td>
<td>A company, organisation or individual responsible for managing a fleet of pedicabs, which hires or otherwise allocates them to individual riders who may be directly or self employed.</td>
</tr>
<tr>
<td>Owner-operator</td>
<td><em>Not given</em></td>
<td>An individual who owns a pedicab which they themselves ride.</td>
</tr>
<tr>
<td>Rider</td>
<td>The ‘driver’ who powers and operates the pedicab</td>
<td>No change</td>
</tr>
<tr>
<td>Passenger</td>
<td>Person being carried on the pedicab</td>
<td>No change</td>
</tr>
</tbody>
</table>
In some documents, pedicabs are referred to as “trishaws”. Such a description is strictly speaking only applicable to a vehicle with three wheels, and is not used in this report unless quoting directly from other sources.

The TRL report also gives details of the various types and models of pedicab in operation in London.

### 1.4 How pedicab operation is organised in London

Pedicab operation in London generally follows a pattern in which operators own and maintain the vehicles, which are then hired per shift to self-employed riders who work individually and set and keep their own fares.

| Typical organisation of London pedicab operation |
|-------------------|------------------------------------------|
| **Role**          | **Characteristics**                      |
| Operator          | - May be established business (e.g. limited company or partnership)  
                    | - Own pedicab fleet  
                    | - Responsible for maintenance and repairs  
                    | - Hire pedicabs to riders at a fixed fee per shift  
                    | - May organise insurance cover  
                    | - May provide rider training and support  
                    | - Does not function as an “operating centre” where bookings are taken  
                    | - Limited contact with end customer |
| Rider             | - Self-employed  
                    | - Hires pedicab from operator per shift  
                    | - Not responsible for maintenance  
                    | - Probably not responsible for insurance  
                    | - But responsible for safety while on street, including lights, protective clothing etc.  
                    | - Sets own fares per passenger (though operator may provide guidelines)  
                    | - Keeps fare income |

All three operators contacted for the TRL Study (see below) operate in this way.

There are also a number of owner-operators who combine elements of the above roles in that they (and possibly others) ride a vehicle which they own themselves rather than renting from another owner. No such owner-operators were contacted during this scoping study, however their possible requirements have been considered where appropriate.
1.5 London Pedicab Operational and Vehicle Safety
The PCO commissioned this scoping study from TRL Ltd and the results were produced in February 2002. The purpose of the study was “to qualitatively assess the operation of bicycle rickshaw, or ‘pedicab’, services in Greater London”. This report was confidential to the PCO and has not been made available to the public through TRL.

The PCO have compiled a summary of the findings, conclusions and recommendations of the TRL report, and this summary provides useful background to this scoping report.

The PCO summary of the TRL findings and conclusions is as follows:

- seven operators were identified, several of which operated on only a casual basis;
- the fragmentation of the pedicab industry and the ‘invisibility’ of some service providers are grounds for concern;
- there is no basis on which a member of the public can have any expectation of a given standard of vehicle maintenance or driver and vehicle competence or operating practice;
- there is no clear means of distinguishing between different services that may offer significantly different levels of service;
- some models of pedicab seem to pose particular hazards in respect of pedestrian safety;
- there are grounds for concern as to the health and safety of the riders, eg length of shift, lack of guidance to riders re warming up and stretching, and no provision of safety/conspicuity equipment;
- there are indications of a demand for pedicab services;
- pedicabs add to the vibrancy of the street scene in certain areas;
- the pedicab trade is economically marginal;
- many of the riders are employed, or self-employed, on a casual basis;
- any attempt at regulation that resulted in significant cost to the operators or riders would discourage some or all operators and, without effective enforcement, would be ignored by others;
- the lack of regulation places the responsible operators at a competitive disadvantage to the irresponsible;
- operators claim to have no record of accidents or casualties and no significant experience of near-misses;
- the operation of these services does impose some risk on riders, passengers and other road users;
- only one insurance company offers personal liability insurance to pedicab firms and they are reviewing this;
operators and riders can exacerbate or minimise risk by the manner in which vehicles are maintained and ridden and their associated practices in respect of rider training and monitoring, policy on what sort of fares are accepted and what sort of journeys are made.

The PCO summary of the TRL recommendations is as follows:

- the establishment of a standard for the provision of pedicab services, including:
  - vehicle characteristics
  - operating practices
  - level of insurance;
- invite operators to participate in the setting of standards;
- subject to the above being accepted, provide information for the public as to what to expect from a pedicab service;
- ‘license’ pedicab riders, ‘approved’ riders being identifiable;
- establish ‘ranks’ for pedicabs; and,
- seek legal advice on the status of electrically assisted pedicabs.

1.6 Previous meetings between PCO and interested parties
Prior to this study, the PCO and the Cycling Centre of Excellence (CCE) have had two consultation meetings with interested parties concerning pedicabs as follows:

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<tr>
<th>Previous meetings with interested parties</th>
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<tbody>
<tr>
<td>Date</td>
</tr>
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</tr>
<tr>
<td>4th July 2003</td>
</tr>
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</table>

Further details of these meetings are given later in this report, and in particular in sections 3.2.2 and 3.2.3.

1.7 Details supplied by the PCO for this scoping study
A reference list of the documents supplied by the PCO is included as appendix A.

1.8 Disclaimers
Research for this project has been based on documents supplied by the PCO as listed in Appendix A, and on the interviews as listed in section 3.3 and noted in appendix B.
The legal details given in section 2 are taken from information, advice and opinions as supplied.
2. Current legislative position

2.1 Introduction
This section is intended to provide a summary of the current legislative position, and in particular to set out the relevant legal background when considering the need for regulation of pedicabs.

It has been based on documentation supplied by the PCO, including details of court cases, together with legal advice and opinions sought by the PCO from the TfL Solicitor and others. Details of the regulations covering safety, construction and use are drawn from the TRL report on “London Pedicab Operational and Vehicle Safety”.

2.2 Are pedicabs classified as pedal cycles?
The underlying assumption in the legal advice given to the PCO is that pedicabs fall within the legal definition of pedal cycles, and therefore that legislation concerning pedal cycles will apply unless pedicabs can be more specifically defined in an excluded category.

Case law has not tested this assumption, however, the emerging definitions of ‘trishaws’ and ‘bicycle rickshaws’ (subsequently referred to as pedicabs) would give weight to the assumption. More details of definitions appear in section 2.7.

It has been established in case law that a pedal cycle is not a mechanically propelled vehicle (Lawrence v Howlett [1952]).

2.3 Relevant Licensing legislation

2.3.1 Background
A number of background documents have been made available by the PCO, as listed in Appendix A.

Please note that within the scope of this report there has been no independent reference back to the original legislation. Where this is quoted, the quotations are from secondary sources quoted in good faith.
2.3.2 The Metropolitan Public Carriage Act (1869) and subsequent amendments
This Act concerns the licensing of stage and hackney carriages within London. In particular, section 4 of the 1869 Act states that:

“…stage carriage shall mean any carriage for the conveyance of passengers which plies for hire in any public street, road or place within the limits of this Act, and in which the passengers or any of them are charged to pay separate and distinct fares for their respective places or seats therein. Hackney carriage shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act and is not a stage carriage.”

Subsequent amendments to the Act, and in particular the Statute Law (Repeals) Act of 1976 have resulted in the situation that:

- all references to stage carriages have been repealed except section 4
- because all requirements for licensing are now effectively covered by subsequent legislation, since 1976 there has no longer been any requirement to license stage carriages in London

2.3.3 The Town Police Clauses Act (1847) and subsequent amendments.
This Act concerns the licensing of stage and hackney carriages outside London.

As originally enacted, the 1847 Act made a similar distinction between stage and hackney carriages to that included in the 1869 Act in London.

However, the effect of subsequent amendments has been that the ruling in ex parte Lane (see section 2.6) was that trishaws (pedicabs) are within the definition of hackney carriage and are therefore licensable.

Because this legislation was tested in the courts before similar cases took place in London, there has on each occasion been consideration as to whether the ruling in ex parte Lane was relevant in the context of the legislation applicable in London.
2.3.4 Can other vehicle types claim to be “stage carriages”?
Having identified the specific exemption from licensing requirements in London, it is worth considering whether any types of vehicle other than pedicabs may therefore claim to be “stage carriages”.

Relevant legislation since 1869, including amendments to the 1869 Act, has made reference to “vehicles drawn or propelled by animal or mechanical power” or, more recently, “mechanically propelled”. This includes legislation now repealed referring to stage carriages.

It is generally accepted that were the situation to arise in which any form of motorised vehicle (with the possible exception of electrically assisted pedal cycles, see below) was claimed to be a “stage carriage” it could be argued that it was covered by other, potentially licensable, definitions. This has not, however, been tested in the courts.

Legislation remains in force for the licensing of Horse Cabs, where horse is defined as including “any animal used to draw a cab”.

As already noted, it has also been established that a pedal cycle is not a mechanically propelled vehicle (Lawrence v Howlett [1952]).

2.4 Relevant legislation concerning safety, construction and use
2.4.1 Background
The main source of reference for this section is the TRL report on “London Pedicab Operational and Vehicle Safety”. Additional information is taken from advice supplied to the PCO by the TfL Solicitor, and the Highway Code.

All the identified legislation refers to the construction and use of the pedicabs themselves. The Highway Code gives advice to riders regarding safety equipment such as high-visibility clothing and helmets, but this is not a legal requirement.
2.4.2 Pedal Bicycles (Safety) Regulations 1984 and subsequent amendment
These regulations place various requirements and standards on those who ‘supply’ pedal cycles, where ‘supply’ is defined as including ‘offering to supply, exposing for supply, and possessing for supply’. The regulations stipulate that bicycles should comply with safety requirements as set out in British Standard 6102: part 1 (as amended).

A number of exemptions apply but in the view of the TRL report most types of pedicab would be covered by the regulations.

The TfL solicitor has suggested that the regulations are not intended to apply to service providers, but rather to those who sell or rent pedal cycles. However, this view may be based on an incomplete understanding of the basis on which pedicabs are operated. Given that the basic business model is that self-employed riders hire vehicles owned and maintained by the operators on a per shift basis, we would suggest that this might fall within the definition of ‘possessing to supply’, and that the regulation might reasonably be interpreted as applicable to operators.

2.4.3 Pedal Cycles (Construction and Use) Regulations 1983
These regulations apply to those who ‘ride, or cause, or permit to be ridden’ a pedal cycle, and set out the requirements with regard to braking systems. They apply to pedal cycles and to electrically assisted pedal cycles. If we assume that pedicabs are classified as pedal cycles, these regulations would apply to pedicabs.

2.4.4 Electrically Assisted Pedal Cycle Regulations 1983
These regulations set out specific requirements regarding the maximum weight and permitted maximum speed of propulsion of electrically assisted pedal cycles. They also specify that a number of key components should be in efficient working order before such a cycle is used. Provided we assume that pedicabs are classified as pedal cycles, these regulations would apply to any electrically assisted pedicabs.

As far as can be ascertained there are not yet any electrically assisted pedicabs in use in London. Without further research (beyond the remit of this scoping study) it is not possible to comment on whether this or other legislation specifically differentiates electrically assisted vehicles from those otherwise categorised as ‘mechanically powered’ or ‘mechanically propelled’. Unless such a distinction is made, it could be argued that such vehicles might be caught up by licensing legislation post 1869, and could not therefore operate as unlicensed stage carriages.
2.4.5 Road Vehicles Lighting Regulations 1989
These regulations apply both to pedal cycles and trailers. Pedal cycles are not required to be fitted with lamps or reflectors between sunrise and sunset, however at other times the regulations make certain types of lighting equipment compulsory. If we assume that pedicabs are classified as pedal cycles, these regulations would apply to pedicabs.

2.5 Relevant Road Traffic legislation

2.5.1 Background
No details of applicable road traffic regulations were made available by the PCO for this scoping study.

However the Highway Code includes a specific section on ‘Rules for cyclists’, and also explains that “these rules are in addition to those … which apply to all vehicles”. These rules would apply to pedicabs.

The Highway Code also includes a table of maximum penalties for a range of offences, including the following specifically relating to cyclists.

<table>
<thead>
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<th>Offence</th>
<th>Maximum penalty</th>
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<tbody>
<tr>
<td>Dangerous cycling</td>
<td>£2,500</td>
</tr>
<tr>
<td>Careless cycling</td>
<td>£1,000</td>
</tr>
<tr>
<td>Cycling on pavement</td>
<td>£  500</td>
</tr>
</tbody>
</table>

2.5.2 Highways Act 1835
A number of rules in the Highway Code are legal requirements, and are referenced back to the appropriate legislation. Those relating to cyclists and referenced to this Act are as follows:

- When using segregated cycle tracks, cyclists **must** keep to the side intended for them
- Cyclists **must not** ride on pavements

2.5.3 Road Traffic Act 1988 and amendment
Specific rules in the Highway Code relating to cyclists and referenced back to this Act are as follows:

Cyclists **must not**:

- carry a passenger unless their cycle has been built or adapted to do so
- hold onto a moving vehicle or trailer
- ride in a dangerous, careless or inconsiderate manner
- ride when under the influence of drink or drugs
- cross the stop line when the traffic lights are red
2.5.4 Traffic Signs Regulations & General Directions 1994

Specific rules in the Highway Code relating to cyclists and referenced back to these Directions are as follows:

- Cyclists must not: cross cycle-only crossings until the green cycle symbol is showing

The Highway Code also advises cyclists not to leave their cycle where it would endanger or obstruct road users or pedestrians, but this is not indicated as a legal requirement.

2.6 Relevant cases

There are four recent cases which inform the current understanding of the legislative position.

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<th>brief title</th>
<th>ex parte Lane</th>
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<tr>
<td>date</td>
<td>13th July 1998</td>
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<tr>
<td>between</td>
<td>R vs Cambridge City Council ex parte Lane [1999] RTR, p182, CA</td>
</tr>
<tr>
<td>background</td>
<td>This case tested the legal position outside London.</td>
</tr>
<tr>
<td></td>
<td>At the time of the case, the term trishaw was applied to what is now more commonly called a pedicab.</td>
</tr>
<tr>
<td></td>
<td>Prior to the case, a pedicab had been granted a preliminary licence as a hackney carriage.</td>
</tr>
<tr>
<td></td>
<td>The applicant sought to question the conditions which the Council sought to impose on the grant of a full licence.</td>
</tr>
<tr>
<td>decision</td>
<td>Appeal dismissed</td>
</tr>
<tr>
<td>key points</td>
<td>Trishaws are within the definition of “hackney carriage” in section 38 of the Town Police Clauses Act 1847</td>
</tr>
<tr>
<td></td>
<td>They are therefore licensable under section 37 of the 1847 Act</td>
</tr>
<tr>
<td></td>
<td>They are therefore subject to the following sections of the Local Government (Miscellaneous Provisions) Act 1976</td>
</tr>
<tr>
<td></td>
<td>– section 47 (which covers the rights of a council to attach conditions to the grant of a licence)</td>
</tr>
<tr>
<td></td>
<td>– and section 59 (which covers conditions for the grant of a licence to drive a hackney carriage)</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>brief title</th>
<th>Begg</th>
</tr>
</thead>
<tbody>
<tr>
<td>date</td>
<td>6th December 1999</td>
</tr>
<tr>
<td>between</td>
<td>R vs Begg</td>
</tr>
<tr>
<td>background</td>
<td>This case was heard before a Stipendiary Magistrate at Bow Street Magistrates Court.</td>
</tr>
<tr>
<td></td>
<td>The defendant was prosecuted for plying for hire in an unlicensed hackney carriage.</td>
</tr>
<tr>
<td></td>
<td>The case made reference to the decision in ex parte Lane, but took account of the different legislation concerning areas outside London</td>
</tr>
<tr>
<td>decision</td>
<td>Dismissed</td>
</tr>
<tr>
<td>key points</td>
<td>Pedicabs are within the definition of “stage carriages” and not “hackney carriages” in section 4 of the Metropolitan Public Carriage Act 1869</td>
</tr>
<tr>
<td></td>
<td>Subsequent advice to the PCO stated that, despite the decision, “there is no case law authority that has considered the position of pedicabs in London, … and the position remains uncertain.”</td>
</tr>
</tbody>
</table>
brief title  |  ex parte Oddy
---|---
date  |  13\(^{th}\) February 2003
between  |  R vs Bugbugs Ltd ex parte Oddy
background  |  This case was heard before a District Judge at Tower Bridge Magistrates Court.
Mr Oddy is the General Secretary of the Licensed Taxi Drivers Association.
The defendant was prosecuted for plying for hire in an unlicensed hackney carriage.
The drivers were also charged with soliciting persons to hire a vehicle, but the prosecution did not proceed.
ruling  |  Dismissed
key points  |  Pedicabs are within the definition of “stage carriages” and not “hackney carriages” in section 4 of the Metropolitan Public Carriage Act 1869.
The District Judge was not bound by the ruling of ex parte Lane.
The drivers were not soliciting within the meaning of section 167 of the Criminal Justice and Public Order Act 1994.

brief title  |  ex parte Oddy (appeal)
---|---
date  |  12\(^{th}\) November 2003
between  |  R vs Bugbugs Ltd ex parte Oddy [2003] EWHC 2856 QB
background  |  This case was an appeal against the decision taken by District Judge in ex parte Oddy.
There was no question of the facts, only of the legal position which had been taken.
The District Judge identified four questions for the decision of the court. These concerned the three key points noted above, also whether it was proper to award of costs against the prosecutor.
ruling  |  Appeal dismissed
key points  |  Upheld the rulings of the District Judge in ex parte Oddy.

At the appeal on 12\(^{th}\) November 2003, Counsel for the Appellant applied for permission to appeal to the House of Lords on the grounds that it was a matter of general public importance. In a subsequent ruling on 10\(^{th}\) December 2003, permission to appeal was refused.
### 2.7 Definitions

The following definitions are given in cases referred to above:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trishaw</td>
<td>&quot;A trishaw is a cross between a rickshaw and a tricycle. Like a tricycle it has three wheels, a single front wheel and two rear wheels. Over the rear wheels a compartment in which passengers may sit is suspended. The vehicle is an adaptation of a rickshaw, replacing the individual running on the ground and pulling the vehicle with an individual using the cycle technique to provide the power for propelling the vehicle.”</td>
<td>R V Cambridge City Council ex parte Lane</td>
</tr>
<tr>
<td>Pedicab</td>
<td>&quot;bicycle rickshaws … which are non motorised and propelled by pedal power”</td>
<td>R V Bugbugs Feb 2003 as quoted in appeal November 2003</td>
</tr>
</tbody>
</table>

### 2.8 Enforcement

Prior to the decisions in Begg and ex parte Oddy, enforcement was mainly concerned with the possibility that pedicabs were operating as unlicensed hackney carriages.

Subsequently, the focus has moved to enforcement of safety and Road Traffic regulations.

Westminster City Council have expressed frustration that their officers have no powers to enforce parking regulations as these do not extend to pedicabs.

Although not specifically related to pedicab operation, the Metropolitan Police have conducted a small operation with the Department of Work and Pensions to check the immigration and employment status of pedicab riders.
2.9 Summary of current situation

2.9.1 Definition
Based on case law, which has examined the different legislation which applies within and outside London, pedicabs are defined as “hackney carriages” outside London, but they can be defined as “stage carriages” within London.

2.9.2 Legality of operation
When considering the legality of pedicab operation, it is important to draw a distinction between the purposes of the court cases in Cambridge and London.

Prior to the court case in Cambridge, the City Council and the operator were working on the understanding that there was a legal basis for the licensing of pedicabs (though this had not been tested in the courts). A preliminary licence had been granted for trial operation during 1997, and the applicant had applied for a full licence. The applicant’s case concerned the legality of certain restrictions on operation which the Council sought to impose regarding matters such as pickup points, and number of passengers carried.

The judge ruled in favour of the Council, and the result of the case effectively established the parameters for the licensing of pedicab operations outside London.

In contrast, the main purpose of the court cases within London has been to establish the legality of operation and in particular whether pedicabs fall within the provisions of the Metropolitan Public Carriage Act 1869 (as amended).

All three cases to date have upheld the ruling that because pedicabs in London can be defined as “stage carriages” and not “hackney carriages” they can be operated legally and fall outside the requirements for licensing.

However, in his decision in November 2003 to dismiss the appeal, Mr Justice Pitchford stated:

“I recognise that the consequence of this decision is that the pedicab plying for hire in London is subject to no licensing regime. This may be regarded as an unwelcome consequence. The first respondent has submitted to the London Public Carriage Office a draft strategy for pedicab regulation, and it is anticipated that a scheme will be prepared within the next few months. I comment only that unless my decision is wrong in law, primary legislation will probably be required.”

It is therefore timely to present this scoping study.
3. The need for regulation

3.1 Introduction
This section sets out details of meetings held prior to and during the course of the scoping study. It sets out the main issues arising from these meetings which need to be taken into account when considering whether there is a need for pedicabs to be regulated, and the possible requirements of a regulatory regime.

3.2 Discussion with interested parties prior to this study
3.2.1 Background
Prior to this scoping study, the PCO held two meetings with interested parties as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Organisation represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th April 2003</td>
<td>Pedicab Operators' meeting</td>
<td>Public Carriage Office&lt;br&gt;Cycling centre of Excellence&lt;br&gt;Velotaxi&lt;br&gt;Fladgate Fielder&lt;br&gt;London Pedicabs&lt;br&gt;Croydon Rickshaw Co-op&lt;br&gt;Downham Cycle Taxi&lt;br&gt;London Pedicabs&lt;br&gt;London Yellow Bikes Company&lt;br&gt;Bugbugs Ltd&lt;br&gt;Chariot Bikes&lt;br&gt;Cycle Maximus Ltd</td>
</tr>
<tr>
<td>4th July 2003</td>
<td>Local Authorities' meeting</td>
<td>Public Carriage Office&lt;br&gt;Cycling Centre of Excellence&lt;br&gt;Department of Transport (Buses and Taxis Division)&lt;br&gt;Metropolitan Police Service&lt;br&gt;City of London Police&lt;br&gt;London Borough of Bromley&lt;br&gt;London Borough of Croydon&lt;br&gt;London Borough of Southwark&lt;br&gt;Westminster City Council</td>
</tr>
</tbody>
</table>

These meetings took place after the unsuccessful case against Bugbugs in February 2003, but before the unsuccessful appeal in November 2003.

Prior to the Operators’ meeting, efforts were made by the PCO to invite as many interested parties as possible, and it was felt that the meeting gave a fair representation of the views of operators.
The overall consensus of the meeting was that some form of regulation was favoured, and discussion then covered what form such regulation or licensing should take place.

3.2.2 Key points from the Operators’ meeting

Key points were as follows:

- There was unanimous agreement that some form of regulation should take place.
- The majority felt that as a good level of physical fitness was necessary to ride a pedicab and carry passengers, then medical clearance would not be necessary.
- The majority felt that as passengers could easily leave the vehicle and the fact that the majority of the trade was evening based and involved the carrying of adult passengers then a ‘Criminal Record Bureau’ check was not required.
- There was agreement that, if regulation did take place, any licence for a rider should be for a period of 1 year.
- The general opinion was that as journeys were so short no geographical knowledge should be a condition of licensing.
- Those present stated that all new riders attached to their companies were subject to training prior to commencing duty, however, less respectable firms (not present at the meeting) did allow riders to commence full duty without any training.
- With regard to future training, those present favoured it being linked to the ‘Highway Code’, being the equivalent of CBT and requiring individuals to have passed a DSA theory test.
- There was unanimous agreement that, if regulation took place, pedicabs should be inspected on company premises. It would be impracticable to expect vehicles to be taken to other sites for inspection purposes.

3.2.3 Key points from the Local Authorities’ meeting

The meeting agreed that the following views should be placed on record:

- Transport for London – Public Carriage Office should be responsible for any regulation/licensing of pedicabs.
- Pedicab riders should not be required to undergo any medical or CRB check prior to licensing.
- The regulation/licensing of only the pedicab operators may suffice.
- Pedicab rider’s topographical knowledge should be acquired by on-the-job training and not via any formal process decided by the regulator.
- Vehicles should be subject to annual inspection by the regulator.
3.3 Discussion with interested parties during this study

The original brief for this study included a short round of meetings in December 2003.

Because the meeting with Westminster City Council had mainly concerned licensing issues, a further meeting was set up with the Transportation section. The Metropolitan Police requested a meeting, and in discussion with the PCO it was agreed that the brief should be expanded to include meetings with London Buses and the Cycling Centre of Excellence.

<table>
<thead>
<tr>
<th>Date</th>
<th>Organisation</th>
<th>Notes in Appendix</th>
</tr>
</thead>
<tbody>
<tr>
<td>19th December 2003</td>
<td>Bugbugs Ltd</td>
<td>B.1</td>
</tr>
<tr>
<td>22nd December 2003</td>
<td>Licensed Taxi Drivers Association</td>
<td>B.2</td>
</tr>
<tr>
<td>22nd December 2003</td>
<td>Westminster City Council (Licensing)</td>
<td>B.3</td>
</tr>
<tr>
<td>7th January 2004</td>
<td>Westminster City Council (Transportation)</td>
<td>B.4</td>
</tr>
<tr>
<td>14th January 2004</td>
<td>Metropolitan Police</td>
<td>B.5</td>
</tr>
<tr>
<td>20th January 2004</td>
<td>London Buses</td>
<td>B.6</td>
</tr>
<tr>
<td>20th January 2004</td>
<td>Cycling Centre of Excellence</td>
<td>B.7</td>
</tr>
</tbody>
</table>

Notes of the meetings are included in Appendix B.

A summary of the main points discussed relating to the following specific issues is included below:

- Public safety
- Traffic operation
- Fare regulation
- Quantity/Area licensing

Other points arising from the meetings are included elsewhere in the report as appropriate.
3.4 Public safety issues
This is one of two key issues identified in the brief. It has been interpreted fairly widely to encompass a range of issues relating to vehicles and riders, and associated matters such as insurance and liabilities.

<table>
<thead>
<tr>
<th>Public safety issues</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle safety</td>
<td>Several respondents were concerned as to whether pedicabs were safe, suggesting possible problems with overturning.</td>
</tr>
<tr>
<td></td>
<td>A number of respondents were aware of an accident in Edinburgh where a passenger’s clothing has been caught in the pedicab wheels.</td>
</tr>
<tr>
<td></td>
<td>However there was no direct evidence of passenger injury accidents in London.</td>
</tr>
<tr>
<td></td>
<td>There was general agreement that vehicles should comply with appropriate construction and use regulations.</td>
</tr>
<tr>
<td></td>
<td>Bugbugs were keen to emphasise their standards of maintenance and record-keeping.</td>
</tr>
<tr>
<td></td>
<td>Bugbugs reported that guards had been fitted to their fleet to minimise the risk of an accident similar to that in Edinburgh.</td>
</tr>
<tr>
<td></td>
<td>Vehicles should comply with appropriate construction and use regulations.</td>
</tr>
<tr>
<td>Rider approval</td>
<td>There was a diversity of views regarding the level of checking that might be appropriate for formalised approval of riders.</td>
</tr>
<tr>
<td></td>
<td>Some respondents took the view that the standards required should be no less onerous that those in course of introduction for PHV drivers.</td>
</tr>
<tr>
<td></td>
<td>However, others thought that less onerous standards should apply as the nature of operation was different.</td>
</tr>
<tr>
<td>Rider health and fitness</td>
<td>Unfit riders moving slowly would pose a greater risk of obstruction than reasonably fit riders moving at higher speeds</td>
</tr>
<tr>
<td></td>
<td>In the event that a rider was taken ill or become otherwise incapacitated while riding a pedicab, it could potentially place the rider, the passengers and other road users in a dangerous situation.</td>
</tr>
<tr>
<td>Riding standards</td>
<td>Riders may be encouraged to show off or compete to attract the attention of potential customers</td>
</tr>
<tr>
<td></td>
<td>Riders may be excessively noisy, for example use of bells to attract attention.</td>
</tr>
<tr>
<td>Passenger behaviour</td>
<td>Passengers may be inebriated and/or in high spirits, which may compromise safe operation.</td>
</tr>
<tr>
<td>Liabilities</td>
<td>WCC in particular expressed concerns regarding liabilities, and in particular the duty of care of the highway authority.</td>
</tr>
<tr>
<td>Insurance</td>
<td>There was concern from several respondents that some current pedicab operations may be uninsured.</td>
</tr>
<tr>
<td></td>
<td>Bugbugs advised on current problems with obtaining insurance cover.</td>
</tr>
</tbody>
</table>
3.5 Traffic operation issues

This is the second key issue identified in the brief. Again a wide interpretation has been taken, guided by the points raised in the meetings.

<table>
<thead>
<tr>
<th>Traffic operation issues</th>
<th>Commentary</th>
</tr>
</thead>
</table>
| Congestion               | Several respondents commented that pedicabs cause congestion, both when stationary and when moving slowly in traffic.  
Pedicabs cause particular problems for bus operation as they obstruct stops while seeing fares |
| Ranking                  | A number of respondents complained about bunching and obstruction, for example outside theatres  
However, there are likely to be problems finding places to designate specific locations for pedicabs to wait.  
Bugbugs would welcome designation of pedicab ranks |
| Traffic offences         | Several respondents reported problems with pedicabs not observing road traffic regulations, e.g. one way streets, traffic lights and blocking footways.  
The Police reported some success in issuing fixed penalty tickets, but enforcement has not always been possible |
| Parking                  | Some pedicabs do not observe yellow lines and other parking regulations. It is not possible for WCC to enforce these regulations. |
| Liaison                  | Bugbugs welcome opportunities for liaison with Police and other interested parties. |

3.6 Should fares be regulated?

Although not a specific part of the brief, a number of respondents mentioned fare regulation.

<table>
<thead>
<tr>
<th>Fare regulation</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fare levels</td>
<td>Several respondents commented that fares are disproportionately high for the short distances travelled.</td>
</tr>
<tr>
<td>Fare regulation</td>
<td>WCC would favour some form of fare regulation.</td>
</tr>
</tbody>
</table>
3.7 Should there be some form of quantity or area licensing?

While discussing licensing, some respondents proposed that it should include restrictions on quantity and/or areas of validity.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity licensing</td>
<td>The LTDA view is that there is an oversupply of pedicabs</td>
</tr>
<tr>
<td></td>
<td>Several respondents would favour some form of quantity licensing.</td>
</tr>
<tr>
<td>Area licensing</td>
<td>WCC would like to explore the possibilities for area licensing, possibly in combination with quantity licensing</td>
</tr>
</tbody>
</table>

3.8 Legal clarity

3.8.1 Background

The three court cases within London have concurred regarding the legal basis for the continued operation of pedicabs within the definition of stage carriages. However, legislative changes could be a means to clarify the situation with regard to enforcement and possible regulation.

3.8.2 Legal definition of pedicabs

The definitions for pedicabs have emerged from case law, and there is currently no statutory definition.

With regard to Road Traffic legislation, it would therefore be difficult to introduce measures applicable specifically to pedicabs, as they are currently regarded as falling within the wider category of pedal cycles.

The definition of “stage carriages” remains in only one section of the 1869 Act following subsequent amendments and repeals. It could be argued that this is more by accident than design.

The judgment in the November 2003 appeal case and legal advice sought by TfL have both indicated that there would be merit in resolution of the legal situation so that there was a clear positive definition of pedicabs rather than reliance on a single continuing reference to “stage carriages”.

3.8.3 Nature of charging

The current definition of “stage carriage” relies heavily on acceptance that passengers are charged separate and distinct fares. However, as with taxis and PHVs, it is likely that operators will in practice seek to maximise their revenue per hiring. Extension of legislation to cover pedicabs would enable proper recognition of the exclusive nature of a hiring and enable operators to charge per hiring if desired.
3.8.4 Provision of basis for regulation
Any measures to regulate or control pedicabs will therefore need to start by setting out a definition of a pedicab. This definition can then be referred to (or amended as necessary) by subsequent legislation.

3.9 Insurance
The TfL Solicitor is unaware of any legal rules which require the user of a pedal cycle to take out a policy of insurance.

A range of insurance policies is generally available for individual cyclists, for example through organisations such as the London Cycling Campaign and the Cyclists Touring Club, or as additions to domestic insurance policies. However, it is unlikely that these would cover the conveyance of passengers in the context of pedicab operation.

A number of operators are understood to have taken out public liability insurance to cover their operations. Reference was made in the TRL report and in discussion with Bugbugs in the preparation of this report to a number of issues relating to obtaining insurance.

Bugbugs was initially able to arrange insurance through Royal Sun Alliance, which at the time was the only company prepared to offer public liability insurance for pedicab operation. It is understood that Royal Sun Alliance has since reviewed its position following approaches by other operators, and is no longer prepared to take on new business.

A key issue would appear to be that because pedicab operation is currently unregulated, insurers are concerned that they do not have a clear basis on which to assess risk and extend cover.

Bugbugs has subsequently arranged insurance with another company, but in view of the problems are not prepared to divulge details of their new insurers, not least to prevent approaches by other operators.

A serious consequence is therefore that with the exception of Bugbugs, other operators may be

- reliant on personal policies held by individual riders which may not cover carriage of passengers
- unable to renew their current public liability policies when they expire
- uninsured

Unless there is a change of policy by the insurers, the situation is likely to worsen. It can therefore be argued that regulation of pedicab operation would provide insurers with a clearer basis on which to offer cover. Indeed, the existence of a regulated market may even encourage more than one insurer to offer cover, as is already the case with insurance for taxis and PHVs.
Bugbugs is also considering the scope for moving from a system in which the insurance is held by the company to one in which each individual rider is insured. A significant problem with the present system is that the insurers are effectively being asked to insure individuals who are not even direct employees of the pedicab operating company.

Bugbugs operate by renting their vehicles to individual riders on a per-shift basis. They are therefore considering a model similar to that adopted by self-drive car rental companies by which insurance for the duration of the shift can be purchased from them as an add on to the rental charge. (The rental company acts in this case as an agent of the insurer in the sale of the policy)

The extension of regulation to cover the licensing of pedicab riders would significantly increase the chances of successful implementation of such a system. Were it to be implemented within the current context, insurers could still argue that they could not exercise any effective control over the sale of policies. However, if riders were to be licensed, then it would be possible for insurers to make holding a valid licence a condition of issue of insurance.

Even if insurers were not prepared to insure on a per rider basis, operators’ insurance could be made conditional on the use of licensed riders.

It is recognised that a potential reduction in the problems faced by operators is not, of itself, and argument for the introduction of regulation.

However, if a consequence of the lack of regulation is that a significant proportion of the pedicab operation is uninsured and potentially uninsurable, this must give serious cause for concern.
4. Objectives and scope of regulation

4.1 Introduction
This section of the report considers possible ways in which regulation may be introduced. Where changes in legislation are required, it then goes on to explore possible ways in which licensing of pedicabs may be achieved. Consideration is also given to whether legislative changes not related to licensing may nevertheless assist in the regulation of pedicab operation.

4.2 Possible types of regulation

4.2.1 Possible scenarios
Four possible regulatory scenarios can be considered:

- Do nothing
- Voluntary self-regulation by operators
- Voluntary regulation administered by PCO
- Regulation by Licensing

Each of these is considered below, including overlaps and possible sub options.

4.2.2 Do nothing
It has now been confirmed in the courts that there is a legal basis for the continued unregulated operation of pedicabs in London. Therefore this scenario continues the present situation with no changes.

<table>
<thead>
<tr>
<th>Do nothing</th>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Does not require legislation</td>
<td>No possibility to control operation</td>
</tr>
<tr>
<td></td>
<td>No need to set up regulatory organisation</td>
<td>No additional powers of enforcement</td>
</tr>
<tr>
<td></td>
<td>Does not require further TfL/PCO involvement</td>
<td>Provides no public reassurance</td>
</tr>
<tr>
<td></td>
<td>No risk transfer to TfL or other interested parties</td>
<td>No basis for compulsory insurance</td>
</tr>
<tr>
<td></td>
<td>Easy market entry for new operators</td>
<td>No incentive to insurers to offer competitive policies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pressure from operators and other interested parties to introduce regulation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No additional powers to apply safety standards</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No scope for restricting supply</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ongoing problems with congestion</td>
</tr>
</tbody>
</table>
In practice, this option will only be “do nothing” with regard to TfL and the PCO. It is possible that if this policy is adopted, some operators will themselves decide to implement a form of voluntary regulation.

4.2.3 Voluntary self-regulation by operators
In this scenario, one or more operators set up their own system of voluntary regulation. This might be

- a unilateral decision by one operator who then tries to persuade other operators to join
- a multilateral decision taken by a group of operators who form a trade association or similar organisation to foster self-regulation

Although operator led, there may nevertheless be the possibility of TfL/PCO involvement. Thus self-regulation may be

- entirely operator driven with no involvement by TfL/PCO
- encouraged by TfL/PCO
- facilitated by TfL/PCO

Encouragement may include liaison with operators to identify key areas which TfL would wish operators to address, for example insurance and rider standards. It is envisaged that such advice would be provided at no cost to the operators.

Facilitation may include practical assistance with inspection and training, at fee rates charged to the operators as considered appropriate by TfL.

Features of voluntary self regulation could include

- Agreed Codes of Practice and Codes of Conduct
- Agreed standards of training
- Agreed forms of identification of vehicles and riders

However, there would be no automatic application of any form of TfL branding or endorsement.

The benefits and problems identified below are generic, and the extent of impact will vary depending upon the specific model of self-regulation chosen.
### Voluntary self-regulation by operators

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>■ No legislation required</td>
<td>■ Does not clarify legal position</td>
</tr>
<tr>
<td>■ Could be based on existing operators’ best</td>
<td>■ No compulsion for other operators or riders to adhere</td>
</tr>
<tr>
<td>practice</td>
<td>■ Would rely on cooperation between operators and, ideally, formation of</td>
</tr>
<tr>
<td></td>
<td>trade association or similar group</td>
</tr>
<tr>
<td></td>
<td>■ Rival bodies could emerge if disagreement between operators</td>
</tr>
<tr>
<td></td>
<td>■ No basis for external enforcement</td>
</tr>
<tr>
<td></td>
<td>■ No basis for compulsory insurance (for operators to decide)</td>
</tr>
<tr>
<td></td>
<td>■ No incentive to insurers to offer competitive policies</td>
</tr>
<tr>
<td>■ Provides limited public reassurance</td>
<td>■ Non-regulated operation can continue</td>
</tr>
<tr>
<td></td>
<td>■ No sanctions available to PCO</td>
</tr>
<tr>
<td></td>
<td>■ Would not enable introduction of CRB and health checks</td>
</tr>
<tr>
<td></td>
<td>(unless operators choose to do so)</td>
</tr>
<tr>
<td>■ Easy market entry for new operators</td>
<td>■ No scope to control areas of operation or parking places</td>
</tr>
<tr>
<td>■ No or limited risk transfer to TfL</td>
<td>■ No scope for quantity licensing</td>
</tr>
<tr>
<td></td>
<td>■ Operators may nevertheless seek more visible TfL endorsement of their</td>
</tr>
<tr>
<td></td>
<td>activities, e.g. through publicity</td>
</tr>
</tbody>
</table>

It is to be hoped that operators would wish to include matters such as insurance cover and maintenance standards within the framework of a voluntary system, but it must be recognise that at best TfL will only be able to influence and cannot direct.

