

MEETING:	REGULATORY-COMMITTEE
DATE:	2 NOVEMBER 2010
TITLE OF REPORT:	THE PROPOSED USE OF TUK TUK'S IN HEREFORDSHIRE
PORTFOLIO AREA:	ASSISTANT DIRECTOR (EHTS) PUBLIC HEALTH DIRECTORATE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

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

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Committee:

- (a) Grant the application for the Tuk Tuk within Herefordshire as a Hackney Carriage;**
- (b) Adopt the draft Tuk Tuk conditions attached to this report to regulate this vehicle and any such future Tuk Tuk;**

Key Points Summary

- Application received 28th September 2010.
- This Tuk Tuk vehicle is a 129cc three-wheeled vehicle.
- Tuk Tuks have traditionally been used in southeast Asia, in countries like Thailand.
- Information about testing requirements and safety standards are provided within the report.

Further information on the subject of this report is available from
Marc Willimont Regulatory Services Manager (01432) 261986

Alternative Options

- 1
 - i. The application be refused and a decision made as to whether Herefordshire Council licences such similar vehicles in the future.
 - ii. To defer the decision.
 - iii. To reach some other decision.

Reasons for Recommendations

- 2 It is felt that Tuk Tuks will provide an attraction for tourists and provide an alternative for passengers on the shorter journeys around the city. The suitability of the types of journeys made will be regulated by the Licensing Authority, who will approve the operating area and/or route to be used. It is noteworthy to mention that unpowered tricycles have already been licensed as hackney carriages in Herefordshire and as Tuk Tuks are similar motor powered versions, this has arguably set a precedent.

Introduction and Background

- 3 A request has been received for the Council to approve the use of a 'tuk tuk' as a hackney carriage within the Council's district (See Appendix 1).
- 4 A trawl of the internet reveals that tuk tuks have been considered as taxis by other councils already. For information, this is summarised below:

Council	Outcome
Nottingham City Council	Private hire granted
Wychavon District Council	Granted
Derby City Council	Granted
North Somerset Council	Hackney granted
Plymouth City Council	Hackney granted
South Hams Council	Refused as cannot comply with conditions – being contested
Purbeck District Council	Hackney granted
Cambridge City Council	Private hire only granted as did not have disabled access
Blackpool Council	Private hire granted

5. Tuk-tuks are a widely used form of urban transport in Thai cities, as well as other major Southeast Asian and South Asian cities. They may have a sheet metal body or open frame with canvas roof and drop-down sides. Some have ornate tin ornamental hammerings or carvings for decoration. The roof may be either steel or a water-proofed canvas, riveted to round tubing. Water-proof removable sides can be used for weather protection when it rains. Resting on three small wheels (one in front, two on the rear), there is a small cabin for the driver in the front and seating for three in relative comfort in the rear. The current application is for a tuk tuk 'limousine', which has a larger rear compartment, seating up to six passengers. Tuk-tuks are generally fitted with a water-cooled two-stroke engine. As such, they are capable of reasonable speeds and can keep up with the flow of normal road traffic. The vehicles have handlebar controls instead of a steering wheel, making them a tricycle.

- 6 The vehicle (registration number HY10 BPF) has already been purchased by the applicant. It has been subjected to Single Vehicle Approval test. The Single Vehicle Approval (SVA) Scheme is a pre-registration inspection for cars and light vehicles that have not been type approved to British or European standards. The main purpose of the check is to ensure that the vehicles have been designed and constructed to acceptable safety and environmental standards before they can be used on public roads. Officers are not aware that the vehicle in question has been subjected to any form of crash testing, such as Euro NCAP, or the M1 crash test standard often applied to hackney carriages that have been converted from an original goods-carrying vehicle – an example being the Fiat Scudo. Members will appreciate that public safety is a fundamental concern that must be considered as part of the licensing process. Because of the engine size and type, the vehicles are more fuel efficient than traditional taxis and will have to pass the relevant MOT emission test standards.
- 7 As the Tuk Tuk applied for will arguably not comply with the current standard conditions nor the requirement for new hackneys to have disabled access, a new set of conditions have therefore been drafted, (See Appendix 2) should members wish to approve tuk tuks as licensed vehicles in Herefordshire. The decision as to whether to licence tuk tuks rests with the Council, although the committee will need to have regard to any legal advice provided.

Key Considerations

- 8 If Herefordshire wish to licence Tuk Tuks.

Community Impact

9. It may be attractive to tourists.

Financial Implications

- 10 Not applicable

Consultation

- 11 No consultation has taken place, as it is felt that the Committee Members will be suitably informed and placed to make this type of decision.

Risk Management

12. Not applicable

Legal Implications

- 13 The legal requirement is that any vehicle being operated for 'hire or reward' requires a licence for that purpose from the licensing authority for the area in which they operate. It is proposed that the fees charged for hackney carriages are also suitable for Tuk Tuks, as the process is the same.
- 14 The development of case law has highlighted that for there to be hire or reward, the payment of a fee by the hirer does not have to take place. What is important is the nature and circumstances of the relationship giving rise to an individual being conveyed in a vehicle.

- 15 The view therefore is that for the purposes disclosed to officers, tuk tuks are licensable. In that event, there is an obligation on the Council to safeguard the interests and welfare of the public who have access to, and will make use of, such vehicles.
- 16 Unpowered tricycles have already been licensed as hackney carriages in Herefordshire and as Tuk Tuks are similar motor powered versions, this has arguably set a precedent.
- 17 The adoption of bespoke conditions to approve Tuk Tuks (as per Appendix 2) will enable the effective regulation of this type of vehicle.

Appendices

17. Appendix 1 – Application form for the Tuk Tuk
Appendix 2 – Proposed Tuk Tuk (draft) vehicle conditions

Background Papers

18. None identified.