It is assumed that only one operator-led regulatory body would be established – however, if there were disagreements between operators the situation may arise where rival organisations are established.
### 4.2.4 Voluntary regulation administered by TfL

In this scenario, regulation would be also voluntary, however overall administration of the regulatory framework would be taken on by TfL, probably, though not necessarily, through the PCO.

Operators and riders who agreed to adhere to certain standards specified by TfL could be given the endorsement of “TfL approval”. Elements of the approval process could be administered either by the PCO, CCE, or outside accreditation bodies as appropriate.

A possible model for the procedure for application, approval, audit and continuing endorsement could be that used for ISO Quality Accreditation. Application would be voluntary, but once operators had been approved any failure to abide by the conditions of approval, or failure of an audit inspection, could result in withdrawal of approval.

As with Quality Accreditation procedures, there would also be the option for operators to benchmark their systems by going through a “dry run” of the approval process, for example to identify areas requiring attention in preparation for a formal assessment.

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>No legislation required</td>
<td>Does not clarify legal position</td>
</tr>
<tr>
<td>Incentive for responsible operators to achieve “Approved Operator” status</td>
<td>Requires TfL/PCO to set up regulatory organisation</td>
</tr>
<tr>
<td></td>
<td>No compulsion for other operators or riders to adhere</td>
</tr>
<tr>
<td></td>
<td>Rival bodies could emerge if disagreement between operators</td>
</tr>
<tr>
<td>Could be based on existing operators’ best practice</td>
<td>Enforcement confined to approved operators</td>
</tr>
<tr>
<td>Insurance could be condition of approval</td>
<td>Operators not seeking approval could be uninsured</td>
</tr>
<tr>
<td>Possibility to offer competitive insurance policies conditional on ongoing approval</td>
<td>Must be clear to public who is approved, as Non-approved operation can continue</td>
</tr>
<tr>
<td>Can provide public reassurance</td>
<td>Organisations whose approval is rescinded can continue to operate</td>
</tr>
<tr>
<td>Possibility of introducing rider checks</td>
<td>Unchecked or “failed” riders could still work for unapproved operators</td>
</tr>
<tr>
<td>Easy market entry for new operators</td>
<td>No scope to control areas of operation or parking places</td>
</tr>
<tr>
<td></td>
<td>No scope for quantity licensing</td>
</tr>
</tbody>
</table>
Although regulation would be voluntary, features of regulation could include:

- Mandatory Codes of Practice and Codes of Conduct
- Mandatory standards of training
- Mandatory standards of insurance
- Identification of vehicles and riders as “TfL approved”

It is anticipated that such a scheme may prove attractive to the major operators, not least because it would enable them to use their “TfL approved” status to add credibility to promoting their services. However, it would not prevent the establishment of rival operator-led groups if some operators did not wish to comply with TfL standards.

The main sanction available to TfL would be the revocation of approval. There would, however, be no additional powers to prevent a rider or operator from continuing to operate after such revocation.

### 4.2.5 Licensing

This scenario envisages changes in the law so that pedicabs could only continue to operate in London if they are licensed.

<table>
<thead>
<tr>
<th>Licensing</th>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clarifies legal position</td>
<td></td>
<td>Requires legislation</td>
</tr>
<tr>
<td>All operators and riders would have to comply</td>
<td></td>
<td>Cost of setup, licensing and inspection enforcement</td>
</tr>
<tr>
<td>Statutory basis for enforcement</td>
<td></td>
<td>Cost of enforcement</td>
</tr>
<tr>
<td>Insurance can be compulsory</td>
<td></td>
<td>May still be problems persuading insurers to offer cover</td>
</tr>
<tr>
<td>Better basis for insurers to offer competitive policies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provides public reassurance</td>
<td></td>
<td>Licensing authority may take on risk and responsibilities</td>
</tr>
<tr>
<td>Favoured by operators and local authorities</td>
<td></td>
<td>Uncertainty as to where cost burden would fall</td>
</tr>
<tr>
<td>Would enable introduction of CRB and health checks</td>
<td></td>
<td>Such checks could add to cost and administrative burden</td>
</tr>
<tr>
<td>Potential to control areas of operation and parking places</td>
<td></td>
<td>Additional enforcement burden</td>
</tr>
</tbody>
</table>

---

SKM

SINCLAIR KNIGHT MERZ
This scenario will require a significant transitional workload in drafting and enactment of legislation. However, the ongoing workload for the PCO need not be significantly different from that required for voluntary self regulation administered by the PCO; particularly if much of the routine work of vehicle and rider registration is handled by licensed operators on behalf of the PCO.

Licensing offers the possibility for other interested parties, including the Local Authorities and the Police, to be more pro-active in the enforcement of road traffic regulations.

4.3 How licensing may be achieved

4.3.1 Background

The first three scenarios considered above do not require any changed or new legislation.

If the chosen option is the introduction of compulsory regulation, the TfL Solicitor has suggested three possible ways in which licensing of pedicabs may be achieved. These are:

- Repeal section 4 of the Metropolitan Public Carriage Act 1869
- Amendment to the Private Hire Vehicles (London) Act 1998
- Introduction of new legislation specifically for the regulation of pedicabs

Each of these is considered below.

4.3.2 Repeal section 4 of the Metropolitan Public Carriage Act 1869

Were this section to be repealed in the absence of any other legislative changes, the effect might be that pedicabs would be classified as hackney carriages and liable to the regulatory framework currently applied to taxis (or possibly Horse Cabs if it could be argued that a pedicab rider is an “animal used to draw a cab”)

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeal section 4 of the Metropolitan Public Carriage Act 1869</td>
<td>Would not provide specific legal definition for pedicab which could be used in other legislation or controls</td>
</tr>
<tr>
<td>Relatively simple legislation which could probably be included within wider Repeal Act</td>
<td>How easily would pedicabs fit into hackney carriage licensing regime?</td>
</tr>
<tr>
<td>Would finally remove stage carriage definition from legislation in London</td>
<td>May require subsequent amendment to hackney carriage legislation to cope.</td>
</tr>
<tr>
<td>Would clearly classify pedicabs as hackney carriages in London (in line with situation outside London)</td>
<td>Would potentially add to workload of existing licensing process</td>
</tr>
</tbody>
</table>
One possible consequence of this is that pedicab operators would decide that compliance with the full regulatory framework was an intolerable burden, and they would simply withdraw from the market. (Indeed, this might well be the aspiration of the LTDA.)

A more likely scenario is that pedicab operators would clamour for a modified form of hackney carriage licensing more in keeping with the scale and nature of their operations.

It is important to note that the Cambridge operation would appear to have started out on the agreed basis that pedicabs were classed at hackney carriages, but that the council had powers under the Local Government (Miscellaneous Provisions) Act 1976 to vary the conditions of issue of a hackney carriage licence. The dispute arose when the applicant disagreed with certain of the variations which the City Council sought to apply.

The path chosen to contest the legality of the variations was then to challenge the legality of classification of pedicabs as hackney carriages. As has already been noted, this challenge failed in the context of legislation in force outside London.

The 1976 Act is not applicable to London. Without further research (beyond the remit of this scoping study) it is not possible to state whether similar powers are available within London, and whether there would therefore be an opportunity for the PCO to introduce a conditional form of hackney carriage licence for pedicabs without the requirement for new or amended legislation.

### 4.3.3 Amendment to the Private Hire Vehicles (London) Act 1998

Legislation for the licensing of Private Hire Vehicles (PHVs) is relatively new and could possibly provide a basis for the licensing of pedicabs.

It is suggested that this might be achieved by altering the definition of ‘vehicle’ to remove the requirement that it be ‘mechanically propelled’ and altering the definition of ‘private hire vehicle’ to replace the word ‘driver’ with something more appropriate.

Since the purpose would be to give a positive basis on which to extend licensing to pedicabs, it might still be considered prudent to repeal section 4 of the MPCA 1869 at the same time.
Amendment to the Private Hire Vehicles (London) Act 1998

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Could be achieved through relatively straightforward changes to recent legislation</td>
<td>Would not provide specific legal definition for pedicab which could be used in other legislation or controls</td>
</tr>
<tr>
<td></td>
<td>Significant differences between the ways in which pedicabs and PHVs are operated</td>
</tr>
<tr>
<td></td>
<td>Would potentially require significant changes to existing licensing process</td>
</tr>
<tr>
<td></td>
<td>Would impose additional workload on existing licensing process</td>
</tr>
</tbody>
</table>

However, such a system may prove unworkable, as there are fundamental differences between the operation of PHVs and pedicabs. In particular, PHVs must be pre-booked either by telephone or personal visit to the operating centres, whereas pedicabs can be casually hired on the street.

<table>
<thead>
<tr>
<th>Key differences between PHV and pedicab operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Hire Vehicles</td>
</tr>
<tr>
<td>All bookings taken through operating centres by telephone or personal visit</td>
</tr>
<tr>
<td>Large number of operators with widely dispersed vehicle fleets</td>
</tr>
<tr>
<td>Limited number of testing centres to which vehicles must be driven</td>
</tr>
<tr>
<td>Most drivers remain in trade for some time</td>
</tr>
</tbody>
</table>

Although it is not recommended that this course be adopted, there are nevertheless a number of elements of PHV licensing which might be adapted to form the basis of a licensing regime specifically for pedicabs. This possibility is discussed in more detail in section 5.
4.3.4 Introduction of new legislation specifically for the regulation of pedicabs

Although the introduction of completely new legislation is likely to be the most complex in terms of drafting and legislative process, it would have the considerable advantage of being able to set out exactly what is required, rather than having to rely on amendments to legislation and systems already in place.

It would certainly be prudent to consider the repeal of section 4 of the MPCA 1869 at the same time as new legislation was enacted.

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Could be used to establish statutory definition of a pedicab</td>
<td>Definition may not be sufficiently flexible to accommodate further developments</td>
</tr>
<tr>
<td>Could be tailored to the specific conditions of pedicab operation</td>
<td>Would require significant workload in drafting and legislative process</td>
</tr>
<tr>
<td>Could potentially be designed for adoption both inside and outside London if so required</td>
<td>Would take time to introduce, especially if primary legislation required</td>
</tr>
<tr>
<td>Could be used to enable final elimination of stage carriage definition from legislation</td>
<td>Would require design, set up and operation of new licensing process</td>
</tr>
</tbody>
</table>

Despite the relatively high legislative and implementation workload, it is likely that this course of action would result in the most robust and workable licensing regime, and would be favoured by most of the parties concerned (with the clear exception of the LTDA).

None of the documents provided by the PCO have given any indications of the means which may be available to implement new legislation, and without further research (beyond the remit of this study) it is not possible to offer detailed comment. However it is tentatively suggested that there would appear to be three main routes through which legislation may be considered, as follows:

- Primary Parliamentary legislation
- Transport for London Regulations
- Local Authority powers

The Greater London Authority can promote Bills in Parliament specifically concerning London under section 77 of the GLA Act 1999 (as clarified in schedule 5). Transport for London can make regulations where primary legislation gives authority to do so, however this is dependent on such authority being available to the GLA to delegate to TfL.

The three legislative routes are considered below.
### Possible legislative routes to regulate and licence pedicabs

<table>
<thead>
<tr>
<th>Legislative route</th>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary legislation through Parliament</td>
<td>Would be necessary for repeal of section 4 of 1869 Act</td>
<td>May involve most workload in drafting and legislative process</td>
</tr>
<tr>
<td></td>
<td>Would be necessary if legislation was to have possible implementation beyond London</td>
<td>May have to wait for time to present Bill</td>
</tr>
<tr>
<td>TFL regulations made under authority granted by GLA Act</td>
<td>May offer quicker and less burdensome procedure</td>
<td>May still require primary legislation to grant necessary powers to GLA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Could not be used to repeal section 4 of 1869 Act.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>n.b. Legislation could only apply in London</td>
</tr>
<tr>
<td>London Boroughs (including the City of London)</td>
<td>Boroughs may already have powers to introduce licensing</td>
<td>Availability of powers yet to be checked</td>
</tr>
<tr>
<td></td>
<td>May offer quicker and less burdensome procedure</td>
<td>Would need to be implemented borough by borough</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Would not provide London-wide solution, or London-wide control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LAs not keen to implement on their own</td>
</tr>
</tbody>
</table>
5. Project plan for a possible regulation scheme

5.1 Introduction
Section 4 sets out four possible regulatory scenarios. These are presented for consideration by Transport for London,

It is important to recognise that

- the final decision as to whether pedicabs should be regulated remains with TfL
- the decision as to how regulation might be implemented remains with TfL

5.2 Implementation of a possible scenario
In order to give a clearer idea of how a regulation might be implemented if the decision is taken to go ahead, this section of the report sets out a suggested regulatory regime based on the following scenario:

- Voluntary regulation administered by the PCO (as described in section 4.2.4)

Within the context of this scoping study, this section seeks to focus on the key issues, and should not therefore be regarded as a fully detailed specification. It is understood that if the decision is taken to proceed with the implementation of a system of regulation, the detailed development will form part of a further project.

5.3 Why this scenario was chosen for more detailed examination
This scenario has been chosen for detailed evaluation because:

- It offers a possible practical way forward without the immediate need for legislative change.
- It can be used as a convenient starting point for comparison with other possible scenarios

It must be recognised, however, that it will not necessarily meet the aspirations of all the interested parties.

5.4 Comparisons with other possible scenarios
Based on this selected scenario, it is possible to compare it with other regulatory scenarios by considering:

- What it would be necessary to add or exclude from the selected scenario
- How transition might be achieved between the selected scenario and other scenarios.

Where appropriate, the following commentary refers to changes which might apply were other scenarios to be adopted.
5.5 The purpose of regulation
The purpose of regulation should be to ensure the safety of the travelling public in London, and to give Londoners confidence that when they use a pedicab they are dealing with an honest and professionally run organisation with reliable riders and safe vehicles.

5.6 Structure of possible scenario
This scenario is based on the assumption that the main focus of PCO involvement in authorisation and enforcement will be at operator level. This recognises the different structure of pedicab operation compared with taxi or PHV operation.

Approved Operators will then be responsible for vehicle registration and rider approval on behalf of the PCO, as detailed later in this section.

<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Operator</td>
<td>A pedicab operator who meets the approval criteria set by the PCO</td>
</tr>
<tr>
<td>Registered Vehicle</td>
<td>A pedicab operated by an Approved Operator which meets the approval criteria set by the PCO and which is registered with the PCO</td>
</tr>
<tr>
<td>Approved Rider</td>
<td>A rider employed by or through an Approved Operator who meets the approval criteria set by the PCO and who is registered with the PCO</td>
</tr>
</tbody>
</table>

The differences between voluntary regulation administered by the PCO and other scenarios outlined in section 4.2 are considered in section 5.10.
5.7 Operator regulation

5.7.1 Overview
This section, and the following sections relating to vehicles and riders, sets out the requirements which an operator would need to satisfy to achieve the status of “PCO Approved Operator”.

5.7.2 Responsibility and operating centre requirements
There are considerable differences between the roles of operating centres for pedicabs and PHVs. However, the checklist of requirements for a PHV operator’s responsibilities and requirements regarding operating centres forms a useful basis for consideration of the conditions which might be applied to pedicab operators seeking Approved status.

A comparison of the requirements regarding business responsibility and operating centres is as follows:

<table>
<thead>
<tr>
<th>Current requirements of PHV Operator’s licence</th>
<th>Proposed requirements for regulation of Pedicab Operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details regarding individual, unregistered firm or partnership, or registered company applying for licence</td>
<td>Same</td>
</tr>
<tr>
<td>Details of drivers available</td>
<td>Similar requirement – see section on record keeping</td>
</tr>
<tr>
<td>Details of vehicles available</td>
<td>Similar requirement – see section on record keeping</td>
</tr>
<tr>
<td>Details of operating centres</td>
<td>Similar requirement, however scope to reduce details required if no public access</td>
</tr>
<tr>
<td>Other record keeping requirements</td>
<td>Similar requirement – see section on record keeping</td>
</tr>
</tbody>
</table>

While there may be some scope to reduce the requirements specifically regarding public access to operating centres, it is reasonable to assume that individuals and organisations wishing to be approved as Pedicab Operators should meet similar standards of responsibility to those applied to PHV Operators.
5.7.3 Record keeping requirements

The Guidance Notes for PHV Operator licensing include specific details of record keeping requirements, and it is proposed that generally similar requirements should apply to the regulation of Pedicab Operators as follows.

<table>
<thead>
<tr>
<th>Current record keeping requirements of PHV Operator</th>
<th>Proposed record keeping requirements for regulation of Pedicab Operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers</td>
<td>The key requirement will be records of each rider to whom pedicabs have been allocated or rented, and the date and times of each shift worked.</td>
</tr>
<tr>
<td>Vehicles</td>
<td>Expanded requirement to cover acquisition, disposal, maintenance and shifts worked – see separate table</td>
</tr>
<tr>
<td>Bookings</td>
<td>No pre-booking by customers required. Replaced by requirement to keep records of vehicle allocations or rentals to riders, setting out details of vehicle, rider, and the date and times of each shift worked</td>
</tr>
<tr>
<td>Complaints</td>
<td>Similar requirement, however record keeping must enable any complaint received by the operator to be identified to a specific shift and thus vehicle and rider</td>
</tr>
<tr>
<td>Lost property</td>
<td>Similar requirement, however record keeping must enable any property found or reported lost to be identified to a specific shift and thus vehicle and rider</td>
</tr>
</tbody>
</table>

It should be noted that whereas PHV operators have a particular responsibility to keep records relating to bookings, the different pattern of pedicab hiring means that there is an emphasis on record keeping by shifts worked by riders.

5.7.4 Insurance

The table below compares the proposed insurance requirements for pedicab operators with those currently applied for PHV operators.

<table>
<thead>
<tr>
<th>Current insurance requirements for licensing of PHV Operator</th>
<th>Proposed insurance requirements for regulation of Pedicab Operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public liability insurance (if the operating centre is accessible to the public)</td>
<td>Unlikely to be required as operating centres not normally visited by public</td>
</tr>
<tr>
<td>Employers’ liability insurance</td>
<td>May not be relevant to riders if not directly employed, however may be required to cover other employees</td>
</tr>
<tr>
<td>Copies of insurance held by drivers</td>
<td>Requirement to ensure that vehicles and riders are adequately insured</td>
</tr>
</tbody>
</table>
While it would seem that the current pattern is that insurance (where held) is the responsibility of
the operator, as noted in section 3.9 there are proposals by Bugbugs to adopt a different system.

It is therefore proposed that as part of the record keeping responsibilities of a pedicab Operator,
there should be an additional responsibility to record for each allocation or rental shift to a rider

- confirmation that appropriate insurance is in force
- whether this is provided by a policy held by the Operator or the Rider

5.7.5 Inspection
It is suggested that the initial grant of Approved Operator status, and continuation of approval,
should be subject to satisfactory inspection by the PCO from time to time as considered appropriate
by the PCO.

5.7.6 Suspension and revocation of operator approval
If operators:

- fail to adhere to the conditions applicable to Approved status
- infringe any of the vehicle approval conditions (set out in section 5.8)
- misuse or infringe any of the delegated powers for rider approval (set out in section 5.9)
these may be grounds for suspension or revocation of operator approval.

5.7.7 Duration of Operator approval
Because operator approval incudes delegated powers for vehicle registration and rider approval, it
is proposed that approval is normally given on an annual basis. Re appointment need not
necessitate complete resubmission of information required on initial application, but could be based
on satisfactory inspection and audit of record keeping.

5.7.8 Small Operators
Provision is made in the licensing of PHV Operators for the specific category of “Small operators”,
and consideration should be given to whether such a category might be appropriate, for example,
for “owner/riders” of single pedicabs, or individual pedicabs shared by a small number of riders.
5.8 **Vehicle registration**

5.8.1 **Overview**

It is proposed that all pedicabs operated by Approved Operators should

- be of approved designs
- carry identification plates of an agreed design
- be properly maintained

The information held by Approved Operators would be subject to verification through inspection by the PCO, and much of the practical application of vehicle registration could be delegated to Approved Operators under the overall control of the PCO as detailed in this section.

5.8.2 **Options for central registration**

The PCO currently holds a complete register of taxis and is in the process of registering all PHVs. However, as it is proposed that pedicab registration is delegated to Approved Operators, it may not be necessary for the PCO to hold a central register of pedicabs. The benefits and problems of central registration are noted below:

<table>
<thead>
<tr>
<th>Option: Central pedicab vehicle register held by PCO</th>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vehicle identities and operators can be traced back through PCO</td>
<td>Operators required to notify all new, amended, deleted and transferred vehicles</td>
</tr>
<tr>
<td></td>
<td>Easier to identify false and misused plates</td>
<td>Additional workload and cost for PCO in maintaining register</td>
</tr>
<tr>
<td></td>
<td>PCO has sanction to suspend or revoke individual vehicle registration</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Central statistical record of numbers and type of pedicabs currently in operation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PCO inspectors can pre-identify inspection workloads</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option: No central pedicab vehicle register held by PCO, registration at Operator level</th>
<th>Benefits</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No requirement for operators to notify details to PCO</td>
<td>No PCO sanction to suspend or revoke individual vehicle registration</td>
</tr>
<tr>
<td></td>
<td>No workload for PCO.</td>
<td>More difficult to detect false or misused plates</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No central statistical record – only able to take “snapshot” detail from initial operator registration and subsequent inspections</td>
</tr>
</tbody>
</table>
A practical alternative to tracing vehicles to operators through a central register would be for the PCO to issue blocks of registration numbers to Approved Operators within which they could then plate individual vehicles.

A practical alternative to central collation of statistics and pre-identification of workload for routine inspections would be for inspectors to contact operators as required to check the total number of vehicles currently registered.

5.8.3 Registration of new (or previously unregistered) vehicles
A proposed condition of operator approval is that they are prepared to:

- declare that the vehicles operated comply with appropriate regulations concerning safety, construction and use
- take responsibility for maintenance
- keep appropriate records regarding maintenance, shifts worked, riders etc.
- make the vehicles available for inspection as and when required

The operator need not necessarily be the owner of the vehicle; they must simply be prepared to comply with the above conditions. Thus, for example, riders who own their own pedicabs but did not wish to become Approved Operators in their own right may arrange for their vehicle to be registered through an operator prepared to take responsibility for maintenance, record keeping etc.

The TRL report has identified that there is a relatively small number of basic models of pedicab in service, and it is therefore proposed that the process of licensing can be facilitated by the introduction of type approval for the main types currently in service or likely to be acquired.

This would mean that the PCO could permit an Approved Operator to register a new vehicle without inspection, based on a declaration by the Operator that it was of a type which had already been approved (and, possibly, that it had not been modified outside certain previously agreed limits). Any inspection of new vehicles could then form part of regular visits to inspect Operators.

If an application was made to register a vehicle of a type not previously approved, this would certainly require inspection, and if the Operator foresees the possibility that they may wish to licence further vehicles of the same type they may propose that inspection takes place with a view to type approval.

In discussion with Bugbugs, it was suggested that there may be relevant German Industry standards covering the construction and safety of pedicabs. Further investigation of these was outside the remit of this scoping study, however if regulation of pedicabs is to be pursued, it may be useful to investigate if these standards can form part of the approval process.
5.8.4 Responsibility for maintenance (including record keeping)

A key difference between pedicabs and motor vehicles is that there is no statutory requirement for annual inspection of pedicabs over three years old and therefore no fallback situation of requiring a current MOT certificate as proof of roadworthiness.

It is therefore proposed that approved pedicabs are registered to Approved Operators who take responsibility for maintenance and the associated record keeping. Such responsibility may be exercised by subcontracting the maintenance to an outside party, providing the Operator can assure the PCO that the required standards are met.

It is proposed that the standards for maintenance cover at least the following:

<table>
<thead>
<tr>
<th>Proposed pedicab maintenance standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
</tr>
<tr>
<td>Compliance with legal requirements</td>
</tr>
<tr>
<td>Maintenance by suitably qualified staff</td>
</tr>
<tr>
<td>Record keeping</td>
</tr>
<tr>
<td>Inspection</td>
</tr>
</tbody>
</table>
5.8.5 How vehicles are approved and registered

It is proposed that the routine registration of vehicles is carried out by Approved Operators on behalf of the PCO. Specific responsibilities would be as follows:

<table>
<thead>
<tr>
<th>Vehicle approval and registration procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Responsibilities</strong></td>
</tr>
<tr>
<td>Approved Operator</td>
</tr>
<tr>
<td>■ Registering vehicles already type approved by PCO</td>
</tr>
<tr>
<td>■ Putting forward new vehicle types to the PCO for type approval</td>
</tr>
<tr>
<td>■ Issuing plates for registered vehicles</td>
</tr>
<tr>
<td>■ Maintaining records of vehicles registered to and maintained by Operator</td>
</tr>
<tr>
<td>In addition, if a central register is maintained by the PCO:</td>
</tr>
<tr>
<td>■ Advising PCO of newly registered vehicles</td>
</tr>
<tr>
<td>■ Advising PCO when vehicles are deregistered of transferred to other Approved Operators</td>
</tr>
<tr>
<td>PCO</td>
</tr>
<tr>
<td>■ Maintaining either a central register of registered vehicles (including transfers, suspensions and revocations) or a list of blocks of registration marks issued to Operators</td>
</tr>
<tr>
<td>■ Type approval of new vehicle types</td>
</tr>
<tr>
<td>■ Inspection of vehicles at Operators’ premises</td>
</tr>
</tbody>
</table>

5.8.6 Plating

It is proposed that all registered pedicabs should carry a plate of a design to be agreed by the PCO. The plate should include the registered number of the vehicle, and the name of the Approved Operator through whom it is registered. If registration of type approved vehicles is delegated to Operators, they can allocate an individual registration mark from their allotted series.

5.8.7 Transfer of registered vehicles

If registration of type approved vehicles is delegated to Operators, a previously registered pedicab can be transferred provided:

- the receiving operator agrees to take over responsibility for maintenance (and where possible takes over the maintenance records)
- the identification plate is replaced by that of the new operator

If a central register is maintained by the PCO it will also be necessary for:

- counterpart applications to be made to the PCO by the transferring and receiving operators
5.8.8 **Infringement of vehicle approval conditions**

If an operator fails to adhere to the vehicle approval conditions, for example:

- failure by the Operator to keep adequate maintenance records
- failure to meet required standards on inspection

these may be grounds for suspension, revocation or non-renewal of operator approval.

5.8.9 **Duration of vehicle approval**

A vehicle could remain registered indefinitely provided:

- the Operator retained Approved Status
- any transfer of ownership or responsibility was to another Approved Operator (scraping or any other form of transfer would terminate the registration)
- satisfactory inspection of the vehicle and/or maintenance records as determined by the PCO

5.9 **Rider approval**

5.9.1 **Background**

It is proposed that all riders employed by or renting vehicles from Approved pedicab Operators should be

- competent
- trained
- meet appropriate standards as a fit and proper person

A number of respondents took the view that passengers in pedicabs should be entitled to expect appropriate standards of safety and integrity, and that similar requirements should therefore be applied to pedicab riders to those now in place for new PHV drivers.

However, there are significant differences both between the nature of employment as a pedicab rider and a PHV driver, and between the types of passengers carried. A comparison of key differences is as follows:

<table>
<thead>
<tr>
<th>Typical characteristics of PHV Drivers</th>
<th>Typical characteristics of Pedicab Riders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wider age profile of drivers</td>
<td>Predominantly younger riders</td>
</tr>
<tr>
<td>Drivers have longer term employment or involvement in business (even if part time or casual)</td>
<td>Riders have shorter term involvement, may be seasonal (typically 6-9 months)</td>
</tr>
</tbody>
</table>
Typical characteristics of PHV hirings

- Wide age profile of hirers, may include elderly and children
- Hirings may include disabled and infirm passengers
- Hirings for longer distances over wider area
- Passengers may be unfamiliar with route and possibly with destination

Typical characteristics of Pedicab hirings

- Narrower age profile
- Pedicabs unlikely to be attractive to infirm or disabled, especially if unaccompanied, as other options generally available
- Hirings for shorter distances in local area
- Passengers more likely to be familiar with area of operation and destination

The full requirements for PHV Driver licensing include some criteria which are either not directly applicable to pedicabs, or may not be considered necessary in the context of pedicabs.

A comparison of requirements is as follows:

<table>
<thead>
<tr>
<th>Current requirements of PHV Driver’s licence</th>
<th>Proposed requirements of Pedicab Rider regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (at least 21)</td>
<td>Minimum of 18 may be considered more appropriate</td>
</tr>
<tr>
<td>Full Driver Licence (DVLA, Northern Ireland or other EEA state)</td>
<td>No direct equivalent. Proposed that riders must complete appropriate training as detailed below</td>
</tr>
<tr>
<td>Driving experience (at least three years)</td>
<td>No direct equivalent. See section 5.9.3.</td>
</tr>
<tr>
<td>Fit and proper person (driving history, Mental Health/Sexual Offence Orders, Criminal Records Bureau Disclosure details)</td>
<td>Self-certification. See section 5.9.5</td>
</tr>
<tr>
<td>Physical and mental fitness</td>
<td>Self certification. See section 5.9.6</td>
</tr>
<tr>
<td>Topographical skills</td>
<td>Not considered necessary. See section 5.9.7</td>
</tr>
</tbody>
</table>
5.9.2 Options for central registration

The PCO currently holds a complete register of taxi drivers and is in the process of registering all PHV drivers. However, as it is proposed that rider approval is delegated to Approved Operators, it may not be necessary for the PCO to hold a central register of pedicabs. The benefits and problems of central registration are noted below:

<table>
<thead>
<tr>
<th>Option: Central register of riders held by PCO</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Problems</td>
</tr>
<tr>
<td>Rider identities and operators can be traced back through PCO</td>
<td>Operators required to notify all new, suspended, revoked and expired rider approvals</td>
</tr>
<tr>
<td>Easier to identify false and misused badges</td>
<td>Additional workload and cost for PCO in maintaining register</td>
</tr>
<tr>
<td>PCO has sanction to suspend or revoke individual rider approval</td>
<td></td>
</tr>
<tr>
<td>PCO can keep records of riders whose licences have been suspended or revoked</td>
<td></td>
</tr>
<tr>
<td>Central statistical record of number of riders currently active</td>
<td></td>
</tr>
<tr>
<td>PCO inspectors can pre-identify inspection workloads</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option: No central register of riders held by PCO, registration at Operator level</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Problems</td>
</tr>
<tr>
<td>No requirement for operators to notify routine details to PCO (will still need to notify suspension and revocations)</td>
<td>No PCO sanction to suspend or revoke individual rider approval</td>
</tr>
<tr>
<td>Reduced workload for PCO (will only need to record suspensions and revocations)</td>
<td>PCO will still need to maintain details to enable Operators to check if prospective applicants have previously had approval suspended or revoked</td>
</tr>
<tr>
<td></td>
<td>More difficult to detect false or misused badges</td>
</tr>
<tr>
<td></td>
<td>No central statistical record – only able to take “snapshot” detail from initial operator registration and subsequent enquiries or inspections</td>
</tr>
</tbody>
</table>

A practical alternative to tracing riders through a central register would be for the PCO to issue blocks of badge numbers to Approved Operators within which they could then allocate to individual riders.

A practical alternative to central collation of statistics and pre-identification of workload for routine inspections would be for inspectors to contact operators as required to check the total number of riders currently registered.
5.9.3 Competence and training
There is no direct equivalent of a driving licence for the rider of a pedal cycle. However, there are good arguments for some form of certification or accreditation of pedicab riders, and at least some of the operators provide training courses which must be successfully completed by intending riders.

It is therefore proposed that riders seeking Approved status must satisfy the following requirements:

- A satisfactory result in the theory paper of the Driving Test (or a current driving licence if held)
- Satisfactory completion of an approved training course for pedicab riders

PHV Drivers are expected to have held a DVLA or equivalent driving licence for at least three years as evidence of driving history. It is neither possible nor necessary to impose a similar condition on pedicab riders.

5.9.4 Certification of training courses
If training courses are to become part of the regulation procedure, it will be necessary to introduce a framework for approval and inspection of training courses.

A possible model for the administrative procedure (though not necessarily the content) of the courses could be that used by Westminster City Council for the approval of Door Supervisor training establishments. This sets out

- an outline syllabus, with an indication of the minimum time to be allotted for each part
- where the responsibility lies for approval
- details of the approved format of certificates
- requirements for the directors and management of the training company

Although such an arrangement would permit the establishment of independent training establishments, it is more likely that training would continue to be organised by the Operators. It is therefore important to emphasise that

- Certification of training courses is a separate process from the issue of Operator approval
- Confirmation of Operator approval does not automatically confer certification to any training courses which may be offered by the Operator
- However, if Operator approval is revoked or suspended, it may be considered to be grounds for revocation or suspension of certification of any training courses offered by the Operator
It is anticipated that the training course should include a period of supervised riding, during which the instructor could assess whether the rider had the necessary physical capabilities for pedicab operation.

5.9.5 “Fit and proper person” requirements
As noted above, previous discussion with pedicab operators, Local Authorities and the Police have indicated that it may not be necessary to adopt the same procedures and checks as are applied for applicants to become PHV Drivers. However, as already noted, a strong case has been made by some respondents that the requirements for pedicab riders should be no less rigorous than those now applied to PHV drivers.

PHV Drivers are required to declare any Mental Health and Sexual Offence Orders, and to complete a Criminal Records Bureau Disclosure Form. The reason for these is to ensure high standards of passenger safety and security. However, given the different nature of pedicab operation, and the open construction of the vehicles, it could be argued that less rigorous checks may be sufficient for approval of pedicab riders.

It is therefore proposed that the normal requirement for rider approval should be as follows:

- Self-declaration of any Mental Health and Sexual Offence Orders
- Self-declaration of any criminal record

These self-declarations would be made on the understanding that:

- Any application which gave particular cause for concern would be subject to verification.
- In addition a number of applications may be subject to random verification.
- In the event of a complaint against a rider, or other breach of approval conditions, all declarations made previously would be subject to verification

Completion of the self-declaration would automatically grant permission for follow up if considered appropriate.

Self-declarations would be held by the Approved Operator, and would be subject to inspection by the PCO. In the event that it became necessary to validate the declarations, this would be taken forward by the PCO and not the operator.
5.9.6 Physical and mental fitness
As noted above, previous discussion with pedicab operators, Local Authorities and the Police have indicated that it may not be considered necessary to adopt the same procedures and checks as are applied for applicants to become PHV Drivers.

It is argued by the operators that any obvious physical problems which might preclude licensing as a pedicab Rider might be expected to become apparent in the course of training.

However, as already noted, a case has been made by some respondents that the requirements for pedicab riders should be no less rigorous than those now applied to PHV drivers.

It is proposed that, as with the “fit and proper person” requirements, approval of rider health and fitness should in the first instance be by self-declaration, with similar conditions applying regarding verification.

5.9.7 Topographical skills
As noted above, previous discussion with pedicab operators, Local Authorities and the Police have indicated that it is not considered necessary to adopt the same procedures and checks as it is intended to apply to applicants to become PHV Drivers.

Pedicabs tend to operate in relatively small areas with shorter journeys than PHVs or taxis, and passengers may be more likely to be familiar with the area including likely routes and destinations.

5.9.8 Insurance requirements
It is not proposed that Approved Riders should be compelled to carry their own insurance, particularly as the current situation is that at least some operators arrange insurance cover. However, Approved Riders should not be permitted to work unless insured; thus for each shift worked there should be a record kept of whether the necessary insurance was held by the Operator or the Rider.

In practice, it is expected that the introduction of a regulation system will make it easier for both Operators and Riders to obtain insurance as required, as insurers will be able to stipulate that

- Operators are only insured if they engage Approved Riders and provide registered Vehicles
- Riders are only insured if they ride registered Vehicles
5.9.9 How riders are approved

It is proposed that rider approval is carried out by Approved Operators on behalf of the PCO. Specific responsibilities would be as follows.

<table>
<thead>
<tr>
<th>Rider approval procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsibilities</td>
</tr>
<tr>
<td><strong>Approved Operator</strong></td>
</tr>
<tr>
<td>- Checking rider application details</td>
</tr>
<tr>
<td>- Checking new applicants against details of suspensions and revocations held by PCO</td>
</tr>
<tr>
<td>- Issuing badges to successful applicants</td>
</tr>
<tr>
<td>- Maintaining records of riders authorised by operator</td>
</tr>
<tr>
<td>- Advising PCO when rider approval is suspended /revoked</td>
</tr>
<tr>
<td><strong>PCO</strong></td>
</tr>
<tr>
<td>- Advising PCO of newly authorised riders</td>
</tr>
<tr>
<td>- Maintaining either a central register of Approved riders or a list of blocks of badge numbers issued to Operators</td>
</tr>
<tr>
<td>- Maintaining details of rider suspensions and revocations</td>
</tr>
<tr>
<td>- Verification of self-declaration as necessary</td>
</tr>
<tr>
<td>- Approval of training schemes</td>
</tr>
</tbody>
</table>

5.9.10 Badges

It is proposed that authorised Riders should be issued with badges of a design agreed by the PCO, which includes a photograph. These badges should be worn while working, in line with the requirements for Taxi and PHV drivers.

This badge will also indicate the operator for or through whom they are authorised to work. The details should match the operator details on the vehicle registration plate.

5.9.11 Transfer between Operators

Although rider approval is personal to the individual to whom granted, it can only be maintained if the rider continues to work for or on behalf of an Approved Operator.

If an Approved rider ceases to work for an Approved Operator, they must return their badge to the issuing operator.
However, if they immediately transfer to another Approved Operator within the original validity of their authorisation, they can be issued with a badge by the new operator without further validation, provided the releasing Operator:

- transfers self declarations made by the rider
- if no separate training certificate has been issued, can confirm that the rider has satisfactorily completed training

If the releasing Operator fails to provide the required details, the rider may have grounds to complain the PCO that the releasing Operator is not complying with the terms of PCO approval.

However, if an Approved rider wishes to operate on their own behalf, they will have to apply for authorisation as an operator in their own right (possibly using the small operators procedure if implemented). Once such authorisation has been granted, they can then re-register as a rider based on their documentation supplied by their releasing Operator.

5.9.12 Suspension and revocation of Rider approval

If the rider contravenes the conditions applicable to authorisation or is otherwise dismissed by an Approved Operator, rider approval can be suspended or revoked either by the Approved Operator for or through whom they work, or, if a central register is maintained, the PCO.

If suspension or revocation is proposed by the operator, this should be advised to the PCO.

Whether or not a full central register of riders is held by the PCO, details of suspensions and revocations will be held centrally, and operators will be required to check with the PCO whether an applicant has previously held approval which has subsequently been suspended or revoked.

5.9.13 Duration of Rider approval

In view of the more transitory nature of work as a pedicab rider, it is proposed that Rider approval should be valid for one year, but with the presumption that renewal will be automatic if the rider continues to be employed by or through the operator and has not contravened the conditions of approval.
5.10 Comparisons

As noted in section 5.2, this project plan has been set out to demonstrate a suggested regime based on voluntary regulation administered by the PCO.

Other possible types of regulation were set out in section 4.2, and a brief comparison of the proposed scenario with other is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Key differences if Voluntary self-regulation by operators</th>
<th>Key differences if Regulation by licensing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved Operator</td>
<td>Operators (or some form of trade association) would “self approve”</td>
<td>Approval process would become requirement of licensing</td>
</tr>
<tr>
<td></td>
<td>If Operators cannot agree among themselves, there may be more than one grouping and/or withdrawals of support</td>
<td>Non approved, and therefore non-licensed operators could not operate</td>
</tr>
<tr>
<td></td>
<td>Operators could not carry any form of PCO or TfL endorsement</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Operators may not see any advantage in approval</td>
<td></td>
</tr>
<tr>
<td>Registered Vehicle</td>
<td>Operators (or trade association) would “self approve” vehicle types</td>
<td>Licensing would be controlled by the PCO, but registration could be delegated to licensed operators subject to compliance with approval procedures laid down and enforced by PCO.</td>
</tr>
<tr>
<td></td>
<td>Operators could plate vehicles as they wished</td>
<td>Non-licensed vehicles could not continue to operate.</td>
</tr>
<tr>
<td></td>
<td>PCO could propose but not enforce central control of registration marks and standardised plating</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Operators outside scheme could nevertheless plate their vehicles to confer appearance of conformity</td>
<td></td>
</tr>
<tr>
<td>Approved Rider</td>
<td>Operators (or trade association) would “self approve” riders</td>
<td>Licensing would be controlled by the PCO, but registration could be delegated to licensed operators subject to compliance with approval procedures laid down and enforced by PCO.</td>
</tr>
<tr>
<td></td>
<td>Could not therefore carry any form of PCO or TfL endorsement</td>
<td>Non-licensed riders could not continue to operate.</td>
</tr>
<tr>
<td></td>
<td>PCO could propose but not enforce standard badge</td>
<td></td>
</tr>
<tr>
<td></td>
<td>May not be mechanism for following up declarations regarding mental health, sexual offences and criminal records</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PCO could propose but not enforce central record of suspension and revocations</td>
<td></td>
</tr>
</tbody>
</table>
6. Resource requirements

6.1 Introduction
This section considers the resources which might be required by the PCO to set up and administer a regulatory system for pedicabs.

The PCO currently has no resources available which could be used to administer the regulation of pedicabs. Even if capacity was available, it would be reasonable to regard the provision of such resources as a cost to be borne were regulation to be introduced.

This section does not consider the resource requirement which might be required by Authorised Operators to fulfil their regulatory commitments. Depending upon the systems already adopted, it is to be hoped that much of the requirements could be met using management systems which are already in place and can be adapted as necessary.

6.2 Setting up a regulatory regime

6.2.1 Background
The requirements for setting up a regulatory regime will differ depending on which scenario is adopted. In practice, only

- Voluntary regulation administered by PCO
- Regulation by Licensing

will actually require specific action by TfL/PCO.

To provide a basis for comparison, this section adopt the same convention as section 5 in using voluntary regulation administered by the PCO as a benchmark against which the additional workload imposed by full licensing can be compared.

6.2.2 Legislation
Resource requirements will be dependent on the legislative route adopted. None of the background documentation supplied by the PCO has considered the specific resource requirements which might be necessary for the drafting and enacting of legislation, and it has not been possible within the remit of this scoping study to obtain further information.

If TfL wishes to understand the potential workload which may be involved, this will have to be the subject of further investigation.
6.2.3 System design

The basic design of a regulatory system will be the same

- whether it is voluntary or compulsory
- irrespective of the number of operators who seek authorisation/licensing
- irrespective of the number of riders and vehicles to be authorised, registered or licensed within the overall responsibility of each operator.

However, it will also need

- either to be sufficiently simple and robust that it can sensibly be applied to the minimum situation of an individual owner/rider
- or to include provision for a streamlined regulation or licensing method for specifically defined “Small Operators” including individual owner/riders.

6.3 Start up

Although the components of the start up process will be similar whether regulation is to be voluntary or compulsory, it should be recognised that the controlling factors for the staging and timing will differ.

<table>
<thead>
<tr>
<th>Comparison of controlling factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary regulation</td>
</tr>
<tr>
<td>Pressure from operators who perceive advantages in gaining “Authorised Operator” status</td>
</tr>
<tr>
<td>Possible “second wave” of operators who do not see necessity to be authorised until other operators have done so</td>
</tr>
</tbody>
</table>

6.3.1 Transitional arrangements

The requirement for transitional arrangements will also differ between voluntary regulation and licensing.

<table>
<thead>
<tr>
<th>Comparison of transitional arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary regulation</td>
</tr>
<tr>
<td>No specific requirement as approval timescale open ended</td>
</tr>
<tr>
<td>However, operators waiting for approval may wish to be able to state that their approval is pending, especially if there may be some delay</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
6.3.2 Licensing of existing operators, vehicles and riders

Existing operators who already have record keeping and management systems in place will expect that these can form the basis either of voluntary regulation or licensing without significant changes. However, the PCO must not be seen to be compromising impartiality by over-reliance on operators’ own systems in the development of the regulatory process.

| Comparison of requirement to accommodate existing operators, vehicles and riders |
|---------------------------------|---------------------------------|
| Voluntary regulation             | Licensing                        |
| Smaller operators and individual owner/riders may choose not to seek authorisation | Smaller operators and individual owner/riders will need to be licensed to continue operation |
| Some operators may choose to defer application until after they have had the opportunity to observe regulation in practice | All operators will need to apply within determined period if they are to continue operation |
| Potential to amend system in the light of experience of initial batch of authorisations, without requirement to amend legislation | Reduced opportunity to amend system as may necessitate amendment to enabling legislation |
6.4 Ongoing operation

6.4.1 Overview

The ongoing operation of a regulatory regime will be broadly similar whether regulation is voluntary or compulsory, though the workload is likely to be higher with compulsory licensing as there will not be the option for operators not to participate in a voluntary system. It would be prudent to assume that more operators will seek licensing if it is necessary for them to continue operating than will seek approval under a voluntary system.

The main elements of ongoing operation are detailed below.

<table>
<thead>
<tr>
<th>Main elements of ongoing operation of regulatory regime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work element</td>
</tr>
<tr>
<td>Administration</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Inspection</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td>Enforcement</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
6.4.2 Administration

The administration process covers both the application process and registration. These are as follows:

<table>
<thead>
<tr>
<th>Work element</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications</td>
<td>Because it is proposed that Rider and Vehicle registration are carried out by Approved Operators on behalf of the PCO, the main workload regarding applications will be</td>
</tr>
<tr>
<td></td>
<td>• Operator approval</td>
</tr>
<tr>
<td></td>
<td>• Type approval of new vehicles</td>
</tr>
<tr>
<td></td>
<td>However, because Operators will not be required to check the self-certification supplied by riders (and will not have authority e.g. for CRB checks), the PCO will also have to undertake</td>
</tr>
<tr>
<td></td>
<td>• Verification of rider self-certification as necessary</td>
</tr>
<tr>
<td></td>
<td>• Ratification of rider registration approvals provisionally granted by Operators</td>
</tr>
<tr>
<td>Registration</td>
<td>The PCO will be responsible for maintaining the central register of Approved Operators.</td>
</tr>
<tr>
<td></td>
<td>If it is decided that the PCO will also hold registers of vehicles and riders these will be an additional administrative overhead.</td>
</tr>
<tr>
<td></td>
<td>Even if no central register of riders is held, there will be a minimum requirement to keep a list of riders whose approval has been suspended or revoked, to enable operators to enquire regarding new applicants.</td>
</tr>
</tbody>
</table>

6.4.3 Inspection

The inspection process can be considered in terms of:

- the point in the regulatory cycle where inspection may be necessary or appropriate
- the different requirements for inspection of Operators, Riders and Vehicles

<table>
<thead>
<tr>
<th>Work element</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial inspection</td>
<td>It is proposed that the PCO will initially inspect</td>
</tr>
<tr>
<td></td>
<td>• The premises, records and vehicles of new applicants for Approved Operator status</td>
</tr>
<tr>
<td></td>
<td>• New vehicles presented for type approval</td>
</tr>
<tr>
<td>Routine inspection</td>
<td>Once Operators have been approved, it is suggested that there is a routine programme of inspections, possibly timed to coincide with annual renewal</td>
</tr>
<tr>
<td>Ad-hoc inspection</td>
<td>In addition it is proposed that inspectors have the right to make spot checks as required</td>
</tr>
</tbody>
</table>
### Types of inspection to be undertaken

<table>
<thead>
<tr>
<th>Work element</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operator inspection</td>
<td>It is proposed that this would take place when Operators make their first application for approval and subsequently as required. This inspection would mainly be to ensure that the Operator complies with the proposed requirements for regulation as set out section 5.7.2</td>
</tr>
</tbody>
</table>
| Vehicle inspection    | It is anticipated that vehicle inspection would take place concurrently with Operator inspection. Each inspection would include some or all the following as required:  
  - Inspection of maintenance record for all vehicles registered with the Operator  
  - Type approval of any new types of vehicle presented by the Operator for this purpose  
  - Physical spot checks of selected vehicles to ensure that they are fit for purpose and that maintenance has been carried out in accordance with specified standards and matches the maintenance record |
| Rider inspection      | It is proposed that this should normally be undertaken only on a spot check basis, or if there is a complaint or incident |
| Inspection of training courses | If training courses are to be part of the regulatory procedure, it will be necessary to inspect training providers to ensure that they comply with conditions similar to those set out in section 5.9.4. These providers may themselves be Approved Operators, in which case inspection of courses may form part of the Operator inspection. However, provision should also be made for inspection and approval of courses which may be offered by other training establishments |

### 6.4.4 Enforcement

There are three main strands to enforcement, as detailed below.

<table>
<thead>
<tr>
<th>Main elements of enforcement process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work element</td>
</tr>
</tbody>
</table>
| PCO instigated                      | This would typically include the following situations:  
  - enforcement action resulting from a public complaint made to the PCO  
  - enforcement resulting from a complaint made to the PCO by another operator  
  - enforcement resulting from investigations arising within the PCO |
| Outside party instigated            | This would typically include the following:  
  - enforcement action resulting from complaints concerning pedicab operation made to or by other organisations, such as the Police and Local Authorities, and reported to the PCO |
| Co-operation with other enforcement agencies | This might include the following:  
  - enforcement action by outside parties which concerns the business, trading, employment or similar activities of pedicab operators or riders, who seek the assistance of the PCO to supply information and/or participate in joint action |
6.5 Timescales

Based on the outline project plan set out in section 5, a working assumption is that once approval had been given, a voluntary system administered by the PCO could be set up to a stage at which operators could be invited to apply for approval within, say, six months.

The implementation of regulation by licensing would take longer, as the initial controlling factor would be the time required to draft, introduce and enact the necessary legislation. Further investigation is needed to identify appropriate forthcoming opportunities when legislative changes may be scheduled.

However, if the overall objective of such legislation was essentially to make mandatory a regulatory framework which had already been established on a voluntary basis, it would be possible to work on scheme development and the drafting of legislation in parallel.

Indeed, there could be merit is starting with a voluntary scheme, as this would not require legislative changes to enable it to be adapted and adjusted in the course of introduction. Legislation could then be framed in the light of experience gained with the introduction of the voluntary scheme.

A further advantage with delayed introduction of mandatory licensing would be that the overall workload could be balanced to make best use of the limited level of resources which it is likely the overall scheme could support. (Cost implications are considered in more detail in section 7.)

Key elements in the workload will be

<table>
<thead>
<tr>
<th>Possible staging of key workload elements in introduction of pedicab regulation administered by PCO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Task</strong></td>
</tr>
<tr>
<td>Development of initial voluntary scheme</td>
</tr>
<tr>
<td>Initial type approval of vehicles</td>
</tr>
<tr>
<td>Initial approval of rider training schemes</td>
</tr>
</tbody>
</table>
### Initial approval of interested operators
- Will require full checking of application documents, inspection of premises, vehicles, records etc.
- Will need to decide whether to use additional short-term resources to shorten overall processing timescale, or to use more limited resources to process operators one by one
- The advantage of a voluntary scheme at this stage will be that there is no cut off deadline.
- Spreading the workload of processing will not affect operators’ ability to continue in operation.
- However, operators may wish to be able to advertise that their approval is pending.

### Initial registration of vehicles
- If the PCO is to maintain a central register, then soon after each Operator has been approved they will wish to submit their details of vehicles for registration.
- If no central register is to be maintained, the PCO can issue blocks at the time of Operator Approval
- Workload for central registration will start to occur after first Operator has been approved and will continue as subsequent Operators gain approval.
- Once Operators have gained Approval, they may wish to plate their vehicles as soon as possible to confirm their Approved Status.

### Initial approval of riders
- If the PCO is to maintain a central register, then soon after each Operator has been approved they will wish to submit their details of riders for approval.
- If no central register is to be maintained, the PCO can issue blocks of badge numbers at the time of Operator Approval
- A decision will need to be take as to whether, and a what time, spot checks will be made on self-certifications.
- Workload for central registration will start to occur after first Operator has been approved and will continue as subsequent Operators gain approval.
- Once Operators have gained Approval, their riders may wish to gain badges as soon as possible to confirm their Approved Status.

### Drafting of legislation for subsequent licensing
- May be benefits in waiting for successful implementation of voluntary scheme
- Depending on extent of pressure for introduction and availability of opportunities, may wait until after main workload of introduction of voluntary scheme

### Subsequent introduction of compulsory scheme
- Workload will depend on extent of similarity with voluntary scheme
- May be further workload if not all operators already participate in voluntary scheme
- Will need to set cut off deadline after which non-licensed operators cannot operate
- Will need to ensure resources are in place to facilitate completion of licensing within deadline
Outline costs and benefits

7.1 Costs
As noted in section 6.1, the PCO currently has no resources available which could be used to administer the regulation of pedicabs. Even if capacity was available, it would be reasonable to regard the provision of such resources as a cost to be borne were regulation to be introduced.

Based on the workload as described in section 6, and in particular the timescales set out in section 6.5, it would be reasonable to assume that there will be an ongoing requirement for one additional member of staff. They would initially be responsible for detailed scheme development, then the introduction of a voluntary scheme. The ongoing workload of administration, inspection and enforcement will depend upon the number of operators who choose to register under a voluntary scheme. If legislative changes are to be made in preparation for the introduction of a mandatory scheme, this will require specialist legal input.

Depending upon the grade of the staff member appointed, and the assessment of the impact on PCO overhead costs, the notional cost could be of the order of £50,000 per annum.

7.2 Scope for cost recovery
Given the cost of scheme introduction and maintenance, it is important to consider whether some or any part of the cost could be recoverable.

As yet, there is no clear indication of the number of operators who might be expected to subscribe to a registration scheme. However, based on the interest shown at the Operators’ meeting, there are probably no more than ten operators overall, of whom perhaps two or three operate more than a few vehicles.

Thus were the full cost of regulation to be recovered, the average annual cost per operator could be of the order of £5,000. Were the costs to be more closely aligned with the size of the operation, the cost to the larger operators could be in excess of £10,000.

Full cost recovery could therefore prove a major disincentive to voluntary regulation. If, as a result, fewer operators chose to register, full cost recovery would make the charges for those who did so even higher.

Were regulation to be made mandatory, it is likely that there would be strong protests from the operators who would regard the likely level of costs to be an unfair imposition.

If costs were to be set closer in line with those charged for taxis and PHVs, then

- it is unlikely that full costs will be covered
there may still be complaints because levels of turnover per vehicle/rider are lower

Thus it should be recognised that any scheme of regulation, whether voluntary or mandatory, is unlikely to cover its full costs of implementation and operation.

Any financial justification will therefore need to include an indication of how it is to be funded, with a clear understanding of the benefits to be gained in return for funding support.

7.3 Benefits

The key benefits of regulation are non-monetary, though it may be possible to assign monetary values should it be necessary to put together a formal business case.

Benefits which can be delivered by voluntary and mandatory regulation are as follows:

<table>
<thead>
<tr>
<th>Benefits of pedicab regulation</th>
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<tbody>
<tr>
<td>Type of regulation</td>
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<tr>
<td>Benefits of voluntary regulation</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td>Additional benefits of mandatory regulation</td>
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</tr>
</tbody>
</table>
8. Responsibilities and risks

8.1 Overview
This section sets out some initial considerations regarding the possible risk and responsibility implications arising from the introduction of a regulatory regime for pedicabs.

Although it may not be regarded as an ideal situation for the travelling public, the current unregulated nature of pedicab operation means that TfL and the PCO can stand aside from issues of responsibility and risk. The limited evidence available suggests that operators may take a very varied approach, with some more aware of and concerned about, the issue than others.

If regulation, whether voluntary or compulsory, is to be introduced, the future pattern of responsibilities and risk will depend very much upon

- The detailed nature of legislation if this is the preferred regulatory route
- The role taken on by the PCO, whether involved in the administration of a voluntary or compulsory system.

It should be noted that no legal advice has been sought within the remit of this scoping study, thus it is only possible to draw attention to possible matters for further consideration.

8.2 Responsibilities and risks for PCO
A key issue for the PCO will be whether approval or licensing will give rise to any implied warranty in the event of an incident involving an approved or licensed operator, vehicle or rider.

If the decision is taken to introduce compulsory licensing, then it would be expected that any implied warranties would be similar to those already arising from the PCO role in the licensing of Hackney Carriages and PHVs.

Thus, provided it could be demonstrated by the PCO if required that they had carried out their process of approval and inspection in accordance with the agreed (or statutory) procedures, it could be argued that addition of regulatory responsibilities for pedicabs does not import new categories of risk to the PCO beyond those already carried.
8.3 Responsibilities and risks for other interested parties

A key issue for other interested parties is the need for clarification of the definition of pedicabs as compared with other types of pedal cycle.

There is concern that the current understanding of the duty of care to road users may be that cycles convey only the rider, or, exceptionally, two people on a tandem who could both be regarded as cooperating riding it. Recognition of pedicabs as a distinct vehicle type, whether through legislation or by implication through voluntary regulation could potentially highlight risks and responsibilities concerned with the conveyance of passengers.
Appendix A  Documents supplied by PCO

A.1  Reports

<table>
<thead>
<tr>
<th>Title</th>
<th>Author/Publisher</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>London Pedicab + Operational and Vehicle Safety</td>
<td>TRL Limited</td>
<td>February 2002</td>
</tr>
</tbody>
</table>

A.2  Licensing Notes

<table>
<thead>
<tr>
<th>Title</th>
<th>Author/Publisher</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Hire Operator Licensing Guidance Notes</td>
<td>PCO</td>
<td></td>
</tr>
<tr>
<td>London Private Hire Licensing Application Pack</td>
<td>PCO</td>
<td></td>
</tr>
</tbody>
</table>

A.3  Court Judgments

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>R vs Cambridge City Council ex parte Lane</td>
<td>13/07/1998</td>
</tr>
<tr>
<td>R vs Bugbugs Ltd ex parte Oddy</td>
<td>12/11/2003</td>
</tr>
<tr>
<td>Oddy vs Bugbugs Ltd (and other)</td>
<td>10/12/2003</td>
</tr>
</tbody>
</table>
A.4 Other documents, notes, etc

<table>
<thead>
<tr>
<th>Title</th>
<th>Author/Publisher</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memorandum re Court Decision on Licensing of Pedicabs</td>
<td>Eamon Cadden, Met Police</td>
<td>07/01/2000</td>
</tr>
<tr>
<td>Advice re Pedicabs</td>
<td>A Muir</td>
<td>14/02/2000</td>
</tr>
<tr>
<td>Advice in the matter of Rickshaws and Hackney &amp; Stage Carriages</td>
<td>Timothy Spencer</td>
<td>28/10/2000</td>
</tr>
<tr>
<td>Rickshaw Regulation 0 A Strategy Proposal</td>
<td>Bugbugs Ltd</td>
<td>25/05/2001</td>
</tr>
<tr>
<td>Summary of Achievements</td>
<td>Downham Cycle Taxi Project</td>
<td>May 2002</td>
</tr>
<tr>
<td>“Rickshaws come to town” article in Croydon Reports</td>
<td>Croydon Council</td>
<td>June 2002</td>
</tr>
<tr>
<td>Memorandum on Control of Pedicabs and Alternative Vehicles</td>
<td>David Farmiloe for TfL Solicitor</td>
<td>30/09/2002</td>
</tr>
<tr>
<td>Notes of Pedicab meeting with Operators</td>
<td>PCO</td>
<td>04/04/2003</td>
</tr>
<tr>
<td>Funding Proposal to Southwark Transport Group</td>
<td>Bugbugs Ltd.</td>
<td>May 2003</td>
</tr>
<tr>
<td>Notes of Pedicab meeting with Local Authorities</td>
<td>PCO</td>
<td>04/07/2003</td>
</tr>
<tr>
<td>Answer to House of Commons written Parliamentary Question</td>
<td>Secretary of State for Transport</td>
<td>08/12/2003</td>
</tr>
</tbody>
</table>


Appendix B  Notes of meetings

B.1  Meeting with Bugbugs

<table>
<thead>
<tr>
<th>Bugbugs Meeting</th>
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</thead>
<tbody>
<tr>
<td>date</td>
</tr>
<tr>
<td>Representatives</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Background**
Bugbugs was set up in 1998. They regard themselves as having been responsible for opening up the market for pedicabs in London.

They are in favour of control of pedicabs, and in May 2001, they wrote a paper giving details of their case for regulation. (This was after the unsuccessful case against Alan Begg in 1999, but before the cases against Bugbugs in 2003). They would like to see legislation enacted either in parliament or through the Greater London Authority. Much of the meeting was therefore taken up in discussing how such regulation might be implemented.

**Monitoring and control**
Bugbugs is particularly concerned that they have invested considerable time and effort in setting up systems of monitoring and control within their own organisation, which may not be reflected by other operators. They have written the following documents:

- Code of Practice for Operators
- Code of Conduct for Riders

They have spent several years developing their Business Management System, which is used to keep record of vehicles, riders and shifts worked. Comprehensive maintenance records are kept for each vehicle, with checks made at the start and end of each shift, and full maintenance every 20 shifts.

Bugbugs have had meetings with other operators, but these failed to progress because they were unable to get continued cooperation from most of the other operators. They no longer have regular contact with other operators.
Training
Bugbugs has developed a training course which they require all riders to complete, which includes the DSA Theory Test. They have a programme of on-street training and management, with two responsible riders per shift operated. Bugbugs would welcome a scheme for accreditation of training courses for riders. There are already schemes for the accreditation of workshop staff with which they comply.

Regulation
Bugbugs argue that that the present lack of regulation means that the overall image of the pedicab trade may be affected by other operators who do not apply the same standards. In particular, despite some attempts to set up an agreed list of “banned” riders, there is little they can do to prevent riders they have dismissed from working with other operators.

However, they would not wish the regulatory process to create an undue barrier to entry for operators or riders.

They would thus favour a situation in which operators were responsible for issuing rider licenses.

They see self regulation as an intermediate stage towards legislation and licensing, and advise that pedicab operation in the United States is licensed at State level.

Congestion
Bugbugs is aware that there are problems with congestion and have held meetings with the Police and business groups to discuss where pedicabs can park and operate. They would welcome the designation of pedicab ranks.

Insurance
Bugbugs is particularly concerned that pedicab operation should be properly insured, but raised concerns regarding the availability and extent of such insurance.

They were initially able to arrange insurance through Royal Sun Alliance, which at the time was the only company prepared to offer public liability insurance for pedicab operation. It is understood that Royal Sun Alliance has since reviewed its position following approaches by other operators, and is no longer prepared to take on new business.

A key issue would appear to be that because pedicab operation is currently unregulated, insurers are concerned about the risk of malpractice.

Bugbugs have subsequently arranged their insurance with another company, but in view of the problems are not prepared to divulge details of their new insurers, not least to prevent approaches by other operators.
They are also considering the scope for moving from a system in which the insurance is held by the company to one in which each individual rider is insured. A significant problem with the present system is that the insurers are effectively being asked to insure individuals who are not even direct employees of the pedicab operating company.

Bugbugs is therefore considering a model similar to that adopted by self-drive car rental companies by which insurance for the duration of the rental can be purchased from the operator as an add on to the rental charge. (The operator acts in this case as an agent of the insurer in the sale of the policy)
B.2 Meeting with Licensed Taxi Drivers Association

Meeting with Licensed Taxi Drivers Association

<table>
<thead>
<tr>
<th>date</th>
<th>22 December 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives</td>
<td>Bob Oddy; General Secretary</td>
</tr>
<tr>
<td></td>
<td>Richard Massett; Executive</td>
</tr>
</tbody>
</table>

Background

The LTDA represents some 6,500 licensed hackney carriage drivers, most of whom work in London. At the meeting, the LTDA drew attention to issues concerning the operation of pedicabs in the West End of London during the evenings, and in particular to the concentration of pedicabs around theatres as patrons left at the end of performances.

Objections to pedicabs

The main objections to the continued operation of pedicabs were stated by the LTDA as follows:

<table>
<thead>
<tr>
<th>Summary of LTDA operational and safety objections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Objection</strong></td>
</tr>
</tbody>
</table>
| Pedicabs impede all forms of traffic flow | ■ When stationary waiting for passengers  
 ■ When moving slowly through traffic |
| Pedicabs do not observe Road Traffic regulations | ■ Blocking footways  
 ■ Non-observance of traffic lights  
 ■ Riding the wrong way on one way streets |
| Pedicabs are inherently dangerous | ■ Accident in Edinburgh when passenger’s clothing became entangled  
 ■ Risk of overturning  
 ■ Passengers may be inebriated |

In support of their case, the LTDA produced extensive still picture and video evidence of pedicab activity in the West End at busy times. These show large numbers of pedicabs parked up either partly or wholly on the footway, at a time when large numbers of patrons are attempting to leave theatres.
Economic case for pedicabs

In addition, the LTDA raised a number of wider objections which questioned whether pedicabs were actually necessary or made economic sense. Key points from these included:

### Summary of LTDA commercial/economic objections

<table>
<thead>
<tr>
<th>Objection</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no actual need for pedicabs</td>
<td>• Hirings are mostly for very short distances</td>
</tr>
<tr>
<td></td>
<td>• Hiring is an impulse purchase</td>
</tr>
<tr>
<td>Pedicabs cannot realistically claim environmental</td>
<td>• In most cases the alternative would be to walk</td>
</tr>
<tr>
<td>benefits</td>
<td>• They are not therefore part of an integrated transport strategy</td>
</tr>
<tr>
<td>There is oversupply of pedicabs</td>
<td>• Much of the congestion is caused by vehicles awaiting hires</td>
</tr>
<tr>
<td>Pedicab fares are disproportionately high</td>
<td>• Low utilisation means that fares per journey need to be high to generate reasonable income for riders</td>
</tr>
</tbody>
</table>

### Enforcement

The LTDA are concerned that there would be practical problems in enforcing rider licensing if introduced. Because of the transient nature of rider employment, refusal or revocation of licenses would have little practical effect.

### Summary

In the view of the LTDA

- “London is not a theme park”
- London would be no worse off if there were no pedicabs

The LTDA reported that although it was the view of many members that pedicabs represented a threat to revenue for licensed taxis, there was no evidence to support this.
B.3 Meeting with Westminster City Council re licensing

| Meeting with Westminster City Council re licensing |
|-----------------|----------------------------------|
| date            | 22 December 2003                 |
| Representatives | Philip Gough; Operations Manager, Planning Liaison & Coordination |

**Background**

This meeting was primarily concerned with licensing and enforcement issues – transport related issues were covered in more detail in a separate meeting note in appendix B4.

Mr Gough had attended the Local Authority meeting at the PCO in July 2003, and said that this represented a reasonably unified view of LA requirements. He is involved in other licensing and regulation issues within Westminster, and has been looking at joint work on enforcement and community protection.

**Issues**

Involvement in pedicabs has occurred as a result of complaints from the police and members of the public. Specific issues include:

- breaches of the Road Traffic Act
- concern about compliance with construction and use regulations
- residents’ complaints about excessive noise and bunching

Bugbugs have shown a willingness to participate in dialogue, but the council now feels that the situation has moved beyond the scope of self-regulation.

**Scope for regulation by WCC**

The Council had considered whether it would be feasible or practical to operate their own pedicab licensing scheme, but had decided against this course because:

- it was not thought to be practical within existing legislation
- there would be a cost implication both in terms of setting up a licensing team and in enforcement, and a question of whether and how such costs could be funded
- enforcement officers would not have powers under the Road Traffic Act
- any scheme would better be implemented on a London-wide basis, particularly if new legislation was required
The Council’s view is that enforcement of a licensing scheme should be the responsibility of the PCO and the police, and not with the LAs.

**Quantity licensing**

There is interest in the possibility of quantity licensing, as a means of regulating the number of pedicabs in operation.

**Licensing of operators, riders and vehicles**

Operator licensing should cover equipment and standards. Vehicles should comply with construction and use regulations.

Rider licensing should include training, and basic first aid, but need not necessarily be to the same requirements as are applied to hackney carriage and PHV driver licences.

Examples were given of how the Council licences door supervisors for nightclubs etc. This includes the accreditation of training courses, where recommended establishments are inspected by council officers. Door supervisors are licensed by individual LAs and different standards may apply.

**Congestion**

There was some discussion regarding congestion, including obstruction and ranking. It was suggested that these matters should be discussed with colleagues in the Transportation department and this is covered in notes of the meeting on 7 January (appendix B5).

The Council is not aware of any Trading Standards issues regarding the fares charged by pedicab riders.

**Summary**

Westminster is at the heart of a world-class city. The Council does not wish to create a sterile environment, and is therefore taking a pragmatic approach to pedicab issues.
B.4 Meeting with Westminster City Council re transport issues

<table>
<thead>
<tr>
<th>Meeting with Westminster City Council re transport issues</th>
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<tbody>
<tr>
<td>date</td>
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<td>Representatives</td>
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Background
The second meeting with Westminster City Council concerned wider road traffic and safety considerations. There was particular discussion of the issues relating to congestion in the West End including those which had been raised by the LTDA.

The Council has prepared a committee report on pedicabs and will supply a copy for consideration in the scoping study.

Main concerns
The Council are concerned that

- pedicabs are unlicensed and therefore cannot easily be controlled
- there is a potential lack of insurance cover
- there is no regulation of fares

Particular traffic issues are

- obstruction both of the highway and the footway
- nuisance to pedestrians
- blockage of kerbside access especially to entertainment venues such as theatres
- non-observance of yellow lines and other parking regulations

It is possible for the Council’s staff to enforce parking regulations for black cabs, but not for pedicabs, with the result that licensed taxis may therefore be at a disadvantage when seeking fares. These issues have been raised in discussion with the Department of Transport.

Because there is a particular concentration of pedicab operation in their borough, the Council would like particular attention to be paid to their concerns. They also mention that private forecourt owners may have problems, in particular Network Rail at Charing Cross.
How pedicabs are categorised
There was discussion over whether pedicabs could best be categorised by construction or by type of operation. The Council noted that there are a number of other “commercial” services operated using pedal vehicles, including the delivery of light goods, mail and sandwiches to offices. Should such operations also be regulated? However, there could be circumstances in which pedicab type vehicles might be used by private individuals, for example to convey children or tow luggage trailers, and it would not be appropriate if they fell within the scope of regulation.

Such categorisation was also important for enforcement purposes. If possible, the Council would like pedicabs to fall within the categories of vehicles for which their parking attendants could enforce parking restrictions and, if necessary, issue penalty charge notices.

Vehicle identification
If a licensing regime is to be introduced, the Council would like pedicabs to carry prominent licence plates which are capable of being read by enforcement cameras. Such plates would also enable enforcement officers and the Police to identify vehicles in cases of poor driver behaviour and parking offences.

Restriction of areas of operation
The Council would like to explore the possibilities for restriction of the areas in which pedicabs are permitted to operate and/or the routes which they are permitted to use. It was understood that this may not necessarily be easy to achieve. Two possibilities were suggested:

<table>
<thead>
<tr>
<th>Possible ways to restrict pedicab routes and areas of operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Designation of pedicabs as a new type of vehicle for which restrictions authorised by Road Traffic Orders and indicated by new categories of signage,</td>
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<tr>
<td></td>
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<tr>
<td>Enforcement of routes and restrictions through the licensing process</td>
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</table>

If areas and routes were to be restricted through the licensing process, one possibility would be for drivers to be licenses for specific areas only and to be briefed accordingly.
Safety
The Council is particularly concerned with safety of operation, with regard to passengers and other road users. They are involved in a number of safety initiatives and would seek to apply the same standards of checking for pedicab riders, including CRB and medical checks, as are already in force for PHV drivers and which the Council themselves apply, for example, for door supervisors. They recognise that the licensing of PHV operation is an important part of their campaign to eliminate touting, and are concerned that without proper controls, there is a risk that illegal activities may move into the pedicab trade.

Rider licensing
They argue that a potential passenger should be able to expect that the standards applied to a licensed pedicab rider were no less stringent to those applicable to a PHV or black cab driver. They noted that although the construction of a pedicab is different from that of a PHV or Taxi, it is still difficult for passengers to get out without the cooperation of the driver.

They also proposed that there should be health checks for pedicab riders. Riders should be sufficiently fit to be able to keep moving at reasonable speeds so as not to unduly delay other traffic, and there were safety risks were a driver to become incapacitated while conveying passengers in heavy traffic.

However, the Council agreed that because areas of operation were more limited and journeys shorter than for black cabs or PHVs, there was not a requirement for riders to have detailed topographic knowledge.

Fare regulation
The Council would like to see regulation of the fare structure, and is concerned about the problems if a price is agreed and the journey takes longer than anticipated.

There are particular concerns regarding liabilities. The highway authority has a duty of care for the safety of all road users, and regulation of pedicabs may result in transfer of risk.

Wider consultation
The Council is keen that a wide range of interested parties are consulted regarding their views on pedicab safety and operation. In particular, they suggested input from

- London Buses (see also appendix B.6)
- the Suzy Lamplugh Trust

They also requested that they should see copies of the note of the meeting before inclusion in the report, and that, subject to agreement by the PCO, they should see a copy of the final report.
B.5 Meeting with Metropolitan Police

Meeting with Metropolitan Police

<table>
<thead>
<tr>
<th>date</th>
<th>14 January 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representatives</td>
<td>Paul Wright; Senior Inspector Covent Garden</td>
</tr>
</tbody>
</table>

Background
Inspector Wright reported particularly on experience with pedicabs in the Covent Garden area. He advised that problems had become more apparent over the past year, including pedicabs ignoring no entry signs and crossing the pedestrian-only areas of the piazza. The police were therefore interested in the scope to control pedicabs through regulation, and had spoken with the PCO and TfL.

Problems
In particular, residents and local businesses had complained about reckless riding and ranking up, especially outside theatres. There were also complaints about excessive noise from riders ringing their bells while touting for fares. There are health and safety concerns about the presence of large numbers of pedicabs blocking pedestrians and traffic while patrons are leaving theatres. There are particular problems in James Street, adjacent to Coven Garden LUL station, where the pedicabs enter against a no entry sign and there is congestion caused by pedicabs, unlicensed traders and performance artists.

Views on licensing
Inspector Wright is not in favour of licensing, but if it was to be introduced would support it as a tool for regulation and enforcement of pedicab operation.

Enforcement
Police officers have had some success with issuing fixed penalty tickets to riders for Road Traffic offences such as ignoring red traffic lights and no entry signs, however this has not always succeeded where riders are foreign students or others on short-term visas. It was agreed that badging of riders and plating of vehicles could assist in enforcement, though it would not necessarily reduce the number of offences committed. Revocation of licences would not necessarily act as a significant deterrent as many riders were casual or temporary visitors.
Quantity licensing
A reduction in the overall number of pedicabs in operation would also be welcomed. Promotional use, for example by local businesses, was not seen as a problem, and expansion of this type of activity would be favoured.

Ranking
There is a recognised problem of ranking. A major problem issue is the lack of space in prime locations which is likely to be available – and likelihood of complaints from operators if pedicabs are allocated less attractive sites and taxi drivers if they feel that pedicabs are being allocated better sites than taxis.

Access to Covent Garden piazza
Access to the piazza itself is complicated by the fact that it is private land. It was agreed that a possible solution to problems in James Street and the piazza could be the provision of specifically marked areas and routes for pedicabs, provided agreement could be reached with all parties concerned.

“After theatre” management
“After theatre” management was recognised to be a difficult problem to solve, as removing pedicabs may simply mean that other types of vehicle attempt to use the space vacated with no actual reduction in congestion.

Maintenance and accidents
Relations with pedicab operators are generally good, and their vehicles are considered to be well maintained in good condition and properly lit after dark. It was noted that guards have been fitted to minimise the risk of accidents such as happened in Edinburgh. Although riders generally do not wear any safety or high visibility clothing, this was not regarded as a particular problem as the vehicles are themselves easily visible and are more stable than conventional bicycles.

The police are not aware of any serious accidents or incidents, though there have been some minor bumps with other vehicles and some “near misses” with traffic in the Aldwych. The main risks occur when drivers show off or race while carrying passengers.

Rider licensing
The police are keen that pedicabs should provide a safe service to the public and would favour checks on riders. They have mounted a small operation with the Department of Work and Pensions to check on the employment and immigration status of riders. However, they agreed that they are not aware of any incidents reported by the general public, and that self-certification of riders, perhaps with spot checks, may offer sufficient reassurance.
It was suggested that if riders are issued with badges, these should be supplemented with larger numbers worn on their backs – however identification of vehicle numbers would also provide a cross check provided operators kept proper records.
B.6 Meeting with London Buses

**Meeting with London Buses**

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<tr>
<td>Representatives</td>
<td>Mike Weston. Head of Operations</td>
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<td>Tony Akers, Night Operations Manager</td>
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**Operational conflicts**
The main operational conflicts between London Buses (LB) and pedicabs occur in the evening and at night, as this is the main time when pedicabs operate in central London. The discussion was focussed mainly on bus routes, as LB has no direct interest in roads such as Long Acre which, although heavily used by pedicabs, are not served by bus routes.

LB stated that it was not possible to quantify many of their observations, but that they were based on practical experience.

Most problems occur on the Charing Cross Road. This is served by a large number of bus routes, and is also a popular road for pedicabs to seek fares. In particular

- pedicabs hold up traffic because they move slowly while looking for fares and are too wide for buses to get past
- pedicabs seeking fares slow down or stop at bus stops to try to encourage passengers to board – sometimes waiting until hired – which makes it difficult for buses to serve stops
- intending bus passengers don’t like being accosted by pedicab riders, but need to stay near stops to be sure they catch their bus
- some riders are aggressive, both in accosting passengers and their attitude to bus drivers.

If there are delays along Charing Cross Road, buses may then run late. As far as possible they then try to make up time further along the route. However, because LB prefers not to turn night buses short of their destination to get back on schedule, delays can build up, and this can put unnecessary pressure on drivers to get back on time (with the risk of overlooking intending passengers at request stops).

**Use of bus lanes**
There are conflicts between buses and pedicabs when using bus lanes, for example on Haymarket. In particular, pedicabs ride two abreast, blocking the lane. Other cyclists are less of a problem, as they keep moving at a reasonable pace, do not block bus stops and are easier for buses to pass.
There are fewer problems in the contra flow bus lane on Piccadilly, as this route is less popular for pedicabs.

**Road traffic offences**

Pedicabs are regularly observed contravening Road Traffic Regulations. In particular

- ignoring red lights (tend to treat as “give way”)
- riding the wrong way on one way streets

Because pedicabs are too wide to weave through stationary traffic, some riders attempt to jump queues by riding on the wrong side of the road.

**Safety**

LB were particularly concerned that some pedicabs are not properly lit. However, some (including most Bugbugs) have reflectors.

A number of other safety issues were noted. Many pedicab passengers are in high sprits, and they may be standing up or waving while in transit, making the vehicles unstable. However, it was noted that few accidents have been observed.

**Driver/rider licensing**

LB are concerned to ensure passenger safety.

Bus drivers have to hold a PCV licence which is an industry wide standard. In addition, LB is placing a contractual requirement on operators for drivers to complete a BTEC training scheme. This will cover all new drivers from end 2004, and all existing drivers by end 2005. LB have also reviewed their approach to medicals, references, and tests for drugs and alcohol, and are considering minimum standards to apply in bus contracts.

The PCV licence includes regular medical checks for drivers over 45.

**Kerb space and ranking**

Availability of kerb space is already a serious concern for bus operation, particularly on high density roads such as Oxford Street. They would therefore prefer that if specific pedicab ranks are established these should be on side streets rather than bus routes. However they recognise that this may not be popular as it would deny pedicabs visibility.

LB would like to be consulted on any specific proposals to set up pedicab ranks.
Pedicab regulation and quantity licensing
LB have no fixed views on the issues of quantity licensing or price controls for pedicabs. They recognize that regulation would give greater credibility to pedicab operation, and that this in turn may grow the market, with more pedicabs on the road.

Bus service licensing
Scheduled bus services operating in London under contract to London Buses do not have to be registered with the Traffic Commissioners. In practice this is achieved by

- award of a TfL contract, or
- issue of a London Service Permit

These set out details including route, stopping points, frequency and types of vehicle used. The bus operator still requires an Operators Licence from the Traffic Commissioner.
B.7 Meeting with Cycling Centre of Excellence

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**Overview**

Discussion was focussed on

- issues of where pedicabs are now
- working out an overall strategy or plan
- broadening from legal considerations into traffic management

The CCE view is that pedicabs serve a useful purpose. They are fairly marginal within the overall context of cycling in London, however how pedicabs are dealt with will be seen as an example of whether Transport for London is developing cycling in a responsible and effective way.

A major constraint is the status and image of the players involved in the operation of pedicabs. Pedicabs tend to be categorised as sharing many of the unpopular characteristics of cycle couriers. The CCE does not want to cramp the pedicab operators’ style, but instead wants to establish a situation where pedicabs are recognised as making a positive contribution to London’s transport capabilities.

**Legal status**

The CCE are interested in the legal status of pedicabs, and the options available for regulation including self-regulation. There are opportunities every few years for TfL and the London Boroughs to introduce new or amended local enabling legislation in London. CCE are already considering a number of possible cycle related measures. This might be an option for pedicabs.

There was discussion of how a pedicab is defined, and how comfortably they fit into other legislation regarding pedal cycles. A particular problem may arise with electrical assistance – as distinct from electrically powered.

**Other experience**

The CCE would be interested to know more about foreign experience with pedicabs, both in terms of traffic management and levels of concern regarding public safety.
Risk
An important issue for TfL is risk. Although a “do nothing” situation invites criticism, there may be imported risk if regulation is introduced. However, it was noted that imported risk may equally apply to the promotion of cycling in general, and would not be confined to schemes involving pedicabs.

User perspectives
The CCE would like to understand more fully the user perspective of pedicab operation. They were not aware of any studies or information on what pedicab users actually want, for example regarding:

- fare/pricing structure
- safety
- user satisfaction

Rider licensing and training
With regard to rider licensing, the CCE view is that it is important to consider comparative risk. Rather than specifically looking for problems, the question is how important they are.

Work is being done nationally on cycle training, including curriculum checks and moves towards the accreditation of training organisations. CCE are also working closely with the Police to establish an appropriate training regime for enforcement and emergency services officers. One possibility is that TfL has responsibility for “signing off” trainers.

Day and night splits
The majority of pedicabs are currently operated in the evenings. It is considered that there may be scope to increase the daytime market, for example as a tourist facility, for short-distance business journeys, and for corporate and special event use.

Sponsorship
There is some use of pedicabs as platforms for advertising – possibly offering free rides. Even if regulation is introduced it is not clear where TfL responsibilities would be in this situation.

Maintenance
The CCE recognised the value of the Cyech scheme for accreditation of cycle mechanics.
London Pedicab Operational and Vehicle Safety

by S D Thompson

& S Reid

PR/T/004/02
PROJECT REPORT PR/T/004/02

REVIEW OF THE SAFETY OF PEDICABS

by    S D THOMPSON & S REID (TRL Limited)

Prepared for:    Project Record:    Review of the Safety of Pedicabs
Client:    The Public Carriage Office,
            Transport for London

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1.0 Introduction

This report describes the results of a scoping study carried out by TRL Limited on behalf of the Public Carriage Office (PCO) of Transport for London. The purpose of the study was to qualitatively assess the operation of bicycle rickshaw, or 'pedicab', services in Greater London.

Pedicab services have been in evidence in London for some years now and, anecdotally, there appears to have been a growth in the number of operators and individual riders offering a passenger service to members of the public. It is not possible to quantify this growth, or the extent of pedicab services in London, due to the lack of regulation of the trade to date and the casual basis of many pedicab operations. Nonetheless, what appears to be the largest, certainly the most prominent, operator; Bugbugs, has been reported as claiming that in 1999 its riders performed 60,000 journeys (http://www.workbike.org/news/bugbugswin.html). Since that date Bugbugs have significantly expanded the number of vehicles that they own and operate and it is reasonable to assume that the number of journeys they perform annually has risen since 1999.

Pedicab services have also begun to appear in a number of other UK cities, notably Edinburgh and Bath. In July 2001 it was reported in The Scotsman and by the BBC (9/7/2001) that a passenger using a pedicab service in Edinburgh had been seriously injured in an incident in which her scarf had become entangled in one of the vehicle’s wheels. This incident, coupled with the growing visibility of pedicab operations in London, particularly at key locations, has contributed to the PCO decision to commission this work. The primary objective of this study is an assessment of the safety implications of pedicab services for riders and passengers using pedicabs and for other transport users who may encounter these vehicles.

This study represents a brief overview of the London pedicab trade with assessments based upon the professional judgement of TRL staff as to what appears to be good practice or elements that give cause for concern.

To avoid confusion, the following terminology is employed in this report:

Pedicab: any human-powered vehicle of more than two wheels that is equipped for the carriage of passengers.

Operator: the company responsible for providing the service

Rider: the 'driver' who powers and operates the pedicab

Passenger: person being carried on the pedicab.

1.1 PEDICAB VEHICLES

There are a wide variety of human powered vehicles available for purchase that are equipped to carry passengers. Via the internet it is possible to contact many different companies that can supply such vehicles and there are many different designs and nuances of design in existence. Nevertheless it is broadly possible to classify most pedicabs into one of three types based on the configuration of its wheels and the seating arrangements.

Design 1. One front wheel and two rear wheels.

This type of pedicab is used in London and it consists of a conventional bicycle front with the chain driving the rear wheels. The rider pedals and the passengers sit above the rear axle on a seat arrangement which is like a rickshaw. There are also designs available where the rider's pedals are in front i.e. a recumbent design.
Design 2. Two front wheels and one rear wheel.
This design is common in Europe and consists of a conventional bicycle rear with the chain driving the rear wheel. The rider pedals and the passengers sit above the front axle on a seat arrangement facing forward. The rider has a slightly restricted forward view of the road compared with design 1 but a slightly better rear view compared with design 1. No pedicabs of this design have been noted operating in London by the study team.

Design 3. Two front wheels and two rear wheels.
This design appears to be less common than both design 1 and design 2 however it could provide more safety for the rider and passengers in the event of an accident.

Electrical assistance.
In addition to the basic pedicab designs, some manufacturers offer pedicab vehicles that are assisted by electric motors. None of these vehicles have been observed operating in London. The regulations governing electrically assisted pedal cycles (EAPCs) restrict the power output and speed attainable (see 1.2, below). The legality of an electrically assisted pedicab would need to be established because it is not clear whether electrical 'assistance' constitutes 'mechanical propulsion' (See legality of pedicabs in London).

1.2 REGULATION OF PEDICAB DESIGN
The design and construction of pedal cycles sold or used in the UK is governed by a variety of statutory instruments. It is considered that most pedicabs would also be subject to these regulations. The regulations that are applicable to pedicabs are summarised below.

Pedal cycles should comply with British Standard 6102:Part 1, be marked with this Standard and the manufacturer's name or code. This does not apply to bicycles previously supplied and used on the road; bicycles with a saddle height of less than 635 millimetres; any competition bicycles: tradesman delivery bicycles or tandem bicycles.

In these Regulations a "tandem bicycle" means a bicycle which is designed to carry two or more persons, at least two of whom can propel the vehicle at the same time. A tradesman's delivery bicycle means a bicycle which is designed primarily or entirely for the carriage of goods in the course of a trade. Most pedicabs do not meet any of these exemptions (although some recumbent designs may be exempt against the saddle height criteria) therefore this regulation would apply to most pedicabs.

Review of the Safety of Pedicabs


These Regulations revoke the Brakes on Pedal Cycles Regulations 1954. They apply to pedal cycles and also to Electrically Assisted Pedal Cycles.

Every bicycle shall have at least one braking system (unless the pedals act directly on the wheel or axle without gearing or a chain).

All bicycles or tricycles with a saddle height greater than 635 millimetres and every cycle with four or more wheels shall be as follows:-
Cycles which have no 'free wheel' require a front brake if they have one front wheel or 2 front brakes if they have 2 front wheels.
Cycles which have a 'free wheel' require brakes on at least two front and two back wheels depending on the design of cycle.

These regulations would apply to pedicabs.


These regulations state that electrically assisted bicycles shall not have a kerb weight above 40 kilograms, an output of more than 0.2 kilowatts and cannot propel the bicycle at more than 15 mph. For tandem bicycles and tricycles the permitted kerb weight is 60 kilograms and an output of 0.25 kilowatts and cannot propel the bicycle at more than 15 mph. These regulations would apply to electrically assisted pedicabs.

1.3 STATUS OF PEDICAB SERVICES

Legality of pedicabs in London
A prosecution against a pedicab rider who picked up two passengers was heard at Bow Street Magistrates Court on 6/12/99. The prosecution was based on the assumption that the pedicab was a hackney carriage which was plying for hire. The defence argued that the pedicab was a Stage Carriage under Section 4 of the Metropolitan Public Carriage Act of 1869 and that with a stage carriage you pay for a seat and not the whole vehicle as in a hackney carriage (this information was displayed on the passenger area of the pedicab). The prosecution also argued that under Section 1 of the Transport Act 1985, Stage Carriages become PSVs - local service under the PSV Act 1981. The defence argued that the definition only applied to mechanically propelled vehicles.

The case was dismissed but it showed that there is a lacuna or 'loophole' in the law. Legal advice stated that regulation of pedicab vehicles is essential for the safety and protection of the general public.

In London vehicles which are not licensed taxis but are used for private hire will be covered by the Private Hire Vehicles (London) Act 1998 however this will only apply to "Mechanically propelled" vehicles. Electrically assisted pedal cycles may also be regarded as mechanically propelled (although the distinction between propulsion and assistance may be significant) but unassisted pedicabs would not be covered by the Private Hire Vehicles (London) Act 1998.

It would be important that any amendments to legislation that are intended to regulate pedicab services included 'any carriage' so that all carriages were included regardless of their type of mechanical propulsion (petrol, oil, steam, electrically), mechanical assistance or non mechanical (human/horse etc power) propulsion.
Legality of pedicabs outside London

It would appear that from R v Cambridge City Council ex parte Lane 1999 RTR 182 that pedicabs outside London are regarded as Hackney Carriages. This is because the Town Clauses Act of 1847 was used and it was assumed that the pedicab was a 'stage coach'.
2.0 Methodology

2.1 IDENTIFICATION OF PEDICAB COMPANIES

Over the course of the investigation seven pedicab businesses were identified as currently operating in central London (although it was later found that one operation rents pedicabs from one of the other companies). Staff at TRL were aware of the names of a number of pedicab operators from which, using the internet, they were able to gather contact information for five of the London-based operations. These operations were:

1. Bugbugs Ltd
2. E-mission Control
3. London Bicycle Tour Company
4. Pedicabs Ltd
5. Zero Emissions

Further operators were identified and contact information gained through telephone interviews and a visit to Bugbugs Ltd. They were:

1. Chariot Bikes
2. Simon Noall - No company information was available during the investigation and rumours are that his operation is based in a car park in central London. The operators of the car park (Universal Parking) were contacted although they stated they were not aware of any agreement for any company or operation to use their car park as a base.

Once the pedicab operators had been identified a questionnaire survey was formulated to gather information on the types of vehicle in use and the operating practices of the different companies. The questionnaire was designed to be conducted by telephone interview however it was also distributed by email to two of the companies, at their request, and written responses were received.

2.2 DESIGN OF QUESTIONNAIRE

The questionnaire was designed and developed by TRL Limited. The questionnaire was designed to be quick, simple and easy to fill in, requiring in most cases single word answers to a total of 71 questions. The questions are reproduced in Appendix 3.

The questionnaire was designed to gather information in two different areas:

1. The Operator and
2. Their Vehicles.

2.3 QUESTIONNAIRE INTERVIEWS

Telephone interviews proved complicated as it was difficult to find a time when operators were able and willing to talk on the phone for 15-20 minutes. Only one interview was completed in this way. Two firms asked to be contacted by e-mail instead so that they had time to consider their responses. One further company (Pedicabs Limited) did not respond to telephone calls and no address or e-mail contact information is known. Transport for London supplied information that suggested this firm had become part of Bugbugs when it was launched in 1996, although Bugbugs later denied this and were unable to provide any contact information for them.
2.4 E-MAILED INTERVIEW RESPONSES

The majority of questionnaires were completed and received using e-mail facilities. Three companies were approached by e-mail, two who asked to be contacted this way after first being contacted by telephone. The third company because they do not have a published telephone number or address. E-mail responses with completed questionnaires were slow, but following repeated reminders two completed questionnaires were received (see Appendix 6.3 Interview Responses).

2.5 SITE VISIT

In order to consider in more depth some of the issues that arose as a result of the questionnaire survey, a meeting was arranged with Bugbugs. This meeting took place on 14 December and was held at their offices and workshops in Southwark. Bugbugs were able to supply more detail about their own operation and information about other operators. It was particularly notable that Bugbugs were reluctant to divulge some information, or documents, on the grounds that they consider them to be commercially sensitive.
3.0 Results of the Investigation

Results from the questionnaire were limited as responses to questions often contained a limited amount of detail and/or the opinion of the operator, which in some cases gave a biased and/or what we believe to be an incorrect view.

Appendix 1 gives the detailed responses from the three pedicab operators that responded to the questionnaire. These operators were:
- The London Bicycle Tour Company (The LBTC)
- Bugbugs Limited
- Zero Emissions

The questionnaire covered two areas:

3.1 COMPANY OPERATIONS

From the table it is clear that Bugbugs is the largest operator with a total of 49 vehicles. The LBTC have only 2 and, Zero Emissions also have 2, but, with 1 more pedicab expected to enter service in 2002.

All of the operators intend their pedicabs to be available to the public although they all stated that the pedicabs are also available for hire to be used at corporate events or special occasions.

None of the questioned companies employ riders, they all lease bikes out to riders who then provide passenger services on a self-employed basis.

Bugbugs is the only company that asks riders to complete a training program and pass a test before it will lease bikes. This training, which lasts for around 6 hours, involves theory and practical tests. If riders do not hold a driving licence, Bugbugs require them to take a Driving Standards Agency theory test. It should also be noted however that riders for other operations have often come from Bugbugs and so have completed their training program. Zero Emissions said that they do not check riders references or experience. Bugbugs also stated that they monitor the behaviour of riders leasing their vehicles and that any rider who was seen to disobey traffic signals or behave unsafely or inappropriately could be disciplined or barred from hiring their vehicles.

All the operators who responded stated that they mechanically serviced their pedicabs on a regular basis but that, once they are on the road, the rider has control over aspects such as where they cycle (routes and distance), who they pick up, when they take breaks and if they wear any safety equipment. Bugbugs offer a rider support service, where experienced senior riders are provided with mobile telephones and can be contacted by other riders for assistance (for example emergency repairs, routing information, help in an accident, spare batteries for lights and a first aid kit).

All the operators also stated that fares are calculated prior to travel, on a per-person basis. None of the operators take a share of rider's fares, just the money needed to hire the bike. They also make money from the sale of advertising space on the vehicles themselves.

None of the pedicab services uncovered were operating on fixed routes, with all picking up and setting down members of the public on demand.
3.2 THE VEHICLES

All of the three operators who responded to the questionnaire operate pedicabs of a standard design with three wheels. Although Bugbugs have 3 different types of three-wheeled pedicabs, in all cases the rider sits in front of the passengers.

All of the bikes are constructed with a steel frame and have canvas/padded vinyl seats. The weight of different company pedicabs was quite varied depending on the model and ranged from 40-110kgs. Operators stated that the vehicles could turn within their own length although this was not checked.

The stability of pedicabs when performing manoeuvres under load and at different speeds is a topic on which more research is needed. In the judgement of TRL staff the tricycle design, if not subject to loads exceeding manufacturers’ specifications, should offer acceptable stability at speeds likely to be achieved under human power. However there may be circumstances when the effects of gradients could allow speeds to be reached which could render the vehicle unstable under load. It is also significant in this respect that only Bugbugs has speedometers fitted to any of their machines, and then not to all of their stock of vehicles.

There is very little impact protection for passengers or riders, other than that which may be provided by the chassis and side and rear panels of the passenger seats.

Pedicabs are significantly larger than standard cycles, for example the Bugbugs Velocab is 2400mm long and 1200mm wide at it widest point. The passengers sit 850mm above the ground. The width of the vehicles is such that in use they encroach into the area of carriageway where motorised traffic tends to run, necessitating an overtaking manoeuvre by other traffic when it is travelling faster than the pedicab.

All of the pedicabs are human powered so as to comply with the regulations of a stagecoach. If they were powered they may fall into the definition of a hackney carriage and therefore would have to be licensed as such, although, as noted above, it is not clear what the implications would be of electrical assistance. The operators seemed to be aware of the regulatory position of pedicab services and, in the opinion of Bugbugs, their successful defence of the prosecution taken in 1999 had encouraged other operators to commence pedicab services. Notwithstanding this, Zero Emissions stated their intention of introducing electrically assisted pedicabs in 2002.

All the pedicabs have brakes on all wheels, complying with the 1983 Construction and Use Regulation. Braking systems are not standard, with the type of braking system varied between operators and between the bikes of individual riders. Lighting systems also varied and depended again on the operators and individual riders. Bugbugs stated that all of their vehicles use electric indicators and brake lights. The LBTC said that it was an option on their vehicles, but did not say if they were fitted to their vehicles. Zero Emissions stated that no such systems were fitted to their vehicles.

None of the bikes were fitted with any form of roll cage or passenger head protection. Most of the vehicles are equipped with a form of collapsible canopy to protect passengers from rain. It was noted by the study team that this has the potential to restrict the rider’s rear view, particularly when merging with other traffic. None of the operators seemed to provide rear-view mirrors for riders.

LBTC claimed they had ‘deep seats’ which prevented people from falling out of the vehicle and which also allowed them to carry disabled passengers. Bugbugs use inertia reel seatbelts (although passengers are not forced to wear them) and Zero Emissions gave no information regarding this matter. The lack of passenger retention systems is considered by TRL to be cause for concern.
Review of the Safety of Pedicabs

LBTC stated that they service their vehicles when required, although that it is often dictated by their insurance company when this happens. Bugbugs stated that they service the bikes every time a vehicle has been out 20 times and Zero Emissions stated they serviced their vehicles every two weeks. All Bugbugs riders must sign a form saying that their vehicle is in a good roadworthy condition before leaving Bugbugs premises.

Observation of pedicabs plying for hire indicates a wide variety of slight variations in design. Some of this seems to represent customisation by riders but other variations concern detailed design features of the machine. One area in which this variation was notable was in the protection of wheels. Some observed pedicabs have no protection to their wheels other than basic mudguards. Others have more substantial protection ranging from an extended mudguard that encases approximately half the wheel, wheel discs that prevent objects going into the spokes and mesh protectors that cover the wheel. Bugbugs stated that the mesh protectors to cover the rear wheels of the pedicab (and the cogs on the rear axle behind/beneath the passengers) had been supplied as a retrofit by their suppliers in response to the passenger casualty in Edinburgh. Bugbugs stated that these had been fitted to all their vehicles. The semi-stiff mesh in the judgement of TRL staff would probably prevent the accidental entanglement of passengers fingers – even assuming the passenger could reach - and of soft objects, such as a scarf. The mesh may not prevent the incursion of rigid objects. In view of the casualty in Edinburgh, the complete lack of wheel protection on some pedicabs that are plying for hire represents a cause for concern.

3.3 VISIT TO BUGBUGS

From the questionnaire responses received it was clear that Bugbugs were by far the most professional and organised of all the operators. The decision was taken to ask Bugbugs if we could visit their premises in Southwark, London to ask them further questions regarding their responses to our questionnaire and to take a look at their range of pedicabs.

Bugbugs agreed to a meeting and two members of their organisation were met. One was responsible for business development and rider recruitment, the second was responsible for pedicab servicing and was an ex-rider. The visit to Bugbugs lasted for around 1 hour in which time it was possible to ask further questions regarding their opinions of the Pedicab industry in London and what they regarded as good and bad practice. Topics such as rider training and compliance with traffic laws were also touched on. It was also possible to spend some time looking over the different types of vehicles that Bugbugs operate. Photographs of some of the vehicles can be found in Appendix 2.

Bugbugs stated that they are constituted as a non-profit-making trust and that their ultimate aim is to use surplus revenues to provide educational and other services to riders.

Bugbugs use 3 different types of Pedicab:
1. Velocabs (30)
2. Tipke (10)
3. Mainstreet (8)

The bikes are all of a similar design, although Bugbugs allow their riders to modify their bikes in certain ways. Riders are allowed to change to disc brakes all round, clip-on pedals, uprated suspension and various saddles. All of this equipment is supplied by riders themselves, although it must be checked before being let out onto the road.

The visit to Bugbugs highlighted a number of interesting points, which are listed below. Bugbugs have estimated that each of their bikes will travel around 30 miles a night and in 5 years of operation they have had only 1 major accident (with a bus) which involved no personal injury (Bugbugs have never had any form of passenger or rider personal injury). They also estimate
Review of the Safety of Pedicabs

that 60% of their business is for fun reasons (for example taking people down the road to a pub) and 40% is for logical reasons (the only form of transport available). It is believed that only 20% of passengers are tourists, and they never have any round the block journeys, they are all for a purpose.

In the last year Bugbugs have increased their number of pedicabs from 20 to 49. They have carried advertisements in the past for Safeway’s and Bloomburgs. It costs £700 to advertise on one Pedicab for one month, with adverts on the back of the passenger compartment, wheel guards (dependent on model of Pedicab) and on the front of the passenger compartment behind passenger legs.

The visit to Bugbugs highlighted a number of other operators that we had previously been unaware of. They informed us that The London Bicycle Tour Company rent out both their bikes to an operation called 'Chariot Bikes' who also have some bikes of their own. It was decided to contact LBTC again who confirmed this was the case (they had not previously mentioned this) and supplied us with contact information in the form of an address. Chariot Bikes were posted a copy of the questionnaire although no response has yet been received.

Bugbugs appear to have developed comprehensive and sophisticated operating procedures to ensure the quality of the service they provide. They are particularly aware of the branding potential of their service and of the significance of the quality of their product in developing their brand. This represents an important plank of their commercial strategy since they stated that it is from corporate sponsorship and advertising that they ultimately anticipate will provide their organisational operating revenue, as opposed to the passenger fares which are retained by riders and the fee the riders pay to lease the vehicle, which covers only the costs associated with that vehicle. Having developed these procedures, including the production of training manuals, tests etc Bugbugs consider them to be of commercial value and are reluctant to release details.

3.4 ROYAL SUN ALLIANCE INSURANCE

During the investigation it was ascertained that Royal Sun Alliance Insurance were the only company currently offering Personal Liability Insurance to Pedicab firms. They stated that one pedicab firm's renewal of their Public Liability Insurance was in doubt because of the level of malpractice in the industry. Under further investigation Royal Sun Alliance confirmed that pedicab insurance was under review by the company.

Quote from Stephen Comforth, Royal Sun Alliance "We are not looking to develop this type of business". He stated that Royal Sun Alliance were not prepared to take on any more contracts for pedicab companies in the future. It is unconfirmed that the pedicab firm concerned were able to renew their Personal Liability Insurance cover nor whether the other existing policy holders will be able to maintain their insurance cover. Royal Sun Alliance were not prepared to divulge the details of which pedicab operators hold policies with them.
4.0 Conclusions

As has been described in previous sections, the pedicab trade in London appears to be limited in its extent. While there are a number of operators that offer pedicab services, several of the operators seem to do so on a very casual basis, with anecdotal evidence from other sources indicating that they operate without premises. Certainly it has proved impossible to identify any means of contact with some operators.

The fragmentation of the pedicab industry and the 'invisibility' of some of the service providers, particularly in the context of a lack of centrally defined standards for the operation of pedicab services, are all grounds for concern.

Currently there is no basis upon which a member of the public can have any expectation of a given standard of vehicle maintenance, competence or operating practice on the part of the rider or operator. Moreover there is no clear means, other than via the branding employed by some of the operators, of distinguishing between different pedicab services that may offer significantly different levels of service.

The lack of standardisation in vehicle design is a further complication with a variety of pedicab designs being available for purchase, particularly via the internet. Without trials it is impossible to establish the relative performance of the different models in use in terms of key characteristics such as braking and stability. However in TRL's judgement some models available via the internet seem to pose particular hazards, for example in respect of pedestrian safety due to a lack of protection of hard and narrow leading surfaces. There is no evidence of these models being employed within London but equally the lack of regulation of the trade and the difficulty in making contact with some operators means that their use, either currently or in the future, is possible. Similarly it is possible to purchase electrically assisted pedicabs which incorporate battery-powered motors. Again there is no evidence of the use of these vehicles in London currently (or elsewhere in the UK) however their present use cannot be ruled out and, as noted above, Zero Emissions have stated their intention of introducing electrically assisted vehicles in 2002.

There are also grounds for concern regarding the health and safety of pedicab riders. There seem to be few limitations imposed by operators on the length of shift that riders can work, minimal guidance on warming up and stretching and no provision of safety of conspicuously equipment.

Nevertheless there are indications that there is a public demand for pedicab services and that their utilisation is to a significant degree as a means of transport, rather than, for example, a purely leisure activity. Subjectively the operation of pedicabs in certain parts of London, for example around Covent Garden and parts of Soho, adds to the vibrancy of the street scene and appears to be linked to the evening economy in those areas. Operators report that the evening is their busiest period with many journeys being made by people who are leaving restaurants and pubs and who are unable to find a taxi or bus service or who simply prefer the pedicab 'experience'.

There is evidence that the pedicab trade is economically marginal and many of the riders are employed, or self-employed, on a casual basis. For example, representatives of Bugbugs, the largest pedicab operator, claim that the organisation has not made any profit on its services to date, although it is anticipated that they will do so in the future. For other operators the pedicab operation is only one of a range of services they offer, including cycle hire, parcel delivery and the supply of vehicles to companies or events. It would seem likely that any attempt at regulation that resulted in significant cost to operators or riders would have the effect of discouraging some,
Review of the Safety of Pedicabs

possibly all, operators from offering the service at all and, without effective enforcement, would be ignored by the less responsible operators. There is however clear recognition on the part of some operators that the lack of regulation in the industry is potentially damaging and moreover places those operators who act responsibly, and incur maintenance and training costs in the process, at a competitive disadvantage against those who are less conscientious.

While operators claim to have no record of accidents or casualties involving their services and no significant experience of 'near misses', nevertheless the operation of these services in moving traffic does impose some risk on riders, passengers and other road users. It is impossible to quantify this risk on the basis of currently available information but it may reasonably be considered to be comparable to that of cycling in London traffic, although pedicabs appear largely slower and more visible than pedal cycles in London. It is also TRL's view that it is possible for operators and riders to exacerbate or minimise that risk by the manner in which vehicles are maintained and ridden and by their associated practices in respect of rider training and monitoring, policy on what sort of fares are accepted and what sort of journeys are made.

In the context of the above it may be that some formalising of the pedicab trade is necessary. This could apply both to the practice of operators and riders and to the locations from which services are provided. It is suggested that further research may be necessary to establish the viability of establishing a minimum standard of operation and a means of 'badging' those that comply either on a voluntary or a compulsory basis and of providing associated information to the travelling public.
5.0 Recommendations

In view of the information gathered in this project it is possible to make the following recommendations.

i. The establishment of a standard for the provision of Pedicab services, this to incorporate vehicle characteristics and operating practices, including the level of insurance necessary. The headings in the TRL questionnaire indicate the areas in which this standard may need to apply but further development is required to identify measurable parameters for those headings and to ‘benchmark’ current good practice within the Pedicab industry.

ii. Those operators that are willing to cooperate should be invited to participate in the definition of the standard. It is suggested that it would be particularly appropriate to involve representatives of Bugbugs in this process.

iii. If recommendation i. is acted upon, information should be produced for members of the public to help them understand what to expect from a pedicab trip. This should be associated with the development of a system of badge for those vehicles that meet the necessary criteria.

iv. Individual riders should be ‘licensed’ via a system which encourages them to meet a minimum standard of skill and reflects freedom from criminal record and competences such as first aid training. Again, ‘approved’ riders should be readily identifiable via badges and information on this system should be made available to the general public.

v. While not necessarily limiting pedicabs’ freedom to pick up and set down, there may nevertheless be scope to establish ‘ranks’ for them at high volume locations, e.g. Covent Garden. This could assist members of the public in locating approved services as well as helping to regulate the waiting behaviour of pedicabs and minimise their obstruction to the free flow of traffic or pedestrians.

vi. Legal opinion should be sought on the status of electrically assisted pedicab vehicles and the applicability of PSV regulations to their use.

- Acknowledgement

The study reported here was commissioned and funded by The Public Carriage Office, Transport for London.

The authors gratefully acknowledge the advice of Mr Roy Ellis, Head of the Public Carriage Office, and the co-operation and assistance of people involved with pedicab operations in London.
# APPENDIX 1

## Operator Information

| Organisation          | Address                        | Tel. No.          | Contact Name    | Number of vehicles | Nature of hire | Number of employed | Training Given | Rider insurance | Assistance in setting up | Safety equipment/clothing | Competence assessment | Check compliance with traffic law | Duration of shifts | Warming up guidance | First aid training | Mobile phone obligatory | Luggage weight limit | Children carried | Retusal of passengers | Facilities for children | Facilities for disabled | Fare                          | Fixed routes | Pick up points | Distance limit | Advice on route | Use of bus lanes | Vehicle Information (type 1) | Vehicle Information (type 2) | Vehicle Information (type 3) | Vehicle manufacturer |
|-----------------------|-------------------------------|-------------------|-----------------|-------------------|------------------|-------------------|-----------------|-----------------|-------------------------|----------------------|----------------------|------------------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|------------------|----------------|----------------|----------------|------------------|------------------|
| London bicycle tour co. | la Gabriel's Wharf, SE1 9FP London | 020 7928 6836 | Robert Graham  | 2, one for hire, one for hire | Yes | None, vehicles leased to riders | No | Yes, through company | Yes, carry out maintenance bike | No | Yes, 3-4 yrs experience is required, but this is not a training course to lease vehicle | Usually 6 hrs, but up to rider | No | Yes | No | Rickshaws are rated for weight, but it's up to rider calculated | Yes | Yes | Yes | Not specifically, deep seats | Negotiated prior to travel on a per person basis, under law of stag coach-hire seat | No, but work in particular areas | Anywhere | Usually 1 mile, but up to No rider | No | No, unless specifically asked for | Yes | Yes | Various | Cycles Maximus (com) | Cycles Maximus (com) | Cycles Maximus (com) |
| Bugbugs Ltd           | 9 Chancel Street, SE1 0UX London | 020 7620 0500 | Logan           | 49                | Yes | None, Vehicles leased after rider training | Yes, theory + practical tests | Yes, through company | Yes, carry out maintenance bike | No | No | Yes, in training + use of No support staff to check-up on riders | Up to the rider | Yes, through posters in Advised to stretch after work workshop | No | No | No | No | Yes, but not stated how | Negotiated prior to travel, Negotiated prior to travel on a per person basis, under law of stage coach-hire seat | Usually 5-8 hrs | Anywhere | No | No | Anywhere | Anywhere | Negotiated prior to travel, Negotiated prior to travel on a per person basis, under law of stage coach-hire seat | Cycles Maximus (com) | Cycles Maximus (com) | Cycles Maximus (com) |
| Zero Emissions Ltd     | 7c Plympton Street, NW8 8AB London | 020 7723 2409 | Andrea Casalotti | 1                | Yes | None, vehicle leased to riders | No | Yes, through London Cycling Campaign | No, but must sign checklist | No | Yes | Yes | No | No | No | No | No | No | Negotiated prior to travel, Negotiated prior to travel on a per person basis, under law of stage coach-hire seat | No, but work in particular areas | Anywhere | Usually 1 mile, but up to No rider | No | No, unless specifically asked for | Yes | Yes | Various | Cycles Maximus (com) | Cycles Maximus (com) | Cycles Maximus (com) |
| Cycles Maximus (com)   | 6-10 Kensington Place         |                   |                 |                   |                 |                   |                 |                 |                         |                     |                     |                         |                 |                 |                 |                   |                 |                 |                 |                         |                 |                 |                         |                 |                 |                 |                   |                 |

## Vehicle Information

- **Type 1**: Cycles Maximus (com)
- **Type 2**: Various
- **Type 3**: Cycles Maximus (com)

## Other Information

- **Vehicle manufacturer**: Cycles Maximus (com)
- **Location**: 6-10 Kensington Place
- **Contact**: Richard Burton
- **Date**: 13 Nov 2002 14:04

---

Review of the Safety of Pedicabs
## Review of the Safety of Pedicabs

<table>
<thead>
<tr>
<th><strong>BA1 6AW Bath</strong></th>
<th><strong>Mainstreet x8, Velocabs x30</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. of vehicles</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>01225 319414</strong></td>
<td>49, some with variations</td>
</tr>
<tr>
<td><strong>No. of wheels</strong></td>
<td>3</td>
</tr>
<tr>
<td><strong>In-front of passengers</strong></td>
<td>3</td>
</tr>
<tr>
<td><strong>Place of rider</strong></td>
<td>In-front of passengers</td>
</tr>
<tr>
<td><strong>Weight of chassis (in kg)</strong></td>
<td>80kg</td>
</tr>
<tr>
<td><strong>40</strong></td>
<td>see above</td>
</tr>
<tr>
<td><strong>Weight of seat (in kg)</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>In-front of passengers</strong></td>
<td>50kg</td>
</tr>
<tr>
<td><strong>Length</strong></td>
<td>2m</td>
</tr>
<tr>
<td><strong>2.3 m (without passenger 2.4 m compartment)</strong></td>
<td>2m</td>
</tr>
<tr>
<td><strong>Width</strong></td>
<td>1.2m or 1.08m (two diff 1.2 m sizes)</td>
</tr>
<tr>
<td><strong>Material of vehicle</strong></td>
<td>Steel-T45 Aircraft Grade</td>
</tr>
<tr>
<td><strong>Material of compartment</strong></td>
<td>Steel frame with canvas type Padded Vinyl seats and canopy</td>
</tr>
<tr>
<td><strong>Thickness of compartment</strong></td>
<td>40 mm</td>
</tr>
<tr>
<td><strong>Frame</strong></td>
<td>Passenger compartment is Single unit bolted to chassis</td>
</tr>
<tr>
<td><strong>Turning circle</strong></td>
<td>It can turn within it's length</td>
</tr>
<tr>
<td><strong>Stability</strong></td>
<td>Very-(subjective, manufacturer)</td>
</tr>
<tr>
<td><strong>Width of axle</strong></td>
<td>70 cm</td>
</tr>
<tr>
<td><strong>Height of passenger seats</strong></td>
<td>1100 mm</td>
</tr>
<tr>
<td><strong>Height or rider seat</strong></td>
<td>85 cm</td>
</tr>
<tr>
<td><strong>see below</strong></td>
<td>see below</td>
</tr>
<tr>
<td><strong>Adjustable seat</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td>see below</td>
</tr>
<tr>
<td><strong>Restraining</strong></td>
<td>No ('deep' seats)</td>
</tr>
<tr>
<td><strong>Yes, inertia reel seat belts</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Width of foot platform</strong></td>
<td>960 mm</td>
</tr>
<tr>
<td><strong>Lip on foot platform</strong></td>
<td>110 cm</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Height of lip</strong></td>
<td>120 mm</td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Non-slip surface</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Passenger head protection</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Power</strong></td>
<td>Human</td>
</tr>
<tr>
<td><strong>Human</strong></td>
<td>Human</td>
</tr>
<tr>
<td><strong>Electric assistance</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>No</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Output of electric motor</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>N/A</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Type of brakes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Hub</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Rim</strong></td>
<td>Front</td>
</tr>
<tr>
<td><strong>Disc</strong></td>
<td>Rear</td>
</tr>
<tr>
<td><strong>Operation of brakes</strong></td>
<td>Front</td>
</tr>
<tr>
<td><strong>Cable</strong></td>
<td>Rear</td>
</tr>
<tr>
<td><strong>Hydraulic</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Brakes on wheels</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Front Impact</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Low/small front wheel and Medium sized front wheel high steel framed handlebars and steel framed handlebars</strong></td>
<td>Rear, LED, Battery</td>
</tr>
<tr>
<td><strong>Parked brake</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Yes, on front wheel only</strong></td>
<td>Rear, LED, Battery</td>
</tr>
<tr>
<td><strong>Location of reflectors</strong></td>
<td>Along the back of the On mudguards and back chassis</td>
</tr>
<tr>
<td><strong>Lighting system front</strong></td>
<td></td>
</tr>
<tr>
<td><strong>£300 option - headlight with LED, Battery charged main beam + dip, indicators, charged horn, hydraulic brake. Light + power output 12v rechargeable battery</strong></td>
<td>Rear, LED, Battery</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>see above</td>
</tr>
<tr>
<td><strong>Filament or LED</strong></td>
<td>LED</td>
</tr>
<tr>
<td><strong>Battery or dynamo</strong></td>
<td>1 dynamo</td>
</tr>
<tr>
<td><strong>Lighting system rear</strong></td>
<td>Battery</td>
</tr>
<tr>
<td><strong>Yes</strong></td>
<td>Yes</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Location</th>
<th>2LEDs</th>
<th>LED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filament or LED</td>
<td>Optional</td>
<td>Battery</td>
</tr>
<tr>
<td>Battery or dynamo</td>
<td>Optional</td>
<td>Yes-all bikes</td>
</tr>
<tr>
<td>Indicators</td>
<td>Under passenger seat with passenger</td>
<td>Yes-all bikes</td>
</tr>
<tr>
<td>Brake lights</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Luggage storage</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Roll cage</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Weather protection</td>
<td>Canopy (optional)</td>
<td>Canopy</td>
</tr>
<tr>
<td>Collapsible</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Trap fingers in canopy</td>
<td>N/A, none collapsible</td>
<td>NO-(manufacturer claim)</td>
</tr>
<tr>
<td>Hang arm outside</td>
<td>Yes</td>
<td>NO-(manufacturer claim)</td>
</tr>
<tr>
<td>Wheels reachable</td>
<td>Yes</td>
<td>NO-(manufacturer claim)</td>
</tr>
<tr>
<td>Wheel guards</td>
<td>Yes</td>
<td>YES-(manufacturer claim)</td>
</tr>
<tr>
<td>Rear-view mirrors</td>
<td>Yes, when no passengers on board</td>
<td>YES-(manufacturer claim)</td>
</tr>
<tr>
<td>Rider see behind</td>
<td>Optional</td>
<td>Yes</td>
</tr>
<tr>
<td>Horn</td>
<td>Yellow</td>
<td>Black + Silver/ Yellow/ Red</td>
</tr>
<tr>
<td>Colour</td>
<td>No</td>
<td>Some</td>
</tr>
<tr>
<td>Speedometer</td>
<td>No</td>
<td>Some</td>
</tr>
<tr>
<td>Mileometer</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>How Frequently is cycle serviced</td>
<td>Up to company, but often Every 20 times a vehicle Every two weeks dictated by insurance goes out, it is given a full company to satisfy liability service insurance</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 2

Picture 1. A three-quarter rear view of a Bugbugs vehicle. The passenger compartment and the retro designed plastic mesh wheel spoke covers are visible. The frame for the canopy and the advertising board are on the back of the bike.
Review of the Safety of Pedicabs

Picture 2. The front of the passenger compartment where feet rest. It is also possible to see the unprotected chain and cog mechanism of the bike.
Review of the Safety of Pedicabs.

Picture 3. The retro fit that fits over the rear axle cogs to prevent anything getting caught up in them.
Picture 4. A Bugbugs pedicab stood on its end/back for ease of storage on Bugbugs premises. This design has plastic wheel guards to prevent items going into or coming out of the wheel.
APPENDIX 3

Questions that were put to pedicab companies via telephone interview or email. Responses are included in full at Appendix 1.

PEDICABS

Operator Questions

Name of operator

1. How many vehicles do they operate?
2. Are the vehicles of a standard design?
3. Are they operated by employees?
4. How are the riders trained?
5. How is their competence assessed?
6. What level of liability insurance cover is carried by the Operator?
7. How are they (the riders) insured?
8. Is there any policy on what the rider wears – i.e. helmets, conspicuity equipment?
9. Are any checks made on their compliance with traffic law?
10. Are they given assistance in setting up the machine?
11. How long are the shifts a rider will work?
12. Do they receive any guidance on warming up before setting off?
13. Do the riders have any first aid training?
14. What tax does the operator charge passengers?
15. How is the fare calculated?
16. Are children carried?
17. Are there any special facilities provided for children?
18. Is a weight limit applied to luggage?
19. Can riders refuse passengers who are drunk or too heavy?
20. Do they generally travel on a fixed route?
21. Is advice given on the routes riders should take?
22. At what points do they pick up customers?
23. Is a distance limit applied?
24. Do the vehicles use bus lanes?
25. Are you aware of any other operators:

The vehicle
Complete one for each substantially different type of vehicle in use. For almost identical vehicles, note and photograph any significant variations.

1. How many of this type are in operation? (manufacturer?) (model?)
2. How many wheels does the cab have?
3. Does the rider sit in front of or behind the passengers?
4. How heavy is the vehicle?
5. How long is the vehicle?
6. How wide is the vehicle at its widest point?
7. Of what is the vehicle frame constructed?
8. What is the passenger ‘compartment’ made of?
   Material:
   Thickness:
9. Is the frame a single unit or bolted together?
10. What is the turning circle of the vehicle at 5mph?
11. How stable is the vehicle at speed?
12. How wide is the axle at the passenger seats?
13. How high above the ground are the passenger seats?
14. How high is the rider seat?
15. Can the rider adjust the seat height?
16. How are the passengers restrained?
17. How wide is the foot platform?
18. Is there a lip on the foot platform?
19. How high is the lip of the foot platform?
20. Is there a non-slip surface for the passenger’s feet?
21. Is any head protection (e.g. headrests) provided?
Review of the Safety of Pedicabs

22. How does the rider power the vehicle

23. Is there electric assistance?

24. If yes, what is the rated output of the electric motor?

25. What type of brakes does the vehicle have?
   Hub:
   Rim:
   Disc:

26. How are the brakes operated?
   Cable:
   Hydraulic:

27. Which wheels are the brakes on?

28. Describe the front impact surface in collision with pedestrians

29. Is there a parking brake?

30. Where are reflectors located on the vehicle?

31. What lighting system is in use

<table>
<thead>
<tr>
<th></th>
<th>Front</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filament or LED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery or dynamo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rated output (watts)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

32. Are electric indicators or brake lights fitted?

33. Where is luggage carried?

34. Is any roll-cage or similar structure fitted?

35. Is there weather protection for passengers?

36. If there is a canopy, is it collapsible?

37. Could a passenger trap their fingers in a collapsible canopy?

38. Is the passenger easily able to hang their arm outside the vehicle

39. Can the passenger reach the wheel?

40. Is the wheel guarded to prevent passengers hands going in/to stop debris flying out of the wheel?

41. Is the vehicle fitted with rear-view mirrors?

42. Could the rider readily see behind them, even with the canopy up?

43. Does the vehicle have a horn or other means of warning other road users?
Review of the Safety of Pedicabs

44. What colour is the vehicle?

45. Is the vehicle fitted with a speedometer?

46. Is the vehicle fitted with a mileometer?

47. How frequently is the vehicle serviced?
Consultation on the Licensing of Pedicabs

28 June 2006
Contents

1. Introduction
2. Background
3. Making a submission
4. Overview of the proposals
5. Rider licensing
6. Area of operation
7. Vehicle licensing
8. Pedicab ranks
9. Fares
10. Cost of licensing
11. Conclusions

Annex A Consultation list
Annex B TfL consultation policy statement
Annex C Proposed conditions of fitness for pedicabs
Annex D Proposed rider licensing requirements
Annex E Proposed vehicle licensing requirements
Annex F Presentation of a pedicab for licensing
Annex G Regulatory impact assessment
Annex H Aide memoir
Annex I Identification of the central London Congestion Charging area

Further copies of this document can be obtained from the PCO website: www.tfl.gov.uk/pedicabs email: pedicabs@pco.org.uk or by telephone to 020 7126 1966 (Fax 020 7126 1933).
1.0 Introduction

1.1 This document proposes a form of licensing for pedicabs, their owners and their riders in London. It is a consultation document and comments are invited from all those who have an interest in this activity. The procedure for responding is set out in section 3.

1.2 In the light of the Better Regulation Taskforce report, the Public Carriage Office (PCO) expects to be reviewing the legislative requirements in respect of taxi and taxi driver licensing with a view to simplifying and reducing the burden on licensees. This consultation document reflects the current taxi licensing regime but the PCO would in time apply any rationalisation of the regulations to both motor hackney carriages (MHCs) and pedicabs.
2.0 Background

2.1 Pedicabs (sometimes referred to as cycle rickshaws) are pedal-powered cycles (typically with three or four wheels) used for the purpose of carrying fare-paying passengers. They are a relatively new feature of the London street scene having been in evidence for about 7 years. It is thought that there are around 300 pedicabs in London working predominantly in the West End around the theatres and Covent Garden, although some are found in other parts of the capital.

2.2 As a result of a court judgment in 2003¹ pedicabs have been regarded as stage carriages and consequently excluded from the definition of hackney carriages (taxis). This has meant that they are not subject to any of the licensing legislation that applies to other forms of public transport used for hire and reward.

2.3 The London Local Authorities and Transport for London Bill (2005) proposed a form of registration and other regulations for pedicabs in London. This part of the Bill was unsuccessful and the proposals within this consultation are intended to address the areas of concern.

2.4 Concern has been expressed about:
- the safety of pedicabs and their riders, and,
- the inability of Transport for London (TfL) and local authorities to take effective enforcement action against those pedicab riders who contravene traffic and parking regulations.

2.5 The PCO aims to achieve better regulation and traffic management through a fair licensing system which enables effective enforcement. This will give structure to a form of public transport which is not at present regulated.

2.6 Acting on recent legal advice, TfL is now of the view that the legal judgment of 2003 was based on incomplete evidence in that account was not taken of the Transport Act 1985 (paragraph 16, Schedule 1) which effectively abolished the term ‘stage carriage’. TfL is advised that pedicabs should be regarded as hackney carriages and should be subject to the legal provisions relevant to those vehicles, including a requirement for them to be licensed. A declaratory judgment is being sought from the High Court to clarify this matter.

2.7 As pedicabs are not motor vehicles (although some have a degree of mechanical assistance) they are not seen as falling within the definition of a private hire vehicle (minicab). As they do not run on a prescribed route, have regular stopping places or run to a timetable, they are not regarded as public service vehicles (buses).

2.8 The pedicabs that are the subject of this consultation document are those which are made available with a rider for the purpose of carrying passengers for payment. Pedicabs used for the carriage of goods, or which do not otherwise carry passengers for payment, are not believed to fall within the definition of a hackney carriage, are not currently being considered for licensing and are not the subject of this consultation.

¹ Oddy v Bugbugs Ltd [2003] EWHC 2865.
3.0 Making a submission

3.1 This consultation document addresses how it is proposed by TfL that pedicabs would have hackney carriage legislation applied to them in the event that a judicial decision confirmed that this was appropriate.

3.2 The proposals cover the licensing of both pedicab riders and vehicles.

3.3 The document is being sent initially to the organisations and individuals listed at Annex A. Comments from other interested organisations or individuals are also welcome. The PCO will welcome suggestions as to other organisations that should see it.

3.4 Consultation responses must be sent in writing by Wednesday 27 September 2006 for the attention of Richard Hodges at the PCO. They can be sent by post, fax or e-mail to:

Pedicab Consultation,  
Public Carriage Office,  
15 Penton Street,  
London, N1 9PU  
Fax number: 020 7126 1933  
E-mail: pedicabs@pco.org.uk

If you are responding by post, please submit two copies of your response.

If you are responding as a representative organisation, please include in your response some background information about your organisation and the people that you represent.

3.5 Consultees are asked to make clear which part of the consultation document their comments refer to by reference to the paragraph numbers used in this document.

3.6 The PCO will give full consideration to all responses to this consultation. The decision on whether to proceed with the licensing of pedicabs will be informed by these responses, along with a range of other factors. A summary of the comments received will be published on the TfL website at the end of the consultation period.

3.7 The Freedom of Information Act 2000 requires public authorities to disclose information they hold if it is requested. This includes information contained in responses to public consultations. If you ask for your response to be kept confidential this will only be possible if it is consistent with TfL’s obligations under the Freedom of Information Act.

3.8 Enquiries about the contents of this consultation document may be made to Richard Hodges, Pedicab Project Officer, on telephone 020 7126 1966.

3.9 Further copies of this consultation document can be obtained via the Transport for London website: www.tfl.gov.uk/pedicabs or by email: pedicabs@pco.org.uk or telephone to 020 7126 1966 or fax 020 7126 1933.

What happens next?

3.10 The responses to this consultation will be considered by Transport for London (TfL), who will make an announcement about the implementation of any changes. TfL would plan to make such decisions within a period of three months from the end of the public consultation exercise. It is then proposed to initiate a second, brief, consultation on the specific changes proposed to the London Cab Order 1934 to accommodate pedicab licensing.
4.0 Overview of the proposals

4.1 Hackney carriages, normally referred to as taxis (and sometimes as “black cabs”) and their drivers are regulated by the PCO on behalf of Transport for London. The principal regulations are contained in the London Cab Order 1934 made under the Metropolitan Public Carriage Act 1869. Applying the same regulations to pedicabs would require both vehicles and riders to be licensed.

4.2 In summary, licensing assesses the ‘fitness’ of both vehicles and riders on the following aspects:

**Vehicles:**
- suitability for the role; and,
- condition of the vehicle.

**Riders:**
- age;
- character;
- medical fitness;
- topographical skills (an appropriate Knowledge of London assessment); and,
- driving / riding ability.

This consultation document also addresses:
- the means of identifying licensed vehicles and riders;
- requirements relating to those who own licensed vehicles;
- ranks; and,
- fares.

4.3 In the event that pedicabs are found by the High Court to be hackney carriages, no pedicab would be permitted to carry passengers for hire and reward unless licensed and ridden by a licensed pedicab rider. Licensed pedicabs would be permitted to ply for hire on the street and at designated ranks. Fares could be regulated by TfL. This will place requirements upon the rider, the vehicle and the owner of the vehicle. Each of these aspects is considered in the paragraphs that follow.

4.4 These proposals will require changes to the London Cab Order 1934 which will be considered following this consultation exercise.

4.5 Throughout this document distinction is drawn between motor hackney carriages (MHCs) and pedal-powered hackney carriages (pedicabs). Both would, subject to the declaratory judgment referred to in paragraph 2.6, constitute taxis and be subject to the regulations (amended as necessary) relating to taxis.
5.0 Rider licensing

5.1 Rider requirements would be met by a rider licensing scheme operated by the PCO. The proposed requirements are presented in detail in Annex D, whilst the principal issues arising are discussed in this section.

5.2 The purpose of these requirements is to ensure that any licence issued fulfils the requirements already in place for taxi driver licensing. Some requirements have been modified to ensure that they are appropriate to the pedicab industry.

5.3 A pedicab rider licence will be required in order to ply for hire with a pedicab. Those wishing to become pedicab riders will be required to apply for a licence and meet the required conditions. Applicants will be required to demonstrate that they are eligible to work in the UK.

5.4 The licence will be valid for a period of three years.\(^2\)

**Competence**

5.5 Evidence will be required that a rider is competent to handle a pedicab. This could be achieved by a requirement that the applicant has achieved CTC (National Standard for Cycle Training) Level 3 and has demonstrated this competence on a pedicab. This independent qualification is the nearest equivalent to a motor vehicle driving licence, and demonstrates that a pedicab rider has completed a competence-based qualification that is relevant to the type of vehicle being ridden.

The PCO has the following options:
- require the CTC (National Standard for Cycle Training) Level 3 and demonstration of this competence on a pedicab;
- require a more demanding achievement, such as a full DVLA motor cycle licence, or
- do nothing and assume that pedicab riders understand road traffic regulations and are capable of riding safely in central London traffic.

The PCO is minded to adopt the first option.

Views are invited on the level of cycling competence necessary.

**Age**

5.6 The present requirement for taxis is that a driver must be at least 21 years old. This is considered to be an age at which a driver has experience and is capable of the responsibility of moving passengers in London traffic. Comments are invited on whether a similar age should be required for pedicab riders.

**Character**

5.7 The PCO intends to require evidence of an applicant’s character, including information on convictions, cautions and any outstanding charges. This requirement is equivalent to that for other driver licences issued by the PCO, i.e. taxi and private hire drivers. A conviction will not automatically disqualify an applicant from holding a licence. Consideration will be given to the type of offence(s), if any, and the date(s) when they occurred.

\(^2\)The length of licence is set by section 8(7) of the Metropolitan Public Carriage Act 1869.
The PCO has the following options:

- do nothing and expect that pedicab riders are all of good repute;
- require a Criminal Records Bureau (CRB) check with a standard disclosure; or,
- use the existing established method for taxi and private hire drivers of a Criminal Records Bureau (CRB) check with an enhanced disclosure, recognising that a pedicab rider may have contact with vulnerable people.

The PCO is minded to require the third option with enhanced disclosure, as past offences have demonstrated that, even if there is reduced information available for some riders (such as overseas applicants), a reduced level of security checks will increase risk. This will require overseas criminal history checks if the applicant has lived in a country other than the UK for one or more continuous periods of 3 months during the last 3 years. TfL will require a Certificate of Good Conduct from their embassy, which must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. This will be required in addition to the CRB check.

At present, it takes between four and six weeks to receive the results of a CRB check. The PCO cannot influence this timescale. A pedicab rider licence will only be issued on receipt of a satisfactory CRB report.
5.0 Rider licensing (continued)

Topographical Knowledge

5.8 The PCO is considering whether a topographical knowledge test appropriate to pedicabs and their operating area would be beneficial. This would be to the benefit of passengers as a rider with knowledge would take a more efficient route which may affect the fare charged. A rider without detailed knowledge may take a journey which is longer in both distance and time.

The PCO has the following options:
• to monitor the operation of pedicabs and consider the need for a knowledge requirement at a later date;
• to make a commitment to introduce a knowledge based competency test within the first rider licensing period. This accepts that existing pedicab riders have a basic knowledge of central London but that this needs to be demonstrated by new applicants; or,
• in the light of the proposed limited area of licensing (section 6), and the transient nature of pedicab riders, to require no specific topographical testing.

The PCO is minded to adopt the third option.

Medical Fitness

5.9 The PCO is also considering the need for a medical fitness standard for pedicab riders. The standards which are applied to taxi and PHV drivers take into account the vehicle that they are controlling. The pedicab is very different in weight, speed and in its ability to continue moving if the rider is incapacitated: the design and low speed of a pedicab should contribute to a relatively quick stop with little or no damage.

The PCO has identified the following options:
• accept that a pedicab rider, if capable of operating the vehicle, is acceptably fit and will not require a medical examination;
• require a declaration from the applicant that they are not suffering from a medical condition that could affect the safe control of the vehicle;
• require confirmation from his General Practitioner that there is no medical condition likely to impair his ability to perform defined duties as a pedicab rider; or,
• require a medical examination comparable to that required for taxi and PHV drivers taking into account the differences of the pedicab vehicle.

Comment is invited on what medical standards would be appropriate.

Disciplinary Procedures

5.10 Existing disciplinary procedures for London taxi drivers would apply to pedicab riders, including provision for suspension or revocation of the licence in the event of a misdemeanour, and for appeals in the event of refusal, suspension or revocation of a licence.\(^3\)

\(^3\) Disciplinary procedures set by article 19 of the London Cab Order 1934.
6.0 Area of operation

6.1 The PCO is minded to license pedicab riders for a specified area of operation only. This would be comparable to suburban taxi drivers, who can pick up passengers only in their specified area as they only have the knowledge qualification for that area, though they can take the passengers elsewhere. In addition, whilst MHC drivers cannot refuse fares and must undertake any requested journeys of less than 12 miles, it would be unrealistic to expect pedicabs to go beyond significantly smaller limits due to the physical demands on the rider. There must be an assurance that the passenger(s) will be safely delivered to their destination with no risk that they might effectively be ejected from the pedicab because the driver is tired or unable to continue. For visitors to London and vulnerable people, this could result in them being stranded in an unfamiliar or unsafe location with no alternative safe form of transport to continue their journey.

6.2 At present, there is no control of the areas in which pedicabs operate, but in practice they tend to work within a half-mile radius of Leicester Square Underground Station, including Piccadilly Circus, Covent Garden, Soho, Shaftesbury Avenue and Charing Cross. There are also individual trips to specific destinations such as Euston and Waterloo stations, Oxford Street, the Royal Festival Hall and the British Museum. These current ‘boundaries’ are self-imposed or defined by the availability and requirements of customers.

6.3 In defining the area(s) of operation there are a number of options, including:
- no limit at all;
- the area known as the Central London congestion charging zone (as at 31 March 2006). This would be easier to identify than a radius. This is the area identified in Annex I; or,
- a simple radius around Charing Cross. The boundary could be defined by named roads. A half-mile radius would include such places as Somerset House, Covent Garden, Horse Guards Parade but not Soho Square or the lower end of Tottenham Court Road. A three-quarter -mile or one-mile radius would include other destinations such as Waterloo Station, Oxford Circus and the British Museum.

The PCO is minded to adopt a half-mile radius around Charing Cross with the boundary identified by named roads.

6.4 Comments are invited on the proposals to limit the area of operation of pedicabs.

6.5 The PCO would also consider licensing riders for other sectors, the limits of which would be detailed in consultation with the local authority concerned. The PCO would consider and welcome comments on these and other possibilities. There will be a requirement to ensure that any area chosen is appropriate to the physical limitations of the pedicab rider.

Pedicabs could be licensed to operate:
- within a named London borough outside the identified central zone;
- within a specified area within a London Borough;
- within an existing hackney carriage suburban sector;
• along a specified route or corridor; or,
• within a specified radius (e.g., half a mile) of a specified town centre or tourist attraction.

The PCO is minded to adopt the last of these options.

Comments are invited on the proposals to introduce additional areas of licensing.
7.0  Vehicle licensing

7.1 Vehicle requirements will be met by a licensing scheme operated by or on behalf of the PCO. The proposed requirements are presented in detail in Annexes C and E, whilst the principal issues arising are discussed in this section.

Pedicab owners, operators and proprietors

7.2 ‘Operator’ or ‘proprietor’ are other terms used in the relevant legislation to describe the owner of the pedicab.

7.3 The proprietor of a pedicab will be required to apply for a licence for the vehicle, and will be required to ensure that all his/her licensed pedicabs meet the licensing requirements at all times.

7.4 The proprietor will also be required to insure and maintain the vehicle.

7.5 If the vehicle is used by riders other than themselves, proprietors will be required to record the details of those riders together with the relevant dates and times that the vehicles are used.

7.6 Proprietors will also be required to complete a Criminal Records Bureau (CRB) enhanced check as they will control the use of pedicabs and so should meet the same standards of character. This requirement is consistent with that for MHC proprietors.

7.7 The proprietor may have responsibility for offences relating to that pedicab and will be required to provide the PCO and/or the relevant authorities with details of the rider when requested. This requirement is also consistent with that for MHC proprietors.

7.8 It would be the responsibility of the owner to have the vehicle licensed whether or not that person was the rider.

7.9 The licensing period for a vehicle will be one year. A licence and identifying plate will be issued: both items would remain the property of TfL and would have to be returned when expired. The plate or other identifier will have a unique number and be affixed to the rear of the vehicle.

7.10 The details required in an application for a pedicab licence are given in Annex F.

Suitability of the vehicle for the role

7.11 Taxis are required to comply with Conditions of Fitness which specify certain technical requirements to ensure that the cab is fit for purpose. Pedicabs will similarly be required to meet a minimum standard and be maintained to that standard throughout the licensing period. The PCO is aware that accidents, that could have been prevented by design, have occurred in the past involving pedicabs and, in licensing them, the PCO will wish to be assured that they are as structurally and mechanically safe as such vehicles can be.

7.12 Pedicabs will, therefore, be required to comply with Conditions of Fitness specific to them. The proposed Pedicab Conditions of Fitness are detailed in Annex C and consultees are invited to comment on them. The PCO will particularly welcome responses from pedicab manufacturers.

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4 The length of licence is set by section 6(4) of the Metropolitan Public Carriage Act 1869.

5 Cabs presented for licensing are required to meet the conditions of fitness as set by article 7(3)(a) of the London Cab Order 1934.
7.13 The pedicab should be of a design which has the rider in the front or forward position and the passengers seated to the rear. Pedicabs that have the passengers in the forward position are considered to restrict rider visibility, especially when a canopy is raised, and to place passengers in a more vulnerable position.

7.14 The proposed overall dimensions for pedicabs are based on vehicles currently in use in London. It is necessary to specify maximum dimensions for traffic control, and to help specify the requirements and potential sites for pedicab ranks and the number of pedicabs that can wait at those ranks. The PCO will welcome comments on the proposed dimensions of pedicabs.

7.15 The PCO is minded to license pedicabs for a maximum of 2 passengers.6

7.16 As with other taxis, pedicabs will not be permitted to carry any signs or advertisements which have not been approved by the Licensing Authority.7

**Condition of the vehicle**

7.17 The PCO is considering the most appropriate method of carrying out vehicle inspections, and will welcome comments and proposals in response to this consultation. The content of the inspection would be similar in each of the proposals.

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6 Note that pedicab fares will be for the vehicle, not per passenger (Paragraph 9.5).
7 Requirements for advertisements is set by article 14(l) of the London Cab Order 1934.
7.0 Vehicle licensing (continued)

7.18 Inspections could be carried out either:

• by examiners at TfL premises, or at the premises of TfL’s service provider; or,
• by examiners at the proprietor’s premises.

The PCO will identify the preferred procedure after considering responses to this consultation.

7.19 The PCO has the following options for ensuring the condition of vehicles.

• One licensing inspection for each pedicab each year with random, on-street compliance inspections. This is comparable to the present taxi regime, and is expected to deliver good regulatory control at a total estimated cost of £28,500 per annum, (£95 per vehicle) excluding the licence plate.

• Two licensing inspections a year with a reduced level of compliance inspections. This option is expected to increase costs to approximately £42,000 per annum (£140 per vehicle) excluding licence plates.

• One licensing inspection each year with reduced random, on-street, compliance inspections. This would reduce costs to the pedicab industry but would also reduce the effectiveness of regulation. The estimated cost of this option would be £22,500 per annum (£75 per vehicle) excluding licence plates.

The PCO is minded to adopt the first option.

7.20 Ongoing routine compliance enforcement is expected to be based on a random sample of a minimum of 30% of pedicabs each year. Analysis of the results of this sample will help target owners or proprietors for more detailed inspections where necessary.

Identification and licence plate location

7.21 Effective arrangements must be in place to identify vehicles in use as pedicabs. It is expected that this will be achieved by licence plates or other identifier attached to the rear of the vehicle and in the passenger compartment.

7.22 As pedicabs have no form of registration plate it is necessary for the rear licence plate to be placed centrally on the pedicab so that it is clearly visible to other road users and enforcement cameras, and readable from a reasonable distance. The style of the plate will be different to that of MHCs.

7.23 There should also be a small licence number plate fixed in a position within the passenger area so that passengers can identify the pedicab from their seat. In addition, there will be a requirement to display insurance details and a fare chart. Difficulty may be anticipated in adequately protecting these notices from the weather: responses will be welcome on these requirements and on the best method of meeting them.

Costs

7.24 The cost of a one year licence for a pedicab is not yet finalised. An indication of costs is given in section 10 but this is expected to be comparable to other licences issued by the PCO, at present around £100.00 per annum.
8.0 Pedicab ranks

8.1 As pedicabs are to be licensed, there will be a need to appoint ranks, so that there are dedicated places where they can ply for hire whilst stationary.

8.2 Ranks will be established using the present PCO procedures to accommodate pedicabs waiting for hire. It is expected that these will be specifically for pedicabs, in order to assist passengers in identifying the type of vehicle they wish to hire, and to help reduce the congestion and obstruction that is at present associated with pedicabs.

8.3 In the City of London, ranks are designated by the City Police. The PCO will initiate appropriate discussions with the City Police.

8.4 As pedicabs work predominantly in the evening and at night, there is the opportunity to operate ranks at certain times only. This will help to reduce the effects of those ranks on traffic flow at other times of the day.

8.5 As is customary with taxi ranks, the ranks for pedicabs will be appointed only after the PCO has consulted with the relevant local/highway authority.

8.6 A condition may be placed on the licence of pedicab riders to prevent them from parking on existing taxi ranks that were designated with motorised hackney carriages in mind.

8.7 Comments are invited on whether motorised hackney carriages and pedicabs should share the same ranks or whether each should have their own separate ranks.

8.8 The PCO is minded to designate existing ranks for MHCs only, and to designate new ranks specifically for either pedicabs or MHCs.
9.0 Fares

9.1 Taxi fares in London are regulated by the PCO. Pedicab fares are not regulated at present: the fare is agreed by the rider and passenger(s) in advance. Separate fares are charged for each passenger – the pedicab is not hired as a whole. This method of charging arises from the previous interpretation of the law suggesting that if pedicabs charged in this way they could be defined as stage carriages and thereby be excluded from the hackney carriage definition. If pedicabs can no longer be classed as stage carriages and are to become licensed then this method of payment is no longer relevant.

9.2 There is a range of opinions on the present level of pedicab fares. Some consider them reasonable as the pedicab is a novel and fun form of travel. Others consider them excessive in comparison with taxi fares for the same journey.

9.3 Comments are invited on the introduction of regulated fares for pedicabs. The system adopted would need to take account of simplicity, accuracy and variations in vehicles and environment. For taxis, the London Cab Order 1934 requires fares to be displayed in order to inform passengers in advance of the cost of their journey.

9.4 It would be difficult to introduce metered fares based on distance due to the cost and technical difficulties in fitting meters to pedicabs.\(^8\) The available options are that the PCO sets fares using one of the following methods.

• Set specific fares for the most popular journeys, with a published fare chart displayed on the pedicab. This would be straightforward in principle but many journeys will not match the examples specified.

• Specify a simple time-based fare structure. Both rider and passenger(s) would be able to identify the time from start to end of hire. The fare can then be read from a simple fare chart;

• Set zonal fares based on the number of zones the journey passes through;

• Set fixed fares regardless of time or distance, and taking account of the restricted area of operation; or,

• Do nothing, and leave riders and passengers to negotiate fares, as self-regulation will limit or expand the number of customers relevant to the fares charged.

9.5 Comments are invited on the method of charging which should be adopted.

9.6 The PCO is minded to set a standard fare for all journeys which would be per vehicle, not per passenger.

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\(^8\) Introduction of meters to pedicabs would be problematic as:
• tyre sizes are not constant, and so measurement of mileage would be unreliable;
• there is no digital pulse available to trigger a meter;
• any electronics on the pedicab would be exposed to the elements;
• it would be difficult to mount the meter in a position visible to both rider and passengers;
• the additional cost involved, and
• the lack of a suitable product on the market, and the time needed to develop a suitable product for such a small market.
10. **Cost of licensing**

10.1 The following paragraphs consider the costs of introducing the proposed pedicab licensing scheme in London.

10.2 Adequate insurance to cover third-party liabilities\(^9\) will be a requirement of pedicab licensing but, as it is understood that most pedicab proprietors already have such insurance, its cost has not been included in this assessment.

10.3 TfL has a statutory responsibility to recover all licensing costs through the licence fees. The proposed cost of an annual vehicle licence is £100, including the cost of the application, examination for compliance, grant of licence and production of the vehicle identification plate.

10.4 The cost of a 3-year rider licence is expected to be £185 including the cost of the CRB check (if required). The applicant would also incur a charge for the external medical examination which is expected to be £60, should this be required.

10.5 The table below gives an estimate of annual licensing costs for individual vehicles and riders, with an estimated total cost to the industry assuming 300 vehicles and riders.\(^{10}\)

10.6 This is a total annual cost, excluding any medical cost, to the industry of £48,500, equivalent to £161.67 per vehicle and rider. This gives a weekly cost over 52 weeks of £3.11 (£1.92 to the proprietor and £1.19 to the rider), though pedicab operations tend to be focused in the tourist season. These costs do not include insurance and maintenance.

<table>
<thead>
<tr>
<th></th>
<th>Vehicle approval and inspection fee</th>
<th>Compliance cost</th>
<th>Plate production cost</th>
<th>Rider licensing</th>
<th>CRB check</th>
<th>Medical examination</th>
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<td></td>
<td>£185 for 3 years</td>
<td></td>
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</tr>
</tbody>
</table>

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9 Article 8 of the London Cab Order 1934 requires insurance “complying with Part II of the Road Traffic Act 1930 as amended by any subsequent Act”. These provisions have been superseded on several occasions and are now replaced by Part VI of the Road Traffic Act 1988. Due to the wording of the Cab Order these provisions apply to all taxis irrespective of whether they are motorised or not.

10 In practice it is likely that there will be more riders than vehicles, but these figures are given for illustrative purposes only.
10.7 The total cost to the industry, £48,500, represents costs incurred by the PCO in respect of:

• administration and conduct of vehicle inspections;
• administration and issue of pedicab licence and plate;
• administration and assessment of rider applications;
• rider CRB check;
• appeals process; and,
• rider and vehicle compliance activity.
11. Conclusions

11.1 This document has set out proposals for a pedicab licensing system for London. It is a consultation document and responses are invited from interested parties as set out in section 3.

11.2 It is considered that licensing will benefit the pedicab industry and pedicab users in London. The Regulatory Impact Assessment (Appendix G) identifies the benefits that would be expected to accrue to all stakeholders.

11.3 The responses to this consultation will help to develop a system that achieves maximum benefits to all parties.
Annex A  Consultation list

Alexander Anteliz (Pedicab Operator)
All London Local Authorities
All London Magistrates Courts
Association of British Insurers
Association of London Government
Association of Magisterial Officers
Bio Bikes
Bugbugs (Pedicab Operator)
Cab Chat
Cab Driver
Cab Trade News
Call Sign
Chauffeur & Executive Association
(sub group of LPHCA)
Children and Adults (MENCAP)
City of London Ltd
City of London Police (Commissioner)
Confederation of Passenger Transport UK
Consumers Association
CTC Greg Woodford
Deafblind UK
DfT
Disability Rights Commission
Disabled Persons Transport Advisory Committee
(DPTAC)
Driver Guides Association
Equal Opportunities Commission
Federation of Private Hire Vehicles
Film Unit Drivers Guild
GLA Assembly Members
GMB Professional Drivers Branch
GMB Union
Greater London Action on Disability
Greater London Magistrates Court Association
Greg Woodford, Cycle Training Officer
Gregory Dabrowla (Pedicab Operator)
Helen Mcilwaine
- Local Government Northern Ireland
Help The Aged
Home Office PSTU
House of Commons Transport Select Committee
Joint Committee on Mobility for Blind and
Partially Sighted People
Joint Committee on Mobility for Disabled People
(JCMD)
Kristof Draskoczy (Pedicab Operator)
Lambeth Minicab Forum
Licensed Private Hire Car Association (LPHCA)
Licensed Taxi Drivers’ Association
London Accessible Transport Alliance
London Cab Drivers’ Club Ltd
London Development Agency
London Fire Service
London Members of Parliament
London Mobility Unit
London Motor Cabs Proprietors’ Association
London Pedicabs (Pedicab Operator)
London Private Hire Board
London Rickshaws (Pedicab Operator)
London Suburban Drivers Coalition (LSDC)
London Taxi Times
London Tourist Board
London TravelWatch (formerly LTUC)
Magistrates Association
Metropolitan Police
  - Commissioner
  - Project Sapphire
  - TOCU
  - Clubs and Vice
National Private Hire Association
National Union of Students
Nippy Bikes (Pedicab Operator)
Owner Drivers’ Society
Pedal Media Ltd (Pedicab Operator)
Private Hire & Courier
Private Hire Car Association (PHCA)
Private Hire News
Promobikes Ltd (Pedicab Operator)
Ray Miller - Local Government Cambridge
Regulatory Impact Unit
Robin Marshal (Pedicab Operator)
Rolling Gallery (Pedicab Operator)
Royal Association for Disability and Rehabilitation
Royal National Institute for the Deaf
Royal Parks Police
Royal Society for Mentally Handicapped
SCOPE
Simon Noall (Pedicab Operator)
Small Business Service
Society of London Theatre
Society of Professional Licensed Taxi Drivers
Suzy Lamplugh Trust
Taxi
Taxi Globe/NTG Magazine
Taxi News
Taxi Talk
Taxi Today
TaxiCab News
TGWU
The Badge
Tower Hamlets Customers Services
Tower Hamlets Race Equality
Transport & General Workers Union
Transport for London Board Members
Transport for London
  - TPED
  - TECO
  - Congestion Charging Unit
  - Cycling Centre of Excellence
  - Equality and Inclusion
  - London Underground
  - Bus Priority Team
Visit London (formerly London Tourist Board)
Westminster Society
Yellow Pedicabs Ltd (Pedicab Operator)
Zero Emissions Real Options Ltd (Pedicab Operator)
Annex B  TfL consultation policy statement

Consultation helps TfL to make better-informed decisions and makes us accountable to the public. It is important to each of the individual businesses. All staff have a role to play.

Framework

We will comply with our legal obligations to consult, including duties to consult on best value reviews, private hire licensing, applications for Transport & Works Act orders, changes to local bus services, granting of London service permits and traffic orders.

We will go beyond our legal obligations where the following three tests are met:

• it will help us to make better-informed decisions and become more accountable to the public;
• it is practical and affordable; and,
• we have learnt what we can learn from research, complaints and suggestions.

In doing so, we will consider two options:

• carrying out consultations not required by law. This may involve going beyond the minimum requirements set out in relevant legislation by consulting more widely or at additional stages. Or it may mean consulting on projects where we have no obligation to consult at all; and,
• meeting the public. For example, we will attend regular liaison meetings with London boroughs, local forums, residents’ associations and user groups. We will maintain a continuous dialogue with the London Transport Users Committee. And we will arrange open public meetings, surgeries and discussions with schools.

Public consultations

Consultations - statutory or otherwise - provide us with opportunities to advocate what we believe to be right and to listen to responses from the public. We will adhere to the following principles.

Principle 1: Focused and timely

We should only consult if we have a clear purpose and an open mind.

• we will set specific objectives for each consultation exercise, considering alternative approaches such as market research.
• we will seek public input into the design of options as well as consulting on specific proposals.

Principle 2: Accessible and targeted

People directly affected by a proposal should have a right to know about it and an opportunity to have their say. If we fail to target our audience and develop appropriate communication materials and techniques we risk swamping familiar stakeholders, while leaving the ‘silent majority’ and socially excluded groups without a voice.

• we will identify our target audiences and appropriate communication channels when setting consultation objectives;
• we will seek to explain why the issue is important;
• we will use appropriate and accessible language and formats; and,
• we will give consultees the name of someone they can talk to.
Principle 3: Informative and accountable

If we tell the public everything they need to know, they are more likely to feel we are accountable to them and their responses should be more helpful.

• we will provide full explanations of options and proposals in plain language;
• we will set out clearly the previous stages in the process and what decisions have already been taken; and,
• we will provide feedback on the consultation, explaining what we have decided and why, and saying what happens next.

Principle 4: Timed appropriately

A common criticism of public service consultations is that we do not give stakeholder groups enough time to co-ordinate the views of their members before they respond. The public are generally happy with shorter timescales. Except in circumstances beyond our control:

• we will give consultees a minimum of two months to respond to major consultations; and,
• on more minor local ones we will give stakeholder groups a minimum of five weeks to respond, and individual members of the public at least three weeks.

Principle 5: Honest and fair

The public will be justly critical of us if we appear to favour particular options and interests without good reason or to be withholding key information in any consultation process. At worst we may lay ourselves open to costly legal action.

• we will ensure that what we say in our proposals and feedback is accurate and balanced, while explaining it where appropriate in the context of the Mayor’s Transport Strategy; and,
• we will test any changes we have introduced, involving the public wherever possible, and, if we feel we have got things wrong, admit and rectify our mistakes.

Consultation toolkit

The toolkit offers guidance on how to put these principles into practice, how to use complaints, suggestions and research, how to consult the public, how to provide them with feedback, and who you can go to for help.

Training

Relevant managers and staff will be offered training in consultation and given an opportunity to comment on the toolkit.

Evaluation

Performance against this policy will be evaluated.
Recognising that pedicabs are expected to be regarded as taxis, these draft Conditions of Fitness for Pedicabs are based on the existing Conditions of Fitness for motor hackney carriages (MHCs) in London with appropriate modifications. The final document may be published as an Annex to the Conditions of Fitness for MHCs.

Transport for London Public Carriage Office

Conditions of Fitness for Pedicabs

Part 1 Procedure to be followed by manufacturers and owners of pedicabs for use in London.

1. New types of pedicab
2. Presentation for vehicle licence
3. General

Part 2 Conditions of Fitness

4. General construction
5. Wheel configuration
6. Additional fittings
7. Lighting
8. Steering
9. Tyres
10. Wheel and tyre protection
11. Brakes
12. Electrical equipment
13. Body
14. Canopy or roof
15. Passenger seating
16. Rider’s area and controls.
17. Fare table, certificate of insurance and small identification plate
18. Floor covering
19. Audible warning device
20. Maintenance

Part 3 Directions

21. Advertisements
22. Badges/Emblems
23. Additional advisory requirements not forming part of inspection

Notes

a) In these Conditions the “Licensing Authority” means Transport for London which will exercise the duties imposed by the London Cab Order 1934 as amended by the Greater London Authority Act 1999.

b) The term “approved” in the Conditions of Fitness refers to approval by the PCO Head of Vehicle Inspections and Standards.

c) Transport for London’s Conditions of Fitness in Part 2 and Directions in Part 3 are laid down or made in accordance with the terms of paragraphs 7 and 14 respectively of the London Cab Order 1934, as amended.

d) The Conditions of Fitness in Part 2 operate from the commencement of pedicab licensing. Vehicles that meet these conditions remain subject to the conditions while the vehicle is licensed unless specific amendments to the Conditions of Fitness for Pedicabs identify retrospective requirements.

e) The Directions in Part 3 apply to all licensed vehicles.
Construction and licensing of pedicabs in London

In accordance with the provisions of paragraph 7 of the London Cab Order, 1934, in pursuance of the Metropolitan Public Carriage Act 1869, no vehicle shall be licensed as a cab unless it is fit for public service and conforms to the requirements in this booklet. Where legislation identified within these Conditions of Fitness is amended then those amendments are automatically incorporated in these Conditions.

Issued by:
The Public Carriage Office
15 Penton Street
London, N1 9PU

Part 1 Procedure to be followed by manufacturers and owners of pedicabs for use in London.

1. New types of pedicab
   a) Before constructing any new type of pedicab, manufacturers are advised to study the Conditions of Fitness set out in Part 2 of this booklet. Where the design or concept of the proposed vehicle is significantly different from those set out here, the manufacturer should send to the PCO Head of Vehicle Inspections and Standards dimensioned drawings or blueprints, together with detailed specifications of the proposed cycle, for advice as to its general suitability for public service in London. It is also advisable to arrange for a preliminary inspection. The address is:

   Public Carriage Office
   15 Penton Street
   London N1 9PU

   b) In any case, application for the approval in advance of licensing of a pedicab must be made in writing to the Public Carriage Office, and must be accompanied by dimensioned drawings or blueprints, together with detailed specifications and any particulars required by the Head of Vehicle Inspections and Standards.

2. Presentation for vehicle licence
   a) Before a pedicab licence can be issued, the vehicle must be presented at such passing station or other place that Transport for London may direct and any previous licence and licence plate must be returned.

   b) A licence will be issued for a specified maximum number of passengers, based on the size of the passenger area and seating.

3. General
   a) Even where the conditions set out in this booklet have been complied with, approval will be withheld if the Licensing Authority is of the opinion that a vehicle is unsuitable for public use.

   b) Although the Licensing Authority may extend its approval of any particular type of pedicab to all other pedicabs conforming to the design of that type, he may withdraw such general approval if, in his opinion, any unsuitable features arise.

   c) It is accepted that the nature of pedicabs, and in particular the differences between them and standard bicycles, may make it impractical to comply with all of the requirements of the standards and regulations referred to below. Allowances will therefore be made for situations identified below where it is not practical to comply.
Annex C    Proposed conditions of fitness for pedicabs (continued)

Part 2 Conditions of fitness

N.B. The following requirements apply to all vehicles licensed in London, including those that have been modified after first licensing.

4. General construction

Every new and existing type of pedicab must comply where practicable with the requirements of:

a) BS EN 14766 2005 or equivalent;

b) The Pedal Cycle (Construction and Use) Regulations 1983; and,

c) The Pedal Bicycle (Safety) Regulations 2003 will apply to pedicabs regardless of seat height and classification as a bicycle.

5. Wheel configuration

Pedicabs will be so constructed that they will have a minimum of three wheels, at least two at the rear and one at the front. This will apply to all pedicabs unless the Head of Vehicle Inspections and Standards grants specific exemption.

6. Additional fittings

No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.

7. Lighting

Pedicabs must comply with the Road Vehicles Lighting Regulations 1989 and must be fitted with:

a) a minimum of one obligatory front position lamp, (as identified in schedule 2 of the lighting regulations). Two front position lamps will be required if the pedicab has four or more wheels.

b) a minimum of two obligatory rear position lamps, (as identified in schedule 10 of the lighting regulations).

c) a minimum of two obligatory rear retro reflectors, (as identified in schedule 18 of the above regulations).

d) a minimum of two additional stop lamps, (as identified in schedule 12 of the lighting regulations). Illumination of the stop lamps may be switched by the operation of either or both braking systems, a decelerometer switch or another automatic means; and,

e) directional indicators (identified as ‘optional direction indicators’ in schedule 7 of the lighting regulations) must be fitted. The visibility requirements of schedule 7 part 3 must be met.

Note: the above requirements may exceed the minimum requirements for pedal cycles.

8. Steering

The driving position must be the forwardmost position on the pedicab unless granted specific exemption by the Head of Vehicle Inspections and Standards. The steering when turned to full lock in either direction must not affect the stability of the vehicle when turning.

9. Tyres

All tyres must comply with the following requirements:

a) the tread pattern should be clearly visible over the whole tread area, around the entire circumference and across the whole breadth of the tread.
b) there should be no exposed cords; and,
c) the load ratings of all tyres must be suitable for the pedicab when fully loaded. Where a tyre does not display a maximum load weight, then the tyre manufacturer’s technical information must be presented.

d) securely fitted; and
e) permanently wired.

Any electrical equipment fitted must be maintained in good condition and fully functional. Any battery fitted must be of a type that will not leak.

10. Wheel and tyre protection

a) All wheels (including the tyre and brake mechanism) that are in the vicinity of the passenger compartment must be covered for the protection of passengers or their clothing. It must not be possible for passengers or their clothing to touch any part that may rotate whilst riding on the vehicle.

b) The braking system must be at least 50% efficient at all times, with or without passengers.

11. Brakes

a) Braking systems used on pedicabs must comply where practicable with the requirements of BS EN 14766 2005, the Pedal Cycle (Construction and Use) Regulations 1983 and relevant EU Directives.11

b) There must be at least one mirror fitted to the offside of the vehicle in order to monitor other road users. A nearside mirror will also be permitted in order to monitor the view to the nearside.

c) The outer edge of any entrance to the floor of the passenger compartment should not exceed 38cm above ground level when the vehicle is unladen. It should be fitted with non-slip high visibility (yellow) markings. These markings should be secure at all times and must not present a trip hazard.

d) Holds or handles to aid passenger access or egress should be clearly identified with high visibility (yellow) markings.

11 The minimum requirements for brakes is set by regulation 7 of the Pedal Cycle (Construction and Use) Regulations 1983. This section requires two independent braking systems front and rear.
14. **Canopy or roof**
   
a) Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered. This should be achieved by means of a locking mechanism to secure the canopy or roof in the raised or lowered position as required.
   
b) Visibility from the passenger compartment must not be restricted by the design of the pedicab. If the canopy or roof restricts vision then it must incorporate a clear panel to the rear no smaller than 600mm wide by 200mm high. If vision is restricted to the sides then clear panels, not less than 200mm square, should be incorporated in the sides. Any canopy or curtain to the front must be predominantly clear.
   
c) Where the design of the canopy or roof does not allow for windows or clear panels of this size then consideration will be given to a specific exemption by the Head of Vehicle Inspections and Standards.

15. **Passenger Seating**
   
a) The rear seat dimensions must be adequate to accommodate one or two adult passengers, based on a width of 450mm per passenger. Passenger seating must be forward facing.
   
b) Every pedicab presented for licensing must be fitted with seatbelts which are adequate to retain the passenger in the vehicle and which bear an EC or BSI mark.

16. **Rider’s area and controls.**
   
a) The rider’s controls and surrounding area must be so designed that the rider has adequate room, can easily reach and quickly operate the controls and give hand signals when required.
   
b) The position of the rider’s seat must not be such that it restricts access or egress to the passenger compartment.

17. **Fare chart, certificate of insurance and small identification plate**
   The fare chart (if required), certificate of insurance and interior identification plate must be displayed within the view of passengers and should remain static when the canopy or roof is raised or lowered.

18. **Floor covering**
   The flooring of the passenger compartment must be of a non-slip material which can be easily cleaned.

19. **Audible warning device**
   Pedicabs will be required to have a warning bell fitted complying with the requirements of the Consumer Protection, Pedal Bicycles (Safety) Regulations 2003.

20. **Maintenance**
   Pedicabs and all their fittings, advertisements etc. must be maintained to standards that meet these Conditions of Fitness for pedicabs throughout the validity of the licence. The vehicle must be kept clean and in good order.
at all times. Pedicabs will at all times be subject to test and inspection and, should it be found that a vehicle is not properly maintained or in good working order, a notice will be served on the owner prohibiting its use until the defect has been rectified and the vehicle has been reinspected.

Part 3 Directions

21. Advertisements
   a) Suitable advertisements may be allowed on the exterior or interior of pedicabs subject to the approval of the Licensing Authority. All materials used in the manufacture of, and for the purpose of fixing, advertisements to the pedicab must be approved.
   b) Advertisements will not be approved for use unless they comply with the Consolidated Guidelines for advertising on licensed London taxis.

22. Badges/Emblems
   a) In addition to advertisements displayed in accordance with the previous paragraph, vehicles may display the official badge or emblem of organisations which provide emergency vehicle repair and/or recovery services or membership of which indicates that the rider possesses professional skills/qualifications which enhance the pedicab service provided to the public.
   b) Badges may be affixed to the front of the vehicle only and in such a manner as not to be detrimental to the operation of the vehicle, or likely to cause injury to any person, or to detract from any authorised sign which the vehicle may be required to display.
   c) No advertisement, badge or emblem, including the stick-on type is to be exhibited other than is provided for in the directions contained in these paragraphs.

23. Additional advisory features not forming part of inspection
   Passenger compartment
   a) The vertical distance between the highest part of the floor in the passenger compartment and the underside of any canopy or roof (when locked in the raised position) should be not less than 1.3 metres.
   b) The materials used to form the passenger seat should be waterproof so that they will not absorb or retain water. Seats must be constructed of a suitable fire resistant material to BS 5852 part 1 1979 or equivalent.
1. A licence will be required for a pedicab rider to ply for hire. The following details set out what will be required to obtain a licence which, if issued under the London Cab Order 1934, will be to a named individual who is the licensee.

2. Driver licences issued under the London Cab Order 1934 are effective for 3 years, which will also apply to pedicab riders.

3. The purpose of these requirements is to ensure that any licence issued fulfils the requirements already in place for taxi driver and private hire driver licensing. Some requirements have been modified to ensure that they are appropriate to the pedicab industry.

4. Applicants would obtain an Application Pack from the PCO. The application form will require information on the applicant including:
   • personal details including name, address, gender, age, date and country of birth and a contact telephone number. This is required for communication between the PCO and the rider licence holder. Previous addresses may be required if the period of residence at the present address is short.
   • rider competence. Evidence will be required that the applicant has achieved a suitable standard.12
   • details of any previous applications to the PCO, in order to reduce the possibility of multiple records for an applicant;
   • character history, including information on convictions, cautions and any outstanding charges;13
   • photographs for the rider’s licence and the licensing records; and,
   • method of payment details. Standard information to enable the payment of an appropriate fee.

5. Riders are required to be at least 21 years of age.14

6. The PCO is considering whether a Knowledge of London test appropriate to pedicabs and their operating area would be beneficial.15

7. The PCO is also considering the need for a medical fitness standard for pedicab riders.16

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12 Paragraph 5.5.
13 Paragraph 5.7.
14 See also paragraph 5.6.
15 Paragraph 5.8.
16 Paragraph 5.9.
1. A pedicab vehicle licence will last for one year if licensed under the London Cab Order 1934. The licence and identifying plate would be issued and the plate affixed to the rear of the vehicle. The plate will have a unique number. Both items would remain the property of TfL and would be returned when expired.

2. A vehicle would be licensed by its owner, whether owner-rider or proprietor. A proprietor owns or represents a company which rents licensed vehicles to licensed riders.

3. The owner of a pedicab will complete an application pack obtained from the PCO. This will require the following information:
   - personal details, name, address and contact telephone number. All pedicab licences will be registered to an owner. If the application is on behalf of a company, the applicant will be required to state their position in the company and to confirm that they are authorised to make the application;
   - pedicab details, frame number, make, model and colour. This information is required to identify a vehicle. The frame number is equivalent to the chassis or vehicle identification number on a motor vehicle. As pedicabs do not have a registration number then the frame number will be used with the PCO licence number to individually identify the vehicle;
   - address at which pedicab will be kept. The address of the owner may differ from the address at which the pedicab is kept. The PCO may from time to time require to inspect a pedicab and will therefore need to know the location where it is kept;
   - method of payment details. Standard information to enable the payment of an appropriate fee; and,
   - there will also be a declaration that the information given is correct and true.

4. The pedicab owner will be required to maintain records of who uses each pedicab and for what periods. The owner will have responsibility for any offences relating to that pedicab and will be required to provide the PCO and the relevant authorities with details of the rider when requested.

5. The cost of a licence for a pedicab, which is expected to be for one year, is not yet finalised. An indication of costs is given in the regulatory impact assessment but is expected to be equivalent to other licenses issued by the PCO, at present around £100.00 for the year.
Annex F  Presentation of a pedicab for licensing

1. Once the application for the pedicab vehicle licence has been submitted and accepted, the vehicle will be presented for inspection and, if accepted, the licence will be issued.

2. The location of the inspection will be as directed by the PCO. This may be one or more sites selected by the PCO, or may be the premises of the licensee.18

3. The inspection will consist of an examination of the vehicle against the Conditions of Fitness for Pedicabs (Annex C). It is expected to consist of the following elements:
   - confirmation that the pedicab is of a type that meets the described configuration;
   - an inspection to confirm that all the requirements of the Conditions of Fitness for Pedicabs are met;
   - an inspection to determine that the vehicle is free from defects; and,
   - confirmation that the vehicle has appropriate insurance.

4. If a pedicab fails the inspection, the reasons for the failure will be confirmed in writing and a date for re-inspection of the failed items will be given. A pedicab will be re-inspected once at no additional charge. A re-inspection must take place within 21 days: otherwise a new inspection will be required.

5. If a pedicab fails the inspection a second time then a further appointment will need to be applied for with an appropriate charge for the inspection only. This approach is consistent with other vehicles licensed by the PCO.

6. The brake test applied to pedicabs is expected to be measured by a deceleration meter. The figure of 50% performance (identified in the Conditions of Fitness for Pedicabs) is equivalent to the performance of main braking systems of other vehicles licensed by the PCO.

18 See paragraph 7.18.
Overview

1. This assessment estimates the benefits and costs of licensing pedicabs using the London Cab Order 1934 and accompanying regulations. The existing Order does not specifically encompass pedicabs, their owners or riders and will therefore require amendment.

2. The purpose of these changes is:
   - to give pedicab passengers in London comparable protection to taxi and private hire passengers against offences, as far as rider and proprietor/owner regulations allow, and
   - to enable regulation of the vehicle design in order to improve the overall safety and operation of pedicabs as far as is practicable with this type of vehicle in the London environment.

3. The London Cab Order 1934 sets requirements for the licensing of taxi drivers and vehicles. It permits the granting of licences, provides for the setting of fees and makes provision for refunds in certain circumstances. The order confirms that it is the owner or proprietor who is responsible for obtaining a vehicle licence. Proposals for the licensing of pedicab riders and vehicles are presented in this consultation document, together with proposed Conditions of Fitness which a pedicab must meet before issue of a licence.

4. The alterations to the Order are expected to be introduced on one given day. There may be requirements for temporary rider licences and/or vehicle licences. There may also be a requirement for an appropriate form of topographical knowledge testing.

Benefits

5. The benefits of licensing pedicabs and their riders will accrue to:
   - the public and tourists who use pedicabs;
   - the owners and proprietors of pedicab businesses;
   - TfL (including the PCO) and other regulatory and enforcement bodies; and,
   - other road users.

These benefits fall broadly into the following categories:
   - passenger and road safety;
   - industry standards and public perception; and,
   - enforcement.

6. The proposed licensing scheme will bring benefits which some pedicab associations have sought to achieve through a code of practice for pedicab operators and a code of conduct for pedicab riders. The licensing scheme covers the areas that these voluntary requirements address.
Annex G  Regulatory impact assessment (continued)

Passenger safety

7. Licensing is expected to improve passenger safety by bringing order to a service that is at present unregulated and in particular by the following means:
   • Pedicab riders will be licensed taking into account their competence, character and health to reduce any risk to passengers. This may include a check on any convictions;
   • All pedicabs will be inspected and confirmed as mechanically sound and suitable for use as a pedicab before issue of a licence;
   • Licensed pedicabs will be positively identifiable via a licence plate issued by the PCO;
   • Pedicab riders will be positively identifiable through the vehicle licence plate and by the records maintained by the operator; and,
   • Pedicabs will be subject to interim inspections within the licensing period.

Industry standards and public perception

8. Whilst some pedicab operators have regulated themselves to work to a set of standards, there are no formal requirements and it can be difficult for those who conform to these standards to compete against others who do not. The proposed licensing system will require all pedicabs to operate to the same standards. This will improve public perception of pedicabs which are seen by many to be a fun and novel form of transport. It is expected that licensing will also:
   • encourage vehicle manufactures to improve vehicle standards;
   • improve the availability of insurance to pedicab operators and riders;
   • improve public awareness of the limitations of pedicabs as to distance and passenger safety; and,
   • clearly identify their area of operation so that the public and other service providers understand the limitation of the pedicab service.

Enforcement

9. The identification of unlicensed pedicabs will become more efficient as a result of:
   • the licence plate affixed to the rear of all licensed vehicles; and,
   • the recording of proprietor and rider details on a central database.

10. These provisions will also enable any offending licensed vehicle, owner or rider to be traced through the licence plate number.

Effects on business

11. London’s pedicab industry including riders, proprietors and manufacturers would all be affected by the introduction of pedicab licensing. The effect is expected to be comparable to that in similar activities such as the taxi and private hire trades.
12. Estimates of the size of the pedicab industry in London have been derived with the London Pedicab Operators Association (LPOA). It is considered that there are 250-300 pedicabs operating in London, some owned by the rider but many rented to individual riders by an operator.

Implications for pedicab owners and proprietors

13. An owner or proprietor is required to ensure that all licensed pedicabs meet the licensing requirements at all times. Owners and proprietors may also be required to complete a Criminal Records Bureau (CRB) enhanced check as they will control the use of pedicabs and so should meet the same standards of character. This is equivalent to the requirements of taxi proprietors.

14. An owner or proprietor of a pedicab will also be required to maintain a record of riders and their use of individual pedicabs by date and time. This will enable identification of the rider of a pedicab at any time, and equivalent to the requirements of taxi proprietors.

Regulatory impact on vehicle

15. The proposed Conditions of Fitness for pedicabs will help the industry develop pedicabs that are most suitable for their purpose. The comments of all sections of the pedicab industry are sought in this consultation exercise in order to ensure that all requirements are taken into account.

Cost of licensing

16. The costs of introducing the proposed pedicab licensing scheme in London are considered in section 10 above.

17. TfL has a statutory responsibility to recover the entire pedicab licensing costs through the licence fees. The cost of the annual vehicle licence is proposed to be £100.

18. The cost of a rider licence is expected to be £185 for a three year period. The applicant would in addition incur a charge for the external medical examination which is expected to be £60, should this be required.

19. This is a total annual cost to the industry of £48,500 (excluding any medical costs), equivalent to £161.67 per vehicle and rider. This gives a weekly cost over 52 weeks of £3.11, of which £1.92 arises to the proprietor and £1.19 to the rider. These costs do not include insurance and maintenance.

20. The total cost to the industry of £48,500 represents expenditure incurred by the PCO in respect of:
   • administration and conduct of vehicle inspections;
   • administration and issue of pedicab licences and plates;
   • administration and assessment of rider applications;
   • rider CRB checks;
   • appeals procedure; and,
   • rider and vehicle compliance enforcement.
21. It is generally accepted that licensing will benefit the pedicab industry in London. The responses to this consultation document will be used to develop the proposals to ensure that these benefits are maximised.

**Risk reduction**

22. The present lack of regulation and very limited controls on pedicabs in London is considered to pose unnecessary risks to users and to the public at large. Whilst most pedicabs are understood to be insured, there is no check on this.

23. The pedicab trade in London has worked to achieve a degree of self-regulation through an operators’ association and by introducing voluntary standards. It is expected that licensing will:

- improve safety for passengers through rider licensing;
- improve the standards of vehicles,
- ensure proper identification of pedicab riders, vehicles and operators through the licensing register;
- assist the police and traffic authorities in maintaining proper road behaviour by pedicabs; and,
- ensure that vehicles are properly insured.

24. These changes will act to reduce risks within the pedicab industry.
This document in its entirety forms the consultation document and any part of it may be referred to in a response. Comments are specifically invited on the following points from the main document, but comment need not be limited to these.

**Rider licensing**

5.5 Rider competence
5.7 Character
5.8 Topographical knowledge
5.9 Medical fitness

**Area of operation**

6.3 Defining the areas
6.5 Other sectors or areas

**Vehicle inspection**

7.18 Inspecting the vehicle
& 7.19

**Fares**

9.5 Method of fare charge
Annex I

An area of operation has been identified within this document as the Central London congestion charging zone (as at 31 March 2006).

For the purpose of identifying this zone relevant to this document, it is the area inside and excluding the following roads and any short connecting roads (clockwise from Vauxhall Bridge):

- Vauxhall Bridge Road
- Bressenden Place
- Lower Grosvenor Place
- Grosvenor Place
- Duke of Wellington Place
- Hyde Park Corner
- Park Lane
- Marble Arch
- Old Marylebone Road
- Marylebone Road
- Euston Road
- Grays Inn Road
- Swinton Street
- Penton Rise
- Penton Ville Road
- Goswell Street
- Wakley Street
- City Road
- Old Street
- Great Eastern Street
- Commercial Street
- White Chapel High Street
- Mansell Street
- Mans Yard
- Minories
- Tower Bridge Approach
- Tower Bridge
- Tower Bridge Road
- Old Kent Road
- New Kent Road
- Elephant and Castle
- Newington Butts
- Kennington Lane
- Vauxhall Bridge
London’s Rickshaws
The Transport Committee’s scrutiny into the future of London’s pedicabs
February 2005
Membership of the Transport Committee

Lynne Featherstone - Chair (Liberal Democrat)
Roger Evans - Deputy Chair (Conservative)
John Biggs - Labour
Angie Bray - Conservative
Elizabeth Howlett - Conservative
Peter Hulme Cross - UK Independence Party
Darren Johnson - Green
Murad Qureshi - Labour
Graham Tope - Liberal Democrat

The Transport Committee’s general terms of reference are to examine and report on transport matters of importance to Greater London and the transport strategies, policies and actions of the Mayor, Transport for London, and the other Functional Bodies where appropriate. In particular, the Transport Committee is also required to examine and report to the Assembly from time to time on the Mayor’s Transport Strategy, in particular its implementation and revision.

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Chair’s Foreword

As a regular visitor to Dhaka it is not uncommon to see rickshaws vie precariously for space among its crowded and cluttered streets with tuk-tuks, cars and buses.

Less common is their presence in the UK but take a trip to the West End on a Friday night and it is impossible not to come across the fleets of rickshaws that patrol the theatres and bars of Soho. As a Councillor in Westminster I have raised concerns about the safety of these rickshaws and now as a Rapporteur on behalf of the London Assembly’s Transport Committee, I have decided to look again at the issue, not least because legislation is before Parliament which deals with rickshaws or pedicabs as they are defined in the Bill.

I have examined what kind of legal status pedicabs should be given, the potential impact current proposals could have on pedicabs and what, if any, regulation could ensure that pedicabs can operate as part of London’s many and varied transport network in the future.

I am acutely aware of the problems that pedicabs do and could potentially bring to the streets of the capital but I do not think they should be banned outright.

Pedicabs provide a useful short distant off peak service ferrying tourists and Londoners between various stops within London’s late night economy. Admittedly, pedicabs when compared to buses or taxis, pound per distance, do not offer good value but if they are too expensive they will soon be priced from the streets of London.

Rickshaws in my view provide a welcome and colourful, albeit, minor addition to the streetscape of the West End. And that’s how it should stay.

Pedicabs can also be a minor nuisance, whether it is blocking access from theatres or holding up traffic. Because of this the Transport Committee has recommended to London’s MPs that they support the aspect of the legislation that makes pedicabs subject to parking fines. However, we also share the concerns of taxi drivers and pedicab operators alike about forcing pedicabs from the relative safety of bus lanes and ask that pedicabs are not subject to bus lane fines as the Bill proposes.

We have also concluded that in future there should be relatively light touch regulation for pedicabs managed by Transport for London (TfL) - ensuring that licensed pedicabs meet certain safety and insurance requirements. Although it is highly unlikely that numbers of rickshaw would mushroom out of control, TfL should also be given powers to allow for a tight control on numbers.

I’d like to also take this opportunity to thank those representatives from the Licensed Taxi Drivers Association, the Public Carriage Office and the London Pedicab Operators Association who gave generously of their time and expertise to the Committee.

Murad Qureshi AM
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1. **Introduction**

1.1 You only have to step out of a West End show on a Friday night to realise that over the last few years, there has been one particularly distinctive arrival on the streetscape of the West End – the rickshaw. Introduced at the turn of this century, rickshaws or pedicabs have become a familiar and high profile presence on the streets of Soho and Theatreland, ferrying tourists and Londoners from A to B, typically from theatre to restaurant across a couple of blocks in Soho. Since then, their novelty remains undimmed and their numbers have increased.

1.2 Pedicabs offer Londoners and tourists an additional choice for typically short journeys within Soho and the West End. Most demand can be sourced to theatres, cinemas, restaurants, clubs and bars and their business is largely concentrated between late evening and early morning. Per mile, pedicabs work out more expensive than a taxi and it is estimated that around 250 pedicabs now work the streets of London.

1.3 Their arrival has not been universally welcomed, however. It is claimed that they hold up traffic, pose a risk to public safety by blocking fire exits when plying for trade and only offer an expensive alternative to walking rather than an emission free alternative to taxis or buses. There remain deep concerns too about their safety and their suitability to become part of the mainstream of London traffic.

1.4 The London Assembly has decided to examine the role that pedicabs have to play in London and in particular the West End. It is a timely examination as legislation\(^1\) is being put to MPs that would give pedicabs a legal status that would make them liable to parking and traffic contraventions like any other vehicle.

1.5 The Transport Committee has therefore met informally with the Licensed Taxi Drivers Association (LTDA), the London Pedicab Operators Association (LPOA) and the Public Carriage Office (PCO)\(^2\) and has also gone to the West End to see for themselves the demand and the effects generated by pedicabs.

1.6 Pedicabs emerged in London when a company, Bugbugs, took advantage of a legal loophole in the Metropolitan Public Carriage Act 1869. The Act legislated for the exclusive right of Licensed Hackney Carriages to ply for hire on the streets of London – however this exclusivity did not include “stage carriages”, an omission which permits pedicabs to ply for hire in London\(^3\). After a series of cases brought to court by the Licensed Taxi Drivers Association, this loophole was upheld in 2002\(^4\) and pedicabs have continued to ply for hire in London, almost exclusively in the West End.

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\(^{1}\) London Local Authorities and Transport for London Bill, Section 4

\(^{2}\) Notes from these meetings are attached.

\(^{3}\) London is therefore unique in this regard to the rest of the country and explains why pedicabs have not been allowed to flourish in other parts of the UK

\(^{4}\) Further details of this case can be found at [http://www.richardbuxton.co.uk/reference/view.php?table=transcripts&id=119&flag=name](http://www.richardbuxton.co.uk/reference/view.php?table=transcripts&id=119&flag=name)
1.7 The overwhelming majority of pedicabs are driven by individuals who hire the pedicab from a pedicab operator. Very few of the 250 pedicabs in London are owned by their rider. Fares for pedicabs are determined largely by the driver at the time the passengers board. The London Pedicab Operators Association (LPOA), was formed in 2004 in order to establish a lobby on behalf of the pedicab industry and to establish certain codes of practice and conduct across London's pedicab operators and riders. The LPOA now represents around 80% of the pedicabs currently thought active in London.

1.8 However, as it stands there is no way that a pedicab driver or operator can be identified if they are involved in a crash (to date there has not been a serious accident involving a pedicab in London) or if they found to obstructing a bus lane, pedestrian right of way or are parked on a double yellow line.

1.9 The part of the Private Bill that deals with Pedicabs addresses those issues, providing pedicabs with a legal definition and local authorities and Transport for London with the power to hold riders and operators responsible for their actions on the road. A registration scheme, supervised by the Public Carriage Office, would allow for rider and operator recognition.

1.10 This report seeks to assess the potential impact of the proposed legislation based on the evidence we have heard from key stakeholders and also to consider the possibility of future regulation and the potential shape any such regulation may take.

2. The Proposed Legislation

2.1 It is important to note that the Bill before Parliament to deal with Pedicabs does not seek to regulate pedicabs, merely to make them liable for bus lane, parking and other road traffic contraventions. To make this possible, two things are required. Firstly, it is necessary to establish a legal definition for pedicabs so that they can be added to existing parking and traffic legislation. Secondly, a registration scheme is required which can allow pedicab drivers and operators to be identified should they contravene any such legislation. The Bill does not seek to establish a licence scheme or any other regulatory function for pedicabs.

2.2 Pedicabs have been defined in the Bill as a “cycle to seat one or more passengers... for the purpose of being made available with a driver for hire.” A pedicab business is one which owns, lets out and takes bookings for pedicabs. As it stands, the Bill would make pedicabs liable for using bus lanes (cyclists and taxis are exempt from such liability), parking on double yellow lines and the blocking of pavements. This liability would rest with the operators, who have hired out the pedicabs, and not the riders themselves (unlike with private hire firms).

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5 For example, there was initially a clause in the Bill that sought that each Pedicab operator as part of the registration scheme would be required to prove they held third party insurance. This clause was removed as it was felt by those sponsoring the Bill that such a requirement would sit more easily in any future legislation that would seek to regulate the pedicab industry more comprehensively.
2.3 The registration scheme would make it illegal for unregistered pedicabs to ply for hire in London. Pedicab operators would register their pedicabs with the Public Carriage Office for a “reasonable fee” so that should a pedicab be involved in a contravention of road and traffic law, a fine could be levied against the operator. Pedicab riders are not required to be registered and are not therefore liable to the fines incurred by their riding of the pedicab.

The case against legislating for pedicabs

2.4 The LTDA opposes the Bill out of hand on the grounds that pedicabs should not be legislated for but rather legislated against and banned altogether. The LTDA have been vociferous in campaigning against pedicabs on the grounds that they offer neither value for money or safe travel for their customers.

2.5 The LTDA’s conducted research, carried out in full by TRL, which concluded that the Pedicabs tested did not comply to Highway Code regulations, although the code made no specific reference or requirements to or of pedicabs. The report also asserted that unless pedicabs actually replace motor vehicles journeys, which there is no evidence to suggest that they do as yet, there is little environmental benefit to pedicab use.

2.6 However, the report’s central concern focused on the safety of pedicabs. TRL’s tests found that a laden pedicab’s braking performance was significantly lower than that of a car6. Concerns were also expressed over handling performance, particularly when a pedicab was unladen or had only one passenger. More alarmingly, in crash tests with a car traveling at 45 km/h (30 mph) the passenger compartment would provide little or no protection to the passenger with unsuitable restraint from the provided seatbelt for child passengers.

2.7 There have been no serious incidents to date in London involving pedicabs although the LTDA did point to isolated incidents in Edinburgh and Barbados where a serious injury and a fatality occurred to pedicab passengers. The London Accident Analysis Unit informed the Committee in the last three years just one injury had been reported to the Unit that had involved a pedicab when a blanket had caught in the wheel.

2.8 Another core criticism of the pedicab industry is that the fares are extortionately high – ranging, according to the LTDA, from £20-£70 per mile, a claim backed by their own research on the streets of Soho. However we found that when we went into Soho a typical fare was about £6 for two people from the Lyceum to Chinatown.

2.9 The Committee are conscious of the concerns raised by the LTDA around safety and extortionate charges. However, the Transport Committee does not support an outright ban of pedicabs.

2.10 It seems reasonable to conclude, if a car were to slam into a pedicab at 30 mph passengers would be at risk. However, there is also an element of risk in

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6 For example, if a Pedicab was following a car at 15 km/h with a headway of 2m, if the car braked heavily the pedicab would be travelling at 13km/h on impact.
how pedestrians cross the road and there is no legislation banning pedestrians crossing the road from any point other than built in crossings. A pedicab passenger is bound to be aware of the risk that they take in using a pedicab on routes shared with cars. It is a risk that they appear prepared to take, especially in areas such as Soho where, along many streets, traffic rarely reaches speeds of 30 mph.

2.11 Regulation could allay some of the other concerns about pedicab safety and the report will discuss these later. On the issue of extortionate fares, there is a genuine case and need for action. A pricing schedule is neither enforceable nor feasible at this stage so any immediate action would have to be self-regulating.

2.12 It is therefore to be welcomed that the LPOA has sought to ensure that their Pedicab drivers agree a fare prior to a journey’s departure as part of their Drivers Code of Conduct (see Appendix D). The Committee would also welcome the extension of good practice to ensure that a notice is placed in the back of pedicabs to remind passengers that a fare should be agreed before a journey is started.

2.13 However the greatest force that can be brought to bear on the use of pedicabs is that of the free market. If pedicabs are or remain extortionate then demand, via guidebooks and word of mouth, will simply fall. If the demand for pedicabs is not sustainable in the long run, we will soon find out.

The case against this legislation for pedicabs

2.14 There is little argument that a legal definition of pedicabs was required and that the one arrived at, for those who believe legislation is necessary, is broadly supported. The registration scheme also leaves little room for dispute.

2.14 Pedicab operators do have acute concerns however about the proposals to make pedicabs liable for parking and bus lane contraventions. As it stands, pedicabs are not able to be ticketed for parking or obstruction offences. Consequently, and in particular at pinch points outside theatres and landmark shops, pedicabs congregate contravening parking restrictions, often blocking fire access for audiences and customers alike.

2.15 It is a problem that especially rankles with taxi drivers and is both recognised in this legislation and by the pedicab operators themselves. The legalisation proposes that pedicabs could be liable to parking such as any motor vehicle is currently. The LPOA has acted on the problem and has a clause added in their code of conduct for drivers that drivers “not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings eg theatres”.

2.16 However, despite these intentions the problem still needs to dealt with. The Transport Committee supports the view that pedicab riders need to be liable to parking enforcement to instigate the desired change in pedicab behaviour and supports this particular aspect of the Bill. However,

7 See Appendix D
before any such enforcement is acted upon, local authorities, TfL and the pedicab operators need to establish pedicab ranks where riders could legally ply for hire.

2.17 There are concerns around the elements of the Bill that make pedicabs liable for contravening certain bus lane regulation. Unusually both taxi drivers and pedicab are united in their opposition to these particular aspect of the Bill. Both fear the potential safety hazard such regulation may bring about. It is clear that pedicabs present a more difficult obstruction to the progress of buses than bikes because of their width. However, a recent incident on Blackfriars Bridge where a cyclist was killed in a cycle lane which rested between a bus lane and the mainstream of traffic highlighted the dangers of moving cycles, conventional or otherwise, away from the side of road and into traffic.

2.18 The proposals as they stand pose a significant risk to the safety or pedicabs riders and passengers. There is also the likelihood that if pedicabs are forced to travel in the mainstream of traffic that the hold ups and congestion caused by pedicabs in bus lanes would be even further aggravated in normal traffic lanes. Just as safety concerns should mean that pedicabs are liable to parking tickets, similarly they should not be forced to operate outside the relative protection of bus lanes.

2.19 Recommendation 1
The Transport Committee recommends that the proposed Bill be amended to ensure that pedicabs are not subject to fines should they be required to use bus lanes.

2.20 However the operation of pedicabs should not be allowed to hold up buses. There rests a responsibility with both pedicab riders and operators to ensure that pedicab use does not lead to greater journey times for buses and therefore the potential for greater congestion.

2.21 Recommendation 2
The Transport Committee calls upon the London Pedicabs Operators Association to include as part of their training and their Drivers Code of Conduct the need for pedicab drivers to avoid the use of bus lanes where possible and where not, to pull over to allow buses to pass.

2.22 According to the Bill, the source of liability for these traffic and road contraventions is not going to be the pedicab rider however but the pedicab operator. Many pedicab riders are temporary and are not always resident within the U.K. This proposal may be grounded in the fear that if pedicab riders are fined, such is the diverse, and transient disparate background of many of the riders, many of these fines will go unpaid.

2.23 Pedicab operators are concerned about the potential impact on their business of such a line of liability. They point to the fact that private hire and vehicle hire firm do not place owners and operators of these vehicles as liable to traffic fines. Pedicabs riders are effectively self-employed. The discipline that

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8 This would involve the removal of Clause 21, Part 2, b) and c)
parking fines could bring should be felt by the pedicab rider. If the legislation seeks to improve the standard of pedicab riding, then it is the riders that should be legislated against.

2.24 Recommendation 3
The Transport Committee recommends that the proposed Bill be amended to ensure that a Pedicab business should be treated as a vehicle hire firm so that its riders are liable for parking fines and not the operators themselves.

3. Future Regulation

3.1 If the pedicab aspects of the Bill went through with the changes the Committee seek, outstanding issues would still remain about safety, rider liability and conduct and congestion that would need to addressed.

3.2 Not all models of pedicabs are as safe as others. So far, the code of conduct for drivers and code of practice for operators are only signed up to on a voluntary basis - albeit by a substantial majority of pedicab operators. In addition, only one major pedicab operator has third party insurance. And if pedicab operators and drivers continue to flourish, there is nothing to stop numbers increasing further and the risk of congestion rising accordingly.

3.3 The Transport Committee supports the view that the pedicab industry needs to be regulated and that legislation is tabled soon (preferably in December 2005) to allow this to happen. Any such regulation would hinge on a licensing scheme that would logically be supervised by the Public Carriage Office.

3.4 The pedicab industry is small and so any licensing scheme should be self-funding and therefore not too burdensome to some pedicabs operators.

3.5 Recommendation 4
The Transport Committee recommends that part of any licensing should be conditional on:
- Operators providing certain levels of training for their riders
- Specifically agreed pedicab models
- Operators effectively managing their riders so that they can be tracked down and made to pay fines
- Operators holding third party insurance

3.6 Another concern the Committee has is the potential number of pedicabs that could operate in London and the areas where pedicabs operate. Not all of London's roads are suitable for pedicab operation and the market and common sense will determine the majority of these - for example, few pedicab riders would seek to ply for hire on the North Circular. However, it might be useful when armed with more research than the Committee

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9 This would involve the alteration to Clause 21, Part 3.
themselves have been able to undertake to date, that TfL consider imposing limits on the areas of operation for pedicabs.

3.7 Another function a regulatory body could take on is the potential restriction on numbers. This is not a power that TfL holds with the licensing of private hire taxis but these do not have the potential to cause substantial congestion in the same way that pedicabs could. Sooner or later, a critical number of pedicabs could operate within the West End for example which would pose such a significant block of bus and car journey times that numbers would need to be reduced.

3.8 **Recommendation 5**

The Transport Committee therefore recommends that any future regulation of the pedicab industry would include powers for TfL to impose restrictions on both the areas of operation for pedicabs and the number of licenses issued to pedicab operators.

3.9 The Transport Committee will return to this issue during 2005. The issue of pedicabs has opened up questions about the future make up of other ply for hire or private hire services on the streets of London, including velocabs – effectively pedicabs with an engine – and taxi mopeds and there may be scope as part of the follow up work to this rapportuer scrutiny to probe further into these developments.
Appendix A
Notes from Meeting with Licensed Taxi Drivers Association (LTDA)
17th January 2004, City Hall

Present:
Bob Oddy LTDA
Murad Qureshi AM
Peter Hulme Cross AM
Heidi Nicholson
Alison Lloyd
Denys Robinson
Danny Myers
Katy Shaw

Bob Oddy referred to the video which had been produced by the LTDA “Ban Not Licence”. It was noted that attendees had recently viewed the video. The LTDA were campaigning not for registration of pedicabs but for a complete ban.

Bob Oddy said that the taxi drivers were not worried about the commercial threat of pedicabs as they had never been in competition with the pedicabs. There were 25,000 taxi drivers and 3-400 pedicabs. Pedicab fares varied widely with £20-£70/mile charge by pedicabs (the fare from Covent Garden to Leicester Square was £15-20) and such a payment would cover a far longer distance in a black cab.

It was noted that the pedicabs in Canary Wharf, which was a private estate and not public roads, gave free rides and were a means of advertising. Bob Oddy said that the cost of a 12 week advertising deal for 20 bikes was £29,000.

The taxi drivers had other concerns:

- There were often large number of pedicab waiting for fares outside theatres such as the Lyceum which were running shows which appealed to children. This made it very difficult for taxi drivers to put down and pick up as the streets were blocked.

- The street corners in Soho were blocked by pedicabs

- Taxis were scratched by pedicabs which squeezed past them

- The pedicabs went through red lights and past no entry signs as a pedicab heavy with passengers would always take shortcuts, for example an illegal right turn onto Waterloo Bridge if they were heading east along the Strand.

Would the Bill deal with these matters?

The Bill proposed classifying pedicabs as motor vehicles in order to make them easier to issue penalty charge notices. However enforcement was difficult for example, the licensing of minicabs had not been a success with large number of illegal cabs in the west end, touting and parking on yellow lines.
The requirement for insurance had been removed from the Bill.

Registration would not work as there was no relationship between the plates and the pedicab.

None of the clauses in the bill addressed the reckless and lawless driving which was already occurring and was not enforced.

The bus lane infringement section of the bill could probably be enforced.

**The Case for pedicabs?**

Bob Oddy posed the question that if pedicabs did not exist by using a loophole in the law, would politicians open up a loophole in order to allow for their introduction. Pedicabs did not reduce emissions in London as 90% of their journeys replaced a short walk. They were seen to be a fun thing to do for tourists.

Transport for London should not be endorsing the high level of fees charged by the pedicabs as registration would legitimise the pedicabs.

**Pedicab Safety**

Passengers were being thrown out of pedicabs. The LTDA had asked their drivers to report any accidents they saw through their newspaper. Pedicabs were a danger to pedestrian who would not hear them coming. A British tourist had been killed whilst on a pedicab in the Caribbean and a passenger’s neck had been broken in Edinburgh.

The LTDA had purchased a pedicab and had paid the Transport Research Laboratory (TRL) £52,000 to test it. The TRL had concluded: “Pedicabs provide little or no protection” and had banned their technicians from riding in them at over 9 mph.

There were different models of pedicabs and shortly after purchasing the model to be used by the TRL, the LTDA were sent a solid steel strut with instructions to fit it to the pedicab in order to prevent the front wheel from collapsing.

The LTDA believed that the use of pedicabs in London were a tragedy waiting to happen. For example, the LTDA had lobbied the Public Carriage Office (PCO) about fitting child locks to taxis but the PCO had said that they were not needed but changed its mind following the death of a child.

Bob Oddy said that he had spoken to Charring Cross Police Station about the illegal activities of Pedicab drivers but they had responded that they had other priorities. The police had not previously collated any information about accidents but were now doing so.

If someone was injured in a pedicab the passenger could take out a civil action against the pedicab business but if TfL had registered the pedicab it might lead to questions about legal liability.
The LTDA was eager to work with MPs to produce a Bill to close the loop holes in the law which would stop pedicabs plying for trade.
Appendix B
Notes from Meeting with London Pedicabs Operators Association (LPOA)
Friday 21st January 2005

Present:
Chris Smallwood, Bugbugs Ltd
Sabine Ibanez Bugbugs Ltd
Murad Qureshi AM
Peter Hulme Cross AM
Heidi Nicholson
Alison Lloyd
Denys Robinson
Danny Myers
Katy Shaw

History
Bugbugs commenced operations in 1998. Chris Smallwood explained that legal research had shown that pedicabs could legally ply for hire as stage carriages under the Metropolitan Public Carriage Act 1869. This legislation only applied to London - pedicabs wanting to operate in other cities would have to apply for a street trading licence. The Public Carriage Office (PCO) had taken Bug Bugs to court in 1999 to test the legislation but had lost the case. The market was open to anyone who complied with some simple charging guidelines, but remained unlicensed.

Bugbugs did attempt to get some licensing in place in 2000 as this would mean that the trade maintained some standards such as the maintenance of vehicles, training, insurance, accountability etc. In 2002 the Licensed Taxi Drivers’ Association (LTDA) issued a summons against Bug Bugs and two of its riders in a private prosecution for illegally plying for hire as Hackney carriages and for soliciting. Both the magistrates and the High Court dismissed the case and the LTDA was refused leave to appeal to the House of Lords. Bugbugs met with the PCO in summer 2002 but there was not a strong move on their behalf towards regulation.

Velotaxi, a German company, had introduced electric-assisted cabs into London in 2002 but the legislation depended on the fleet being non-motorised. There was a strong case for electric-assisted cabs. A small hub motor would give the vehicle a range of about 20 miles and would assist in going up hills. If there were electric assisted bikes it would be a major challenge to the taxis and less emissions. The Environment Trust had put in a proposal.

One operator in Cardiff who provides free rides has adverts on the pedicabs in order to raise money. There were pedicabs in other countries such as the America, France, Germany and Holland although the biggest fleet was probably in London. There was no legislation covering pedicabs in other countries although Florida did issue a finite number of licences every year. In some areas riders were licensed. There were some examples overseas of pedicab businesses expanding rapidly in a non-licensed environment and then being closed down.
Logistics

Bugbugs owned 61 pedicabs, which were rented out to riders by the day, week or month. The work was seasonal with very few pedicabs being rented during the winter. Some pedicabs were rented during the day in summer. The riders hired the bikes between 5-7pm each night and had to return them daily to the Bugbugs garage between 12-4 am the following morning. The riders were self employed and Bugbugs did not know the income made by individual drivers. There were no regulations on fares although Bugbugs recommended a charge of £5/mile for each passenger with a minimum fare of £2. Excessive charges would discourage repeat custom.

Bugbugs provided a proper base for their pedicabs. People hiring bikes had to undertake a training course and had public liability insurance which covered self-employed riders for the purposes of carrying passengers for hire and reward. Bugbugs was a company limited by guarantee.

Bugbugs employed “Rider Support Managers” who could be contacted by the riders via mobile phone and were able to attend to any breakdowns or accidents within half an hour.

The Pedicabs

Bugbugs used two types of bike: Velocabs which were built in Germany and were subject to the TUV safety standard; and a smaller number from Cycles Maximus which were built in Bath. There were some riders in London who did use homebuilt pedicabs and this was a worrying safety issue.

The LTDA had brought a Cycles Maximus pedicab and had it tested by the Transport Research Laboratory. The PCO had commissioned two reports, one by TRL and the other by a firm called Sinclair Knight but Bugbugs had not been given access to the reports.

Need for Pedicabs

There was a market for pedicabs with about 200 in London, a figure that was increasing annually. They were hired for short journeys in a restricted area and were an emission free form of transport.

The pedicabs did add to street safety and moved people from outside pubs to taxi ranks or bus stops. The riders also acted as mobile information posts.

The Bill

Chris Smallwood believed that the definition of the word “pedicab” would cause legal problems. He proposed that the wording should be: “stage carriage defined as a cycle referred to as a pedicab”. He said that by drawing pedicabs into legislation designed for “motor vehicles”, which was proposed to stop the riders from parking or standing anywhere, was a health and safety risk if the riders were unable to take breaks. It would also add to congestion if they had to constantly ride around. If pedicabs could ply for hire they must be allowed to pick up and set down passengers.
Chris Smallwood had spoken to TfL about the provision of stands. The footprint of a pedicab was smaller than that of a car and would take up less space and if stands were used people would learn where to go in order to hire a pedicab. There would be a need for strategic and appropriate stopping spaces.

The classification of Bugbugs and other similar companies that rented out pedicabs, as not being a vehicle hire firm meant that liability for fines would be with the company rather than the rider and would be damaging for the companies. They must therefore be classed as vehicle hire firms.

It would be dangerous if pedicabs were banned from using bus lanes and therefore moved into the ordinary traffic lanes.

Self Regulation

By the end of February 2005 all of the London Pedicab Operators Association members would have a photo ID with full contact details for all riders. There would be a daily log of which riders were on which pedicab. After a bike had been hired for 20 days it would be given a full maintenance check. There would also be a signed contract with the riders that made them rather than the company responsible for any fines.

All but one of the London Pedicab operators had joined the “London Pedicab Operators Association” so about 80-90% of the pedicabs in London were now self regulated. The Code of Practice for the Association, which would be signed by all members by the end of February 2005, provided (inter alia)

- operators had to take out 3rd party insurance to a minimum value of £1 million.
- all riders needed to be registered
- zero tolerance policy for drink and drug use by riders

The LPOA would also appoint a monitor to report on the behaviour of pedicab riders on Friday and Saturday nights.

Bugbugs was considering expanding the area in which it operated to possibly include Chelsea and Notting Hill.
Appendix C

Notes from Meeting with the Public Carriage Office (TfL)
31st January 2005

Roy Ellis, Public Carriage Office (PCO)
Graham Sarson, Public Carriage Office (PCO)
Murad Qureshi (AM) London Assembly
Heidi Nicholson London Assembly
Danny Myers
Alison Lloyd
Katy Shaw

London Local Authorities and Transport Bill

The Boroughs of Westminster and Kensington & Chelsea had promoted a section in the Bill which sought to give pedicabs a legal definition and to introduce a registration scheme. If pedicabs were legally defined and identifiable it would enable local authorities to enforce traffic regulations in relation to them. If the Bill was passed the Public Carriage Office (PCO) would be tasked with registering the pedicabs as it was the only regulatory section within Transport for London (TfL). The Bill was not introducing a regulatory regime but as a parallel action TfL was working towards implementing one.

The Bill does not apply to auto rickshaws. There was one model of auto-rickshaw that did have a gas engine but there are no known plans for it to be introduced in London.

The Need for Greater Control and Safety Issues

Roy Ellis noted that there were concerns that pedicabs caused an obstruction and allegedly could be a nuisance. He agreed that with LTDA’s argument that a large number of pedicabs ranked outside of a theatre could be dangerous if the theatre needed to be evacuated in an emergency.

Roy Ellis said that there was a Transport Research Laboratory video, which showed a pedicab being smashed by a car, but any similar structure would be crushed in such a collision. Pedestrians and cyclists also ran the same risks. An accident in Edinburgh had occurred some years ago when a woman’s scarf was trapped in a pedicab wheel and modifications were made to the vehicle design to ensure that this did not happen again. People did have to make a judgement on whether to ride in a pedicab which was clearly not as safe as a car but there should not be hidden safety risks caused by the construction of the vehicle.

The Case for Regulation

It was the TfL policy to regulate and not ban pedicabs as demanded by the Licensed Taxi Drivers Association (LTDA). The Bill was not seeking to license pedicabs but to find a way for local authorities to enforce parking, waiting/loading and other restrictions.
Peter Hendy, Managing Director of Surface Transport TfL, has expressed the view that the pedicabs’ area of operation should be limited. He had also indicated that he wanted them to be regulated.

Regulation would ensure that vehicles are safely built and maintained. TfL would not necessarily want to regulate how the service was delivered by the pedicabs, for example the fares charged. A regulatory regime would be likely to include requirements for insurance.

The Public Carriage Office was planning to appoint a project officer to design and implement a regulatory regime for pedicabs and was due to start consultation with the pedicab businesses. If there were new legislation it could be structured in a similar way to private hire companies, with a lot of the responsibility resting with the operator rather than the riders. The operators would then look after the maintenance of the pedicabs and TfL would undertake a regular inspection and on-street enforcement.

The Bill did provide for TfL to charge for the cost of administering the registration scheme and the PCO would expect similar funding provisions to apply to any regulatory regime. TfL will be considering the need for drivers’ criminal record, medical and topographical knowledge checks but due to the open and slow nature of pedicabs, these may not be thought to be a necessity. If they were found to be necessary they would need to be appropriate for the nature of the pedicab business. TfL was also considering the need for pedicab ranks and might have to consider limiting the number of pedicabs (this was not done with taxis as it was left to market forces). One extra enforcement officer might have to be employed but it might be possible for existing administration staff to absorb some of the additional functions.

It might be proposed that pedicabs be subject to a regime similar to that for private hire vehicles. Under private hire regulations the operator has to keep record of bookings, drivers etc so that TfL can check that only licensed drivers and vehicles are used. Private hire vehicles were not currently allowed use the Royal Parks (although taxis could).

In consideration of a potential control of the area of operation of pedicabs it was noted that some taxi drivers were limited to certain areas of London by means of a system of differently coloured badges. Regulations could, if necessary, require that pedicabs which were to operate in a particular area (e.g. Notting Hill) had garaging facilities in that area.

Transport for London would have to consider the proposal that pedicabs (but possibly not auto-rickshaws) be permitted to use bus lanes. However it had to be acknowledged that pedicabs using bus lanes did hold up buses and therefore added to emissions even though they were emission-free themselves.
Appendix D

**a) The London Pedicab Operators Association (LPOA)**

**Code of Conduct for Pedicab Drivers**

I (name)___________________ hereby certify the in the course of my activities as a Pedicab Driver I will:

a) Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents
b) abide by the rules as set out in The Highway Code at all times
c) at no time be under the influence of alcohol or any drug including prescription drugs that may affect your judgement
d) ensure that my passengers are offered the safety belt/lap belt before all journeys

e) charge separate and distinct fares for each passenger that I carry on a specific journey – Stage Carriage law and agree my fare with passengers (per person) prior to embarking on a journey and not to charge or demand more
f) ensure that all items belonging to passengers are stowed and that scarves, coats, or any other items are safely contained within the pedicab
g) not solicit or aggressively tout business
h) not overload my pedicab ie I will only take passengers if they can be seated in my pedicab – maximum 3 passengers
i) be courteous and considerate to other road users, pedestrians, taxi drivers, the police and passengers at all times
j) not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings eg theatres
k) wear my ID tag at all times when riding (once provided by the Operator)
l) carry out the prescribed safety checks each time I take out my pedicab
m) assist any other pedicab driver (regardless of company) if they are experiencing difficulties or are in danger of assault

n) not become involved in racing of any kind
o) hand in any lost property to the Operating Company
p) ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable

q) not smoke or use a mobile phone whilst riding
r) not ride in pedestrian areas or on the pavement (pedicab may be pushed)
s) not make any action that might damage the reputation of the industry
t) report and document any accident or incident immediately or within 24 hours to the owner of the pedicab

Signed (name)    Company    Date

--------------------------------------------------------------------
Appendix E

The London Pedicab Operators Association (LPDA)

Code of Practice for Pedicab Operators

We, the Pedicab Operator (name)____________________ hereby certify that we will manage our operation according to the following Code of Practice for Pedicab Operators and therefore will:

- have in place 3rd Party Public Liability insurance (minimum £1M any one event) to cover all pedicabs owned by us and driven by pedicab drivers registered with us, for taking passengers for Hire and Reward
- ensure that all drivers registered with us have signed the Code of Conduct for Pedicab Drivers (as agreed by the LPOA)
- have zero tolerance to the use of drink or drugs
- ensure that all drivers have a driving licence (valid in the UK) or have passed a written Driving Standards Agency test
- ensure that drivers receive training in all aspects of pedicab driving
- ensure that all drivers pass a practical on-road test (carrying passengers)
- register all rider personal information (full name, address, age, next of kin, phone, email, medical statement and some form of positive ID eg passport, drivers licence)
- ensure vehicles are safe, legal and roadworthy (including lights, safety belts) and are specifically designed for carrying passengers
- monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a rider will be penalised or dismissed
- in the event of the dismissal of a rider, report this to all other Pedicab Operators in the LPDA
- ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle
- keep operational records to ensure that you can identify which pedicab driver was on which pedicab at any one time
- take steps to protect the reputation of the pedicab industry at all times
- have a procedure for dealing with lost property
- document all incidents and accidents
- ensure that all vehicles and drivers can be identified as being part of our operation

Signed   Position  Operator name  Date
As a current vintage and classic wedding car provider I submit my comments (below) regarding the proposed change to legislation for the operation of wedding cars.

(Also submitted by e-mail on 2 August 2012)

Christopher David Hill MBE
Why Change the Current Exemption with Regard to Wedding Cars – What Evidence is Presented to Support the Change?

1. An assumption has been made that wedding car hire providers are part of the transport industry, and therefore the same rules must apply across the industry; thus, the consultation documents sights, “consistency across the transport industry” as a reason for no longer exempting wedding car operators from the revised legislation for taxis and private hire vehicles. I question the assumption that the wedding car industry is necessarily part of the transport industry and that the need for consistency is compelling justification for changing legislation when there is no other specific evidence presented that relates directly to wedding car operations.

The Difference: Transport Industry or Wedding Industry?

2. It can be argued that Wedding Car only operators, who tend in the main to operate vintage, classic or special interest cars, are not part of the transport industry but rather part of the Wedding Suppliers industry. Vintage and classic wedding cars are hired as part of the overall wedding ceremony not just a means of getting from A to B, as are taxis and Private Hire cars. Although mostly hired separately, the chosen vintage, classic or special interest wedding car is as much part of the wedding day and as iconic as the other special elements of the day, such as the bridesmaids, the ushers, the wedding dress, the cake, and the venue, to name just a few. Wedding cars are mostly selected for their iconic appearance and not necessarily for their ability to travel from A to B; the basis of the hire is the car as an icon, not as a means of travel – that tends to be a bonus. Indeed, some clients hire a special vehicle just for the car to be at the place of the ceremony for photos with the wedding party and do not travel in the vehicle at all.

2.1 Surely, there can be no justification for imposing the legislation of one industry on another, just because both industries have one common resource, the car without sound and compelling justification.
The Difference: Legislative Requirements

3. Legislation should reflect society’s wishes and requirements, while ensuring safety for the individual, but it should not stifle choice or the wish for style and substance.

3.1 If ‘Safety’ of the car is put forward as an argument, then this would be questionable; witness the current change coming in legislation in November 2012 that will exempt pre-1960s cars from the requirement for an annual MoT. It is believed by the legislature that vintage, pre-60s classic and special interest car owners will maintain their vehicles and keep them safe such that an MoT serves no purpose. Why then the belief by the Law Commission Review Team that vintage, classic and special interest wedding car operators should be any different? No evidence has been put forward to support this belief, rather an assertion seems to have been made that vintage, classic and special interest Wedding Car operators need to be regulated to ensure they maintain their vehicles in a ‘safe’ condition. No evidence for this assertion has been presented in the consultation document.

3.2 Vintage, classic and special interest wedding car operators are enthusiasts who wish others to enjoy their cars on very special occasions and most do not offer their cars for hire/use by the public for anything other than weddings. The institution of marriage is something special that this government fosters and encourages; over regulating wedding car hire providers will place a heavy financial, operational and practical burden on vintage, classic and special interest car providers that will serve only to eliminate wedding cars that, due their date of manufacture, cannot not fit precisely into the private hire car regulatory criteria. Why cause difficulty for those choosing to join the institution of marriage when there is no evidence to support the apparent need for a change in legislation?

3.3 The business model for Private Hire/Taxis is based on the vehicle and drivers operating on a 5 or 7 day basis to ensure appropriate revenue flow to ensure the additional costs for licensing the operation, cars and drivers can be covered. Wedding only cars, by definition, are very unlikely to be on the road every day throughout the year, more commonly just weekends during the spring, summer and early autumn.
Furthermore, the overall operation of wedding cars is fundamentally different to that for Private Hire. Private Hire in the main is for the transportation of individuals from A to B; type, colour and quality of the car are not a factor that is generally considered in the hiring process. This is not the case for the operation of wedding cars. Brides tend to book a particular car due to its style, colour and overall appearance as part of the marriage ceremony, not just as a means of travel from A to B. Indeed, bookings tend to made many months and sometimes years in advance and normally following a viewing of the car to make sure it is the car of their dreams. So, clients are normally fully aware of what is being hired and have ample opportunity to consider all the facts regarding the car, the chauffeur and the operation well before the event takes place; it is most unusual for a wedding car hire to be initiated on the day of the wedding, as it would be with the initiation of private hire.

Impact of the Change in Legislation

4. Specialist wedding cars, by definition tend to be vintage, classic cars or special interest cars. Although they may be in perfect condition for their age, by virtue of their aged design, vintage, classic and special interest cars are likely not to meet Private Hire technical requirements: in particular, with regard to the need for seat belts, easy access and size of seating area. Consequently, vintage and classic cars will not, without extensive adaption, be eligible for a Private Hire licence. Furthermore, the significant cost and time involved for licensing each car, each chauffeur and the overall operation together with the cost of adapting each vehicle to meet the ‘Private Hire’ technical criteria, if indeed it is at all possible, would be prohibitive, and if passed on to the clients would make hire fees extremely high and economically unviable for most engaged couples. It is estimated that the total annual cost for an owner to hold an operator's licence, driver’s licence and just one licensed vehicle would be around £600.00. Each additional car would cost around another £250.00 and if the owner were to pay for the licensing of drivers the cost would be around £300.00 for each driver. Additional chauffeurs are essential for the efficient operation of wedding cars; they tend to be around retirement age and as a consequence of their age they have the proper skills to drive vintage and classic cars.
4.1 Furthermore, vintage, classic and special interest vehicles, again by definition, tend to attract wider interest from the general public and consequently, those cars used as wedding cars tend also to attend vintage, classic and special interest shows and exhibitions around the country on a regular basis. If licensed as Private Hire vehicles, vintage, classic and special interest cars would not be in a position to continue to entertain the general public due to the restrictive terms of the Private Hire Licence on the car, the operation and the chauffeurs.

4.2 Consequently, it is quite clear that a change of legislation as proposed would drive most vintage and classic wedding car operators out of business as they just could not cope with the increase in overheads nor with the technical changes required to comply with private hire regulations. Furthermore, Wedding Car business models take this into account and hire fees for individual bookings during a short season determined accordingly. Overall yearly profit margins are slim. If legislation does change, the only ‘wedding cars’ then available would be modern cars that comply with the technical requirements for Private Hire; the very same style of car seen every day on the Private Hire circuit, not the cars most brides dream of for their wedding day. This would deny Brides and Grooms the opportunity to complement their wedding day with a special car, not normally seen on a daily basis.

Conclusion

5. The Terms of Reference for the reviewing team state:

“To review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency.”

5.1 It can be seen that with regard to Wedding Car only hire, a change in legislation such that the operators of wedding cars would be liable to the regulations pertaining to the Private Hire industry would increase the burden on business and decrease economic efficiency; a result contrary to that intended by the reviewing team.
Northampton Borough Council response to Law Commission Taxi and Private Hire Review Consultation

PP1. We would prefer a single tier regulating system. This would be simpler to manage and enforce.

PP2. We see no reason why London should not be included. National standards should be national standards.

PP3. We believe this should be restricted to Taxi and Private Hire vehicles. We do not have the capacity or expertise to include all public service vehicles, especially in relation to vehicle inspections etc.

Q4. We see no advantage to restricting to motor vehicles only as long as other modes of transport e.g. pedicabs have the appropriate public liability insurance and comply with associated conditions.

PP5. Agree

PP6. Agree

PP7. Yes. Different authorities have different arrangements. At the moment we license our limousines but we are aware other of authorities that don’t. needs consistency.

PP8. Yes. We cannot see why for example a pub or club should not provide their own transport for customers as long as appropriate insurances are in place.

Q9. a) This depends whether this is for profit or not. If it is just a case of users taking turns with their vehicles or contributing to cover the cost of the petrol then we see no need for regulation.

b) We see this more of an insurance issue rather than a licensing issue. They are not taxi’s or private hire vehicles so why treat them as such.

PP10. Yes

PP11. We believe that they should be excluded if they are only used for that specific purpose.

Q12. We would not want to see this exemption being reintroduced. We are now in a position where we can ensure all drivers are appropriately checked and are fit and proper persons.

PP13. Agree. If limited to streets it would allow opportunities for private hire flagging on private car parks e.g. in a night club car park.

Q14. We have no views on this

PP15. Agree to this if a two tier system is maintained.
We foresee this would be very difficult to manage and question its ability to be enforced.

Yes as it would prevent PH parking in Town and encourage new business through operators. It could also impact on touting.

Agree it should remain

Agree. No change

Agree. Many owners/drivers cannot afford two vehicles. Consideration should be given in relation to markings so that a vehicle could be anonymised relatively easily.

Agree

Agree. The word Taxi should be used. ‘Hackney’ just creates another term to add confusion

Agree. Using different names causes too much confusion for the public and those not familiar their actual meanings.

Yes

Yes, as long as we can retain our own conditions if they are at a higher standard than the national minimum standard.

This would depend on what that national standard is.

We do not agree to this. There should be knowledge of the local area and what the conditions set in that local area are.

If it works it should be retained. Local standards have been developed over a long period of time and have become part of the town’s identity or culture. Other local conditions that have been approved by Licensing Committee’s are now in place for a reason. The conditions have been included and implemented as a result of issues that have arisen locally and often these could be quite subtle in dependence upon the particular behaviour or culture of the taxi and private hire trade locally.

In principle we cannot see the problem with a National Safety Standard but it would need to satisfy conditions set locally bearing in mind the particular issues in the area.

No. they should be the same. To have a difference would imply one are safer than the other.

Yes

Yes
Q33 Consultation. We agree to a technical panel as there needs to be hard evidence as well as opinion.

PP34 Yes. We would not want to reduce our standards if they are higher than the National minimum.

Q35 Yes. Any standards need to be realistic so there needs to be some limit to avoid extremes or limits that could either directly or indirectly discriminate against certain individuals.

Q36 Yes

Q37 If there are statutory national conditions there should be a statutory footing.

PP38 Agree

PP39 We have no views on this

Q40 No, we cannot see how this would be beneficial in this area and feel it would be difficult to enforce.

PP41 Disagree. We see there being a lot of tension caused by this. The trade is very territorial locally and we can see all sorts of issues with other drivers taking local trade. Local drivers may not want to work in other areas. Another key concern is that to a point, the trade is self policing. All the drivers know each other, we have individuals who let us know if there are any problematic drivers or vehicles turning up in town. If we allow drivers to come in from other areas it will be much more difficult to identify rogue vehicles and drivers. We also see problems in managing and enforcing when we have no idea how many licensed vehicles are operating in the area.

PP42 Should retain the return to the area where licensed.

PP43 should have the ability to set a maximum for PH fares as with Taxi fares.

PP44. No. if anything it should be lower. We have evidence of extortionate fares being charged in these non-metered ‘arrangements’.

Q45 b) this would take the onus off the licensing authority.

PP46 Agree. This is what happens now and we have not had a problem.

Q47 b)

PP48 Yes. It is a method of control and regulation.

Q49 We do not have a view on this

PP50 No
Q51 Yes. Need to establish their suitability.

PP52 Yes. Subcontracting happens now and it doesn’t cause a problem.

Q53 Yes. Still need to monitor activity. Can be essential should an incident occur.

PP54 Agree

Q55 there would likely be an initial increase in numbers but believe this would level out. Effective national standards and conditions should ensure numbers do not get out of control.

Q56 these should already be in place to manage this. Locally we have an induction course that controls the number and standard of drivers entering the trade.

Q57 Our Hackneys have to be wheelchair accessible and give priority to disabled. We also have a disabled friendly rank.

Q58 No.

Q59 We have disability awareness training on our induction course. We have dedicated PH wheelchair accessible companies as well as all hackneys being wheelchair accessible.

PP60 Agree

PP61 Yes, as started above we do this on our driver induction course.

PP62 We agree with this but feel it may be impractical on PH vehicles so some thought would need to be given as to where that information would need to be displayed.

Q63 There is already an obligation to stop and we have a condition that hackneys give disabled persons priority. These issues are discussed at our induction course. If a problem occurs the victim can complain and we will investigate and take appropriate action. However, we would not be against a nationally set obligation.

Q64 yes. As long as safety aspects are taken into consideration.

Q65 It is already an arrestable offence. The problem seems to be more about a lack of police resources to enforce.

Q66 Yes. We already have the power to suspend or revoke but we cannot be sure the vehicle is not still being used. Impounding would ensure the vehicle is not being used until rectifications made.

Q67 Yes. Authorised officers should be allowed to issue FPN`s for minor offences.
PP68 Yes. If national standards are in place then it would be more straightforward to enforce across areas.

Q69 Yes. This also would require standardisation of forms and processes to ensure compatibility across areas.

PP70 Yes

PP71 Yes, although this happens anyway. Advice from other officers, legal etc is taken to ensure correct decisions are made.

PP72 Yes

Q73 No.
From: Spadger Sent: 02 August 2012 10:15 To: TPH Subject: Re taxi reform

I work in Southport in a 7 Seater Hackney, more and more I see taxis being licenced and more taxis on the road with less effort in quality. My wages have halved in two years because of fuel increase and far to many private hire and collar taxis on the road. My situation along with other wheelchair access taxis is simple we pay over 20k to be a Hackney Wheelchair access Nd have absolutely no in entires to stay as such. I could go tomorrow and buy a car from the auctions for 2k and private hire plate it and earn more money because we also get refused a lot of the time work because people's ideas of a Hackney is they are dear. We need to address pricing I would suggest a uniform fair system introduction everyone has the same fairs and door magnets on every Taxi/Private hire with pricing structure. People don't realise Taxis in Sefton are cheaper than the bus, if something doesn't change this job is unworkable. After 60 plus hours working and my deductions I take home no more than £200 where is the incentive to do this job, I may as well join the private hire bandwagon. Phil Harris Southport Hackney struggling

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From: Jim Sowerby
Sent: 02 August 2012 13:35
To: TPH
Subject: Vintage Wedding Cars

The pricing of vintage wedding cars that represent a significant proportion of our great British motoring heritage and the only opportunity many will have to see and ride in such magnificent vehicles out of operation by classifying them as the same as any other bog-standard private hire car and subjecting them to prohibitive licencing costs can hardly be described as a good idea. Amendments to the proposed legislation that allow exceptions to be made are immediately required.

James R Sowerby
Cumbria

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From: Steve Wakefield
Sent: 02 August 2012 17:05
To: TPH
Subject: Funeral and Wedding Cars proposals to include as private hire and taxis

Dear Law Commission

I believe that Funeral Cars and Wedding Cars are to be included in proposals you wish to put to the government. These are exempt from certain sections of the legislation currently and I would wish that it would continue to be that way. My reasons for this is that would be unfair as it would incur expenditure and regulation that would impact disproportionately on the provisions of Vintage Cars which are used a handful of times during a year. I do not believe the government would seek to make drivers and owners subject to the same regulation licensing regimes that private hire and Taxis have to comply with, for such a small number of events. Furthermore, it may make it unviable for owners and drivers to continue in providing this service thereby reducing choice and increasing cost, but not increasing revenue. Please consider in proposals to the government that exemption should also include vehicles giving lifts to voters on polling day. However I believe regulation of private hire and taxis is complex and agree some reform is needed, but inclusion of vehicles I have described is an unwelcome inclusion in regulation.

Steve Wakefield
Cllr Mannington
Western Swindon Borough Council
Enclosed:

"The Law Commission are proposing changes to Private Hire and Taxis Legislation as you know some of it has been around since the beginning of the 19th century. However can you write (...) and ask (them) him to exempt Funeral and Wedding Cars from it, as it may turn out to be a future U Turn; no pun intended and not being political.

I believe it is against common sense to support proposals by the Law Commission that will affect the provision of Wedding and Funeral Cars. The proposal is that they will have to comply with the same legislation as Private Hire and Taxis.

For many, a dream of a daughter going to her Wedding in a vintage car becomes a reality on the day. However that aspiration is now under threat if proposals by The Law Commission are carried through. Normally each vintage car is used for about 10 wedding days per year. Both owners and drivers fear that new charges and compliance with regulations will add in costs that will increase charges and may be prohibitive in providing a vintage car in future. Drivers of the vehicles will also have to be licensed paying out fees and undergo enhanced CRB checks and other assessments etc. Vehicles will have to be tested to Local Authority Standards and again this will add in more operating costs. Wedding and Funeral Cars have always been exempt from certain parts of the legislation.”
From: Ray Fivey
Sent: 02 August 2012 19:44
To: TPH
Subject: Taxi-and-Private-hire reforms/consultation

In response to your consultation on Taxi and Private hire reforms.

Could i just let you have my feelings on the law as it stands, and how it affects myself and my colleagues.

I have been a taxi driver for over twenty years, having been licensed as hackney carriage and private hire.

There seems to be a lot of apathy within the trade in Coventry and nobody seems to care. Drivers just seem to be happy to do nothing, or just can't be bothered.

At the moment i own a private hire vehicle and subcontract from a large operator in the city.

I also hold a Hackney Carriage Drivers License which has expired at the moment. If i wish to renew it i can, provided i re-take a wheelchair test ?

If i wanted to switch back to driving a Hackney, like i owned before i bought my private hire vehicle, then i have to rent one from a proprietor at extortionate rental costs. I am prevented from owning a hackney carriage, because the licensing authority have stopped the issue of hackney carriage licence plates for new vehicles ?

So i am not allowed to buy a new hackney carriage vehicle to expand my business, unless i buy one including the plate which was originally issued for free by the council, at a massive premium. Current hackney drivers are now profiting from license plates which were originally issued to anyone for free. They are selling for £4k upwards when originally they were issued to a cab that passed an M.O.T and cost £190 annually.

The reason i sold my cab in 2009 was because it was coming up to ten years old and the council have an age policy in place. But this cab is still licensed and in use by the driver who purchased it from me even to this day.

I wanted to buy a new hackney carriage at that time, but i was limited in my choice as Coventry City Council Taxi Licensing only allow two manufacturers vehicles, namely Mercedes, and LTI. Yet there are much cheaper vehicles that can be purchased, and used as Hackneys available on the market, yet our council won't allow them to be licensed ?

Yet i see these other vehicles being used in towns and cities which are close by to Coventry and approved for use by their councils. Almost makes me want to move and relocate to a town or city outside Coventry !

As for private hire and getting a vehicle licensed in Coventry, it is a complete joke. I have been denied a vehicle licence on several occasions because a wooden frame would not fit into the back seat, and because the vehicle had tinted windows ???

The licensing manager changed the policy in 2005 and scrapped our approved vehicle list, without first informing the drivers ? The current vehicle policy is based on trickery, and deception, and was approved by the taxi committee at the council house, who were also tricked and deceived without even knowing about it. I only uncovered this deception in 2010 after my solicitor came into possession of the report to committee which was authored by the taxi licensing manager. I am the only driver who has seen this report in my city and have been told that i am too late to oppose the changes which licensing introduced in 2005. If i wanted to, i would have to take it for Judicial Review.

So if a private hire vehicle is to be licensed in Coventry, it has to first go through this frame test, and a window tint test ? Even if it is the same make and model of an existing licensed private hire vehicle. Not only that, we are instructed to NOT purchase the vehicle until these tests are carried out. This makes it very difficult for drivers to source vehicles for use elsewhere in the country, because you have to haul the private owner, or car dealer of the said vehicle up to the licensing depot for the frame/tint test, prior to paying for, or agreeing terms before buying the
vehicle. Everywhere else in the country do not have to go through this rigmarole prior to getting a vehicle licensed. They simply buy the vehicle of their choice, and go along with a valid logbook and book it in for an M.O.T inspection prior to licensing.

We also have to remove seats from people carriers, built and designed and safety tested to carry six passengers. Our licensing department will only license these vehicles to carry five passengers? The biggest private hire operator in London has a fleet of over 2000 six seater people carriers, all with factory fitted tinted windows. And our licensing authority tells us that our licensing policy follows London's. If that's so why do we have to remove seats from vehicles, and go through a wooden frame and window tint test? Why can't our licensing department just use the legal standard as used by the police, and every other licensing authority in the country?

Licensed drivers also have to put up with ex taxi drivers who have lost their taxi licenses, for one reason or another and flouting the law by driving mini buses on a VOSA operators license and also sub contracting from licensed taxi operators in the town, and taking our work away from us. And when we complain to licensing they say can you put it in writing, or it's a police matter, there is nothing we can do.

There are also ex drivers using private vehicles for hire and reward illegally. And what about private hire and hackney from other towns working illegally and not licensed for our city. They are driving without proper insurance, and operators are breaking the terms of their operators licence by giving these drivers work.

All this is robbing the incomes of fully licensed and legal private hire drivers and hackney drivers.

Sorry for the rant, but i am passionate about my job as a taxi driver and things are getting worse not better. Hopefully after your consultation things will improve for the better.

Going back to what i was talking about earlier regarding licensing of vehicles etc. If a driver is refused a vehicle licence, or he doesn't agree with part of the licensing policy. Why should he have to go through the expense of taking the council to court, and having to pay legal fees etc. It's hard enough being self employed and on a low income. Fair enough if it's a serious matter then yes, it should go to court. But if it was a small matter of refusing a vehicle licence because you had to remove a seat from the vehicle, or had to remove tinted windows, or couldn't use a particular make and model of vehicle because a wooden frame didn't fit in the back seat. It would be more practical and economical to have these matters resolved in house through licensing or at the council house instead of having to go to court.

You see i believe taxi licensing in my city have played on this, they know that we are on low incomes and that we just don't have the money to fight them in the courts. This is wrong and needs to be stopped.

Drivers are going broke and out of business because of these archaic laws and policies made up by licensing managers as they go along. I've just heard through the grapevine that taxi licensing has introduced a new policy change without first consulting the drivers.

I've just heard that when you take a vehicle, used or new for licensing first time. Then it has to have a full service history?

They are making this policy up just to make our lives harder. I'm thinking of packing it in and getting another job!

Yours Truly

Ray Fivey
From: Ray Fivey
Sent: 03 August 2012 13:26
To: TPH
Subject: Taxi/Private Hire Law

Hello again

Just to follow on from my previous email

I wanted to touch on the subject of Private Hire Operators License's Fees and conditions etc,etc

I once had an operators licence for private hire, when i bought and licensed the very first Ford Galaxy seven seater MPV in Coventry. This vehicle was licensed to carry six passengers, and i paid around about £110 for my annual operators licence fee.

Part of the conditions of this operators licence was that i could only accept bookings at my home address via a landline telephone number ?

I was not allowed to take bookings on my mobile phone ? So if i had a pre-booking going to Coventry Station, or Birmingham Airport and a passenger called me on my mobile for a taxi whilst i was at these locations, then legally i could not take the fare ? I had to return to my home address where my operators licence was registered, to only allow me to take the booking on my home telephone number ?

This rule still applies today, and needs to be changed. I held my operators licence for about two years and when i changed my vehicle i did not renew it because i had taken another job as a sales rep.

Hackney Carriage drivers though, are allowed to take bookings on their mobile phones, and they don't have the extra expense of paying for an operators licence.

When i returned to taxi driving after getting fed up of my sales job, i enquired about getting an operators licence again. I was shocked and dismayed, taxi licensing had increased the cost to over £500 annually ? I asked why the big increase ? But didn't receive a satisfactory reply.

When i was an operator there were around thirteen operators in total in my city around 1997/98

Today there are still only thirteen operators in Coventry, maybe that is because of the extortionate licence fee increase to over £500 again this change took place and was introduced by licensing with no prior consultation or notification to private hire drivers. If i had of known about this increase then i would have opposed and objected to it.

The fees at the moment are too high, and don't encourage existing, or new drivers, to set up in business for themselves as an operator. These fees are putting drivers off from getting started as an operator and starting new taxi companies.

I'm put off getting an O/Licence because of the fee, and the fact i am not allowed to take bookings on my mobile phone, or via E-mail. I think Coventry has one of the most expensive operator license fees in the country, even more expensive than London. Yet if i move five miles down the road to Warwickshire i can get an O/Licence for three years for around £140

Another gripe i have with operators licence rules, is that i am not allowed to advertise my business name and number on my vehicle ? Hackney carriages can advertise their company name and number, but a private hire operator is not allowed to advertise on the outside of the vehicle ?

I see private hire vehicles from surrounding towns and cities all the time in my city, who have illuminated roof signs advertising their company name and number.
I think because of the high fees, and the rules over taking bookings, and advertising on vehicles in Coventry, it doesn't encourage drivers to start up their own taxi companies. That is why there are still only around thirteen operators registered in Coventry to this day!

If taxi licensing changed the rules and lowered the fees, then I think a lot more drivers would start up their own companies. This would generate more income for the licensing authority, and create more competition within the trade, which would lower taxi prices, and allow the travelling public more choice.

Another point is M.O.T fees, and only allowed to get our vehicles tested at the council M.O.T depot. Average waiting time for appointments is over four weeks? Why can't we have our M.O.T inspections at any M.O.T station/garage. Why do we have six monthly M.O.T.'s when in other towns and cities their tests are annually, and they can go to any testing station.

I am waiting to see if my local taxi licensing are going to allow a better choice of vehicles for hackney carriage, and to start allowing license plates again. If I could choose my six seater hackney carriage vehicle, like they do in most towns and cities. Then I would choose the Peugeot, Fiat, VW, Ford, over LTI, or Mercedes because they are cheaper and more economical, and I wouldn't need an operators licence. So I could kill two birds with one stone and do private hire, and hackney carriage work with just the one vehicle. We drivers have to be given more choice over vehicles, so that our businesses are allowed to prosper.

That's all for now, I think I have covered just about everything which affects taxi drivers in my city.

Thank You

I look forward to your final draft summary of the results of your consultation, and the changes that are long overdue in our trade

Yours Truly

Ray Fivey
LAW COMMISION PROPOSALS

HOW TO LICENCE

1. TWO TIER LICENCING SYSTEM SHOULD REMAIN IT WORKS DONT ALTER IT

2. ALL REAS TO BE INCLUDED NATIONAL RULES NO DEVIATIONS EASIER FOR DRIVERS AND PUBLIC IF EVERYTHING IS THE SAME ALL AREAS ALL CHECKS ON VEHICLES AND DRIVERS ARE OF SAME STANDARD SAFETY FOR PASSENGERS.

3. SAME AS ABOVE

4. PRIVATE LAND IS AS IT SAYS PRIVATE NOT SUBJECT TO STREET RULES

5. YES THE NEW LEGISLATION SHOULD STATE WHAT IS DEFINED BY PLYING FOR HIRE.

6. WEDDING CARS SHOULD BE LICENCED SOME OFFER PACKAGE TO TAKE HONEYMOONERS OFF TO AIRPORTS AND TECHNICALLY THEY ARE DOING IT FOR MONEY.THEY SHOULD BE TESTED FOR SAFETY AS THEY ARE BEING HIRED FOR A REWARD DRIVERS SHOULD BE BADGED TRANSPORTING CHILDREN BRIDESMAIDS PAGE BOYS ETC PASSENGER SAFETY

FUNERAL CARS SHOULD BE PLATED TECHNICALLY THEY ARE BEING PAID FOR TRANSPORT OF PASSENGERS (MOURNERS) AND SHOULD ALSO HAVE VEHICLE TESTING FOR SAFETY OF PASSENGERS AND DRIVERS BADGED AS THEY ARE DEALING WITH PEOPLE AT A VUNERABLE TIME AGAIN PASSENGER SAFETY

SPECIALIST VEHICLES LIMOUSINES OF ALL AGES SHOULD BE TESTED AND DRIVERS BADGED FOR SAFETY OF PASSENGERS AND SHOULD BE LICENCED TO ENSURE INSURANCE FOR HIRE AND REWARD AND CERTIFICATION OF FITNESS

THIS SHOULD BE 8 PASSENGERS AT LOCAL COUNCIL LEVEL AND ABOVE AT MINISTRY LEVEL AS TONNAGE OF VEHICLE AND MODIFICATIONS CAN ALTER BRAKING SYSTEMS AND STANDARD OF VEHICLE

FIRE ENGINES AND PEDICABS ALSO AS THEY ARE TRANSPORTING THE PUBLIC FOR A FEE SO SHOULD BE REGULATED.

FULL TIME VOLUNTEERS VEHICLES SHOULD BE SAFE THEREFORE TESTED DRIVERS SHOULD BE LICENCED AS THEY ARE TRANSPORTING PEOPLE WHO ARE
SICK OR VUNERABLE AND IN A LOT OF ORGANISED VOLUNTEER SERVICES ARE MAKING PROFITS SO SHOULD BE REQUIRED TO FALL INTO REGULATIONS

MEMBERS CLUBS ARE ACCEPTING MONEY FOR A SERVICE THEREFORE SHOULD BE GOVERNEED BY REGULATORY LICENCING

CAR POOLING FOR COMMUTERS SHOULD BE EXEMPT AS LONG AS THEY ARE NOT CHARGING FOR PROFIT AND DECLARING SUCH TO HMRC

WHAT TO CHANGE OR NOT.

1. ALL PRIVATE HIRE STANDARDS SHOULD BE SET NATIONALLY TO PREVENT OVER BURDEN ON OPERATORS WHEN PERSONAL OPINION INTERFERES WITH LICENCING DUTIES OF LOCAL OFFICER ALSO THIS WOULD BENEFIT PUBLIC AS SAFETY STANDARDS WOULD BE NATIONAL AND PUBLIC SHOULD BE MADE AWARE OF THAT FOR THERE OWN PIECE OF MIND IF OUT OF YOUR LOCAL AREA STANDARDS OF SAFETY SHOULD BE THE SAME.

2. NO COUNCILS SHOULD NOT BE ALLOWED TO IMPOSE PRIVATE HIRE CONDITIONS FOR REASONS STATED ABOVE.

3. TAXI STANDARDS SHOULD BE SET NATIONALLY FOR ABOVE REASONS

4. NO COUNCILS SHOULD NOT BE ABLE TO IMPOSE CONDITIONS A LOT OF CONDITIONS SET BY COUNCILS AND COUNCILLORS ARE SET BY PEOPLE WHO HAVE NO KNOWLEDGE OF THE TRADE I HAVE ASKED THOSE THAT SIT ON OUR COMMITTEE’S TO VISIT OUR BUSINESS SO WE CAN SHOW THEM WHAT THEY ARE RULING OVER IN OVER 22 YEARS AND REPEATED OFFERS NOT ONE OF THESE DECISION MAKERS HAS SET FOOT ON ANY OFFICES IN OUR LOCAL AREA SO WHAT UNDERSTANDING OF OUR TRADE DO THEY HAVE NONE WE HAVE SENT LETTERS TO COUNCILLORS WE GET NO REPLIES SO NATIONAL BODY NATIONAL RULES IS THE ONLY WAY FORWARD

5. TAXI FARES SHOULD BE SET NATIONALLY YEARLY TO TAKE INTO CONSIDERATION FUEL COSTS AND INSURANCE COSTS MAINTENCE COSTS ALL OF WHICH GO UP IN LEAPS AND BOUNDS ALSO IF NATIONALLY SET YOU WONT GET CABS CREEPING OVER FROM ONE ZONE TO ANOTHER TO CONFUSE CUSTOMERS.
6. PRE-BOOKING SHOULD BE ONLY WAY OF BOOKING PRIVATE HIRE BUT COULD INCLUDE SMART PHONE APPS AS TECHNOLOGY MOVES FORWARD WE WILL HAVE TO MOVE WITH IT.

7. ONLY PHV/TAXI LICENCED DRIVER SHOULD BE ALLOWED TO DRIVE LICENCED CAR IN ANY SITUATION TO PREVENT GREY AREAS OR ILLEGAL USAGE SURE CAN USE FOR SOCIAL AND DOMESTIC PLEASURE BUT ONLY BY LICENCE HOLDER DRIVING. OUR INSURERS STATE VEHICLES MAY ONLY BE DRIVEN BY PHV/TAXI LICENCE HOLDER.

8. FOR MAJOR CITIES KNOWLEDGE OF AREA IS A DIFFERENT LEVEL TO RURAL OR TOWNS WITH SAT NAVS AND A LOT OF COMPUTERISED SYSTEMS IN TAXI BOOKING OFFICES AND VEHICLES I DONT SEE THE NEED FOR KNOWLEDGE TESTS AT ALL WITH ALL THE TECHNOLOGY OUT THERE AND DEVELOPING ALL THE TIME. OUR LOCAL OFFICER WAS ASKED SEVERAL QUESTIONS ABOUT ROUTES PLACES AND WAS WRONG! SCARY AS HE SETS THE KNOWLEDGE TEST OPERATORS USUALLY HAVE FAR MORE KNOWLEDGE OF THEIR OWN AND SURROUNDING AREAS.GPS TRACKERS CAN ALSO TELL OFFICE IF DRIVER GOING WRONG WAY AND CAN BE INTERCEPTED BY OFFICE AND TOLD TO RE ROUTE.

9 NO COUNCILS SHOULD NOT BE ABLE TO SET CONDITIONS ON INDIVIDUAL DRIVERS/OPERATORS SHOULD BE NATIONAL RULES ONLY .DRIVERS HAVE BEEN KNOWN TO GET LICENCES BACK EVEN WITH CONVICTIONS OF VIOLENCE BECAUSE THEY KNEW SOMEONE IN THE COUNCIL OR LIVED IN LOCALITY OF OFFICER OF THE COUNCIL ITS OPEN TO PERSONAL OPINION THATS WHY NATIONAL RULES SO IMPORTANT.

10 COUNCILS SHOULD LIASE WITH OTHER COUNCILS RE TAXI LAW BUT SHOULD NOT BE ALLOWED TO SET RULES LOCALLY.

11. IF NATIONAL RULES APPLY GREATER PRESSURE CAN BE PUT ON HIGHWAYS AGENCIES TO PROVIDE ADEQUATE RANKING SPACES AND OVERSPILL PARKING OUR COUNCIL DE-RESTRICTED PLATES THEN REMOVED 50% OF OUR RANKS NOT LOGICAL AT ALL .ALSO THEY SAY YOU MUST NOT PARK ANYWHERE BUT RANK WHEN SPACE IS AVAILABLE DO YOU KNOW HOW MUCH POLLUTION IS CAUSED BY THAT ATTITUDE LET ALONE THE FUEL BILL COSTINGS! OBVIOUSLY THEY ARE NOT INTO SAVING THE PLANET!!! YET STATING THEY ARE A GREEN FRIENDLY COUNCIL THE TWO JUST DOES NOT MAKE SENSE.
12. NO PEAK TIME LICENCES ARE NO GOOD NOT ENCOURAGING FULL-TIME WORKERS AVAILABLE FOR WHEN CUSTOMER NEEDS THEM JUST GOING OUT TO MAKE QUICK MONEY FOR A COUPLE OF HOURS WE HAVE PART-TIME DRIVERS THAT WORK FLEXI TIME ROUND EACH OTHER AND THEIR COMMITMENTS IT WORKS FINE. ALSO FOR THE POOR DRIVERS WHO SIT OUT THERE ALL DAY AND ITS THERE SOLE INCOME THATS WHEN THEY CAN BOOST THEIR MONEY TROUGHS AND PEAKS GO WITH THE JOB. THATS LIKE SAYING TO A CLUB OWNER WHEN YOUR BUSY WE WILL SEND THE LOCAL OFF-LICENCE HOLDER IN TO SELL SOME OF HIS STOCK BUT NOT GIVE YOU NO MONEY OUT OF IT. ITS ABOUT BEING FAIR ALL ROUND.

13. YES OPERATORS SHOULD BE ABLE TO USE PRIVATE HIRE VEHICLES AND DRIVERS FROM ANY AREA THIS WOULD BE ESPECIALLY APPROPRIATE IF RULES REGULATIONS AND FARES WERE ALL NATIONALLY DECIDED.

14. NO TAXIS SHOULD NOT BE ABLE TO CHARGE MORE THAN THE METERED FARE ANYWHERE ANYTIME.

DRIVER, VEHICLE AND OPERATOR LICENCES.

1. THERE SHOULD BE NATIONAL “FIT AND PROPER” STANDARD FOR ALL DRIVERS INCLUDING PRIVATE HIRE, TAXIS AND THIS SHOULD INCORPORATE LIMOUSINES, WEDDING, FUNERAL, DRIVERS OF ALL TYPES WHERE PAYMENT IS MADE FOR THE SERVICES OF THE DRIVER.

2. THERE SHOULD BE NATIONAL “FIT AND PROPER” STANDARDS FOR ALL OPERATORS. THEY ARE OPERATING A BUSINESS NO MATTER WHERE THEY DO IT. NATIONAL RULES STOP LOCAL FAVOURS AND BLIND EYES WE SHOULD ALL OPERATE AT THE SAME LEVEL.

3. IT SHOULD APPLY IF THEY DO NOT DRIVE WHY SHOULD IT BE DIFFERENT BUSINESS OWNERS SHOULD LEAD BY EXAMPLE I WOULD NEVER EXPECT ANYONE TO DO SOMETHING I WAS NOT PREPARED TO DO MYSELF. BY THE SAME LEVEL OF PRINCIPLES WHY SHOULD DIFFERENT COMPANIES HAVE DIFFERENT STANDARDS OF REGULATIONS.
4. RULES SHOULD BE NATIONALLY REGARDING AGE/EMMISIONS/COLOUR/TESTING LICENCING AND ALL STANDARDS TO MAKE MARKET LEVEL AND STOP COUNCILS IMPOSING EXPENSIVE AND UNNECESSARY BURDENS ON LOCAL BUSINESS IF ALL RULES NATIONAL AND NO LOCAL INPUT ALL COMPANIES WOULD BE TRADING FROM SAME ADVANTAGE.

5 OPERATORS LICENSING SHOULD STILL BE A LEGAL REQUIREMENT.

6. WE HAVE NOT NEEDE OPERATOR LICENCE FOR TAXI CONTROLLED RADIO CIRCUITS SO FAR AND IT HAS NOT CAUSED PROBLEMS SO NOT NEEDED ALSO IF TAXI DRIVER WAS SOLE OPERATOR WOULD THIS LEAD TO HIM/HER HAVING OPERATORS LICENCE TOO SO NO DONT THINK ITS NECESSSARY.

7. PRIVATE HIRE OPERATORS SHOULD BE ABLE TO TRANSFER WORK TO OTHER OPERATORS OUT OF THEIR AREA IF THEY WISH TOO IE IF SPECIFIC VEHICLE BREAKS DOWN THAT IS REQUIRED YOU CANNOT LEAVE SOMEONE STRANDED IT COULD BE DISABLED VEHICLE AND YOU MAY NOT HAVE ANOTHER WITH ITS SPECIFIC REQUIREMENTS BUT KNOW ANOTHER COMPANY NEAR PICK UP HAS IT WOULD BE COMMON SENSE TO PASS JOB OVER FOR PASSENGERS SAFETY AND REQUIREMENTS.

8. TAXI DRIVERS SHOULD NOT HAVE TO KEEP RECORDS OF PRE-BOOKINGS

DEREGULATION

1. COUNCILS SHOULD REGULATE NUMBER OF TAXIS BUT NOT PRIVATE HIRE ONLY WHERE PROVEN THERE IS NO UN MET DEMAND WHICH IS NOT A PRECISE SCIENCE BUT IF TAXIS TO BE DEREGULATED EVERYWHERE NUMBERS OF LICENCE’S SHOULD BE REALEASED IN STAGES THEN MONITORED TO PREVENT OVERSATURATION .IE; 10 PLATES AT TIME AND BE ABLE TO RE-RESTRICT IF NEEDED BUT NOT BY WITHDRAWAL OF PLATES ALREADY ISSUED.

2. AS ABOVE

3. IF COUNCILS LOSE POWER TO REGULATE IT DEFINATELY SHOULD BE ABLE TO STAGGER RELEASE OF PLATES.
4. TRAFFIC CONGESTION CAN HAPPEN FOR A VARIETY OF REASONS SO BEARS NO RELATION TO AMOUNT OF TAXIS.

EQUALITY

1. HOW ARE YOU MAKING DISABLED EQUALL IF YOU ARE SINGLING THEM OUT WITH THEIR OWN RANKS AND DIFFERENT RULES THAT IS CLEARLY MAKING AN ISSUE OF THEIR STATUS . SO NO RANKS OR RULES SPECIFICALLY FOR DISABLED. YOU ARE CLEARLY LABELLING PEOPLE AND DISHONEST PEOPLE COULD SEE IT AS A TARGET AREA FOR VUNERABLE PEOPLE .
2. YES DISABLED LICENCED VEHICLES SHOULD HAVE LOWER LICENCE FEES THE VEHICLE SPECIFICATIONS REFLECT IN THE PRICE CHARGED TO BUY THEM IT CAUSES LARGER THAN NORMAL FINANCIAL COMMITMENT BY THE COMPANIES OR INDIVIDUALS BUYING THEM.
3. DRIVERS SHOULD NOT HAVE TO TAKE DISABILITY AWARENESS TRAINING THIS AWARENESS CAN BE GAINED BY LISTENING TO THE PERSON THEMSELF WHO IS DISABLED AS EACH HAVE THEIR OWN NEEDS AND REQUIRMENTS IT IS NOT A UNIFORM LEARING PROCESS FROM A BOOK IT JUST TAKES RESPECT AND UNDERSTANDING ALSO LISTENING TO ANYBODYS PERSONAL NEEDS.
4. THEIR SHOULD BE NO SPECIFIC RULES FOR DRIVERS WHO FAIL TO RESPOND TO DISABLED PASSENGERS THIS IS MAKING AN ISSUE AGAIN OF THEIR PROBLEMS/ISSUES THE DRIVER MAY FAIL TO STOP FOR ABLE BODIED PERSON FOR OWN REASONS OR ON WAY TO BOOKING BUT IF HE FAILS TO STOP FOR DISABLED PASSENGER THEN IT COULD CAUSE HUGE ISSUES WITH HIS LICENCE. MOST PEOPLE WANT JUST TO BE THEMSELVES NOT LABELLED AND IDENTIFIED BECAUSE OF THEIR DISABILITY. THAT WOULD BE PREFFERENTIAL DISCRIMINATION.

ENFORCEMENT

1. NO LICENCING OFFICERS SHOULD NOT BE ABLE TO STOP LICENCED VEHICLES WHAT OFFICER SHOULD BE ABLE TO DO IS PROVIDE
PHOTOGRAPHIC OR WRITTEN EVIDENCE FOR POLICE TO MONITOR AND ARREST UNLICENCED DRIVERS IN UNLICENCED VEHICLES PLYING FOR HIRE AND OPERATING TAXI BUSINESS WITHOUT RELEVANT DOCUMENTS.

2. A COUNCIL OFFICER CAN REQUEST A DRIVER TAKES WHAT HE CONSIDERS A FAULTY CAR TO BE TESTED AT A M.O.T. STATION IF IT IS DANGEROUS IT CANNOT BE REMOVED DUE TO M.O.T. LAWS BUT IF FOUND TO BE PERFECTLY OK COUNCIL SHOULD PAY FOR TEST WOULD STOP PETTY LICENCING OFFICERS STOPPING LAW ABIDING TAXI/PHV DRIVERS BECAUSE OF PERSONAL REASONS.

3. FIXED PENALTY TICKETS SHOULD ONLY BE ALLOWED TO BE ISSUED BY POLICE AS SHOULD PENALTY POINTS .OR BY NATIONAL RECOGNISED BODY NOT LOCAL OFFICERS THEY SHOULD PRESENT THEIR CASE TO NATIONAL BODY BUT DRIVER ALSO SHOULD BE ABLE TO PRESENT CASE TOO. I PERSONALLY HAD AN INCIDENT WHERE PICKING UP ONE NIGHT A DISABLED ELDERLY LADY HAD A CAR BEHIND ME TOOTING LATE AND REPORTED ME TO LICENCING OFFICER FOR TOOTING MY HORN I PROVIDED OFFICER WITH SEVERAL WITNESSES TO THIS INCIDENT AND THE OFFICER SAID “YOU MUST BE LYING THESE PEOPLE LIVE IN MY STREET” HE DID NOT CONTACT THE WITNESSES OR CUSTOMER TO VERIFY THE STORY ONE WAY OR ANOTHER .SO THIS LEVEL OF POWER SHOULD BE KEPT AWAY FROM LICENCING OFFICERS. NOT SAYING THEY ARE ALL THE SAME BUT IT COULD BE A LEVEL OF POWER TO HARD TO RESIST FOR SOME .AND AN INNOCENT PERSONS INCOME WHICH AFFECTS THEIR WHOLE FAMILY AND THEIR ROOF OVER THEIR HEAD COULD BE DOWN TO A LOCAL DESPOT.

4. LICENCING OFFICERS SHOULD LIASE WITH OTHER AREAS REGARDING DRIVERS FROM THAT AREA FOR THEM TO DEAL WITH.

5. NO LICENCING OFFICERS SHOULD LIASE WITH DRIVERS AREA LICENCING OFFICER FOR THEM TO DEAL WITH CERTAINLY NOT BE ABLE TO ENFORCE ANY SUSPENSIONS/REVOCATIONS CROSS BORDER IT SHOULD BE DEALT WITH BY LICENCING OFFICER FROM WHERE LICENCE WAS ISSUED.

APPEALS
1. THE RIGHT TO APPEAL SHOULD NOT BE LIMITED TO HOLDER OF LICENCE ANYONE SHOULD BE ABLE TO ATTEND GIVE EVIDENCE STATE THEIR WORRIES AS IT MAY HAPPEN TO THEM IN FRONT OF THEM.

2. IDEALLY THERE SHOULD BE INDEPENDANT COUNTY OR NATIONAL APPEAL PROCEEDURE BUT IF NOT POSSIBLE YES YOU SHOULD BE ABLE TO APPEAL TO COUNCIL COMMITTEE FIRST.

3. BURDEN OF COST WOULD PREVENT MAGISTATES COURT BEING YOUR FIRST APPEAL AND UNLIKELY THAT MAGISTRATE WOULD BE KNOWLEDGABLE SPECIFICALLY IN THIS AREA.

4. IF HOWEVER YOU DID TAKE TO MAGISTRATES COURT AND FAIL, YES YOU SHOULD BE ABLE TO TAKE TO CROWN COURT, 10 DOWNING STREET OR EUROPEAN COURT IF YOU SEE FIT IT IS A MATTER OF SOMEONES INCOME AND PROVISION FOR FAMILY OR SELF. HUMAN RIGHTS I WOULD DEFEND MY CAUSE IF I WAS RIGHT IN MY OPINION TO THE VERY TOP OF WHATEVER LEGAL LADDER I HAD TO CLIMB.

DENISE GRIFFIN
SWALE LICENCING AREA
DRIVERS LICENCE (BADGE) 2345
OPERATING 17 VEHICLES PHV AND TAXIS
From: Colin 
Sent: 03 August 2012 08:42 
To: TPH
Subject: wedding cars

Object to “Reforming the law of taxi and private hire services”

Greetings,

I've just signed the following petition addressed to: Wedding & Funeral Car Operators.

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Object to “Reforming the law of taxi and private hire services”

The proposal ("Reforming the law of taxi and private hire services") being considered by the Law Commission is for wedding cars & funeral cars to be controlled in the same way as private hire vehicles, including Local Authority licensing, CRB checks and generally a much higher standard of compliance, which will force a lot of older cars out of service, and lead to significantly increased costs for those that remain...

Like lots of other classic car owners that do weddings, we do not want to use our cars as taxis, hence we do not have a private hire licence. I take an interest in the school proms every year and look in our local paper to see all the cars / vehicles in the photographs and very few of them are PRIVATE HIRE LICENSED. I ask the question, are they insured for paying passengers?????? with public liability insurance?????? I guess not. We do not do school proms.

We are fully insured for paying passengers and have public liability insurance. Our car is 24 years old. It seems to me that this government is trying its hardest to stop people working and earning a honest living.

Sincerely,

Colin & Patricia Smith
Spirit Wedding Services

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From: Ann Denne
Sent: 03 August 2012 12:21
To: TPH
Subject: wedding cars

Dear Sir,

With reference to the "Taxi and Private Hire Consultation"
I do strongly object to the Weddings and funeral cars being no longer be exempted under primary legislation.
The reasons being as follows:
The price of a vehicle for the bride on her BIG day will have to increase by quite a large amount making this out reach for many people.
Funeral cars will also have to put their charges up, which are exorbitant already and therefore make many people very worried about whether or not they can afford a nice burial for their loved ones. It seems to me that once again you are trying to make money either out of people who are celebrating their Best Day in life or else people who are grieving for their loved ones. This new idea is once again taxing the everyday person heavily or making the day less enjoyable.
I do agree with the dropping of the present "licensed drivers only" condition.

Yours sincerely

Ann Denne

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From: Arron Elfassy
Sent: 03 August 2012 14:01
To: TPH
Cc: '1 & 1 Luxury Wedding Cars'
Subject: Proposed wedding car legislation

Dear Sirs,

Legislating to put wedding cars in the same category as "taxis", and taxing them in the same way, is terribly unfair. Wedding cars go out only once or twice a week, mostly during the spring or summer months, to generate a very modest income for their owners. Wedding cars are often classic or vintage cars that require special care and are cherished by their owners - they cannot perform the role of a normal taxi. By contrast, taxis are on the roads every day, 9 hours a day or more, they are modern cars and they earn a great deal more cash for their operators.

My parents have worked very hard for 10 years to build a viable little wedding car business to provide them with a modest supplement to their retirement income, and to keep them busy and active. Introducing legislation to re-categorise wedding cars as taxis will make this business no longer viable; it will kill the market for wedding car transport. Brides will not be able, or willing, to pay the necessary increase in hire costs, and the asset value of the vehicles themselves will plummet because wedding cars will be effectively made redundant. This is grossly unfair, it will be devastating for these businesses, it will cause huge financial loss for the vehicle owners (many of whom are older people who have invested in these cars and as a nest egg for their retirement). Not to mention the income loss to all the people employed to drive and maintain these cars.

Put simply this proposed legislation will be totally destructive to small businesses. It is counterproductive legislation during a recession when we are told it is necessary to do everything possible to support small business and stimulate the economy.

Financial considerations aside, this proposed legislation would be heart breaking for many people, many in their retirement years, who have worked hard and passionately for many years to provide the service they do. Not only would it take their livelihoods away, it would also deprive many a bride and groom of their happy moments in a vintage or classic car on their big day.

Kind Regards,

Arron Elfassy,
Star Credit Recruitment Ltd

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To: The Law Commission Examining Whether Wedding and Funeral Cars Should be Treated as Private Hire Taxis:

From: Peter James Hole

Sirs, I wish to register most strongly my objection to the possible proposal to treat wedding cars and funeral cars as private hire vehicles. I own a 1988 Rolls-Royce Silver Spirit which has travelled only 56,000 miles since new. I purchased this car in October 2006 and, at the time it had travelled only 40,000; my average yearly mileage is therefore in the region of 2,600 miles.

I am a Rolls-Royce enthusiast and a member of the Rolls-Royce Enthusiasts Club. Purchasing this Rolls-Royce on taking an early retirement from teaching, satisfied an ambition which evolved during boyhood. Using the car to do weddings enables to afford the daily running costs and the not insignificant maintenance costs in keeping Which are required to keep the car in tip top condition.

I do about 20 weddings each year at extremely competitive prices. I give discounts to local residents, public sector/registered charity employees and an additional discount to members of the armed forces who have completed a tour of duty in Afghanistan – please visit my website – www.rr4u.co.uk for full information. The cheapest wedding done by me this year was just £145 less than half of what most wedding car companies charge!

My objections are as follows:
* Wedding cars and funeral cars are not like private hire vehicles and should not be treated as such
* Classic and vintage vehicles are usually owned by enthusiasts who do a few weddings each year to enable the vehicles to be maintained properly. Between 60 – 70% of all Rolls-Royce motor cars manufactured since 2004 remain on the road today! Many of these have been maintained properly only because of the fact that there has been an income from weddings to subsidize the costs.
* Private hire taxis are able to work 24/7 so long as pre-booked – which can be by telephone minutes before they are required. Wedding cars are frequently pre-booked two years in advance.
* Private hire taxis travel many thousand miles each years whereas wedding car travel a fraction of this distance and are limited to a maximum mileage of 3,000 or 5,000 miles per year. I am insured by the R-REC’s official broker and my annual limit is 5,000 miles which is for weddings, attending club events and private use. Some classic car insurance companies limit users to a small number of wedding each year.
* Private hire taxis are usually diesel cars which are very economical whereas wedding cars are usually not – my Rolls averages 11 mpg when on a wedding and 16 mpg on a long run.
* Many classic car owners would be forced withdraw from the wedding market leaving wedding to large operators using modern cars and do also, proms. Airport runs and corporate work. I recently spoke to chauffeur of a modern Phantom and his company charge £900 for a wedding – New Phantoms cost in the region of £300,000. Some councils will only issue private hire licences to vehicles which are less than five years old. No longer would beautiful modern classic, classic or vintage cars be seen playing a part in weddings.
* Clearly, funerals would still take place, but would costs more if funeral cars too were classified as private hire vehicles. Most funeral directors employ a number of retired people to drive their cars on a part time basis; treating funeral cars as private hire vehicles would mean that funeral directors would have to pay over £300 in fees for each such employee.
* I believe that H.M Government already receives enough revenue from wedding car owners from tax on petrol, repairs and maintenance, insurance tax, vehicle excise duty and income tax.

Should it come to pass that wedding and funeral cars are to be treated at private hire vehicles, I will keep my car, but will close down my wedding car business (a business of just one car). I very much enjoy driving for weddings and will miss it very much. However, it would be financially suicidal to attempt to enter the private hire world with an almost 25 year old Rolls-Royce.

Peter James Hole,
As someone who runs a small wedding car company, I would like to register my dissatisfaction with your proposals to add to the burden of regulation for wedding and funeral hire services, and to ask if you would consider removing the recommendation to licence these activities from your consultation paper.

My business is a very small one, offering 3 classic cars as wedding transport to take the bride to church, and the bride and groom on to the reception on their big day. My profit margin is small (sometimes non existent). I do less than 20 weddings per year, and each car travels no further than 1000 miles per year. The imposition of some of these changes would cost significant sums of money, such as the need to undertake disability awareness training, and the purchase form the local authority of the necessary licences. Requiring me to operate to the same regulations as a taxi firm would make my business non viable – commercial insurance, 2 MoT tests per year, mandatory CRB checks if carrying children and so on. Should this be extended to the wedding sector, I believe many firms will simply close as they will not be able to afford the cost implications. The outcome will be that decent small business owners will be closed down, and the market will become the preserve of one or two large taxi companies, or those operating entirely unlicensed businesses. In either case the consumer will suffer through a lack of choice and exposure to some unsavoury businesses and owners.

I believe the market in ‘School Prom transport’ has been affected by this and is a case in point. With the growth in the number of schools now having a School Graduation Prom, there is a market in providing transport for the children, as ‘arriving at the prom’ is one of the highlights of the evening. However as this is not exempt from the legislation, Herefordshire Council insist that businesses wishing to do this operate under locally set regulations. These involve a total of at least 3 licences – one each for driver, car and business owner (each licence carries a significant cost of some £300, is renewed by a different department, and at different times of the year), CRB checks, agreement to spot checks by council officials, 2 MoTs each year, a reluctance to licence cars over 5 years old, and so on (you will understand the absurdity of insisting for instance that cars which are sometimes nearly 80 years old, and were designed for a different world, should be fully accessible to the disabled). The net result is that decent businesses like mine are not able to offer such a service, despite there being a clear customer demand for it (I turn down at least 5 or 6 each year). The market is then filled with companies offering stretch limousines, most of which are not licenced (I know as I have spoken to some of their drivers at weddings), and customer choice is restricted.

In my view these recommended changes, whilst no doubt offered with the best of intentions, reflect the worst aspects of the nanny state imposed on this country by 13 years of New Labour. The documents are filled with talk of ‘enhancing enforcement powers’ and ‘increased licensing’, businesses are further hampered whilst extra powers (and with them no doubt the justification for further Council spending and an increase in the public sector headcount) are passed to local authorities. A thin argument is made that somehow these regulations will assist business in allowing nationwide operation, but how many wedding car firms are or want to be nationwide? There seems to be no attempt at all to understand the way in which the wedding market, which is quite small but highly localised, actually operates, nor has there been any case made that there is a need to regulate the wedding market. This seems in fact simply to be a burning desire to extend legislation for the sake of doing so. In the case of taxi firms, problems in the industry some 30 years ago, which were acknowledged at the time, required government intervention, but there have been no similar problems within the wedding industry as far as I am aware. In that case, I must question the reason why the Law Commission feels these changes should be made.

Given the economic plight in which this country finds itself, I would hope that the Law Commission would want to support small businesses, not legislate them out of existence. Should you feel that further work on this sector is warranted, I would be
very happy to cooperate with any research you might want to make into operating conditions, market trends, customer wishes, profit margins, poor business practise and so on. Until such work has been carried out it is difficult to see how the Law Commission can suggest such fundamental changes to the way in which our businesses operate.

I have previously corresponded with my MP, Mr Jesse Norman on this subject. As he has asked me to keep him informed on this subject I have copied this email to his office.

Yours faithfully

Mark Williams

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