

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
TAXI AND PRIVATE HIRE CAR LICENSING
MODIFICATION OF LIST OF APPROVED VEHICLES**

1. SUMMARY

- 1.1 Argyll and Bute Council licensing section have received requests to consider including tuk tuk vehicles and trikes on the list of vehicles approved for use as taxi and private hire cars licensed by Argyll and Bute Council

2. RECOMMENDATION

- 2.1 Members are recommended to include tuk vehicles on the list of vehicles approved for use as private hire cars subject to the conditions recommended.
- 2.2 Members are recommended to include trikes on the list of vehicles approved for use as private hire cars subject to the conditions recommended.
- 2.3 Members are recommended to approve the amendments to the standard conditions for private hire as specified at Appendix 1.
- 2.4 Members are recommended to refuse inclusion of tuk vehicles on the list of vehicles approved for use as taxis.
- 2.5 Members are recommended to refuse the inclusion of trikes on the list of vehicles approved for use as taxis.

3. BACKGROUND

- 3.1 The Civic Government (Scotland) Act 1982 states that a licensing authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicles to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be.
- 3.2 To aid compliance with the above requirement, Argyll and Bute Council maintains a list of vehicles which are approved for use as taxis or private hire cars.

- 3.3 Current approved vehicles for taxi and private hire use are –
- a. Fx4, metrocab or similar vehicles purpose built for use as taxis;
 - b. 4 door saloon, 5 door hatchback or estate cars of a size acceptable to the Council;
 - c. People carriers or multi-purpose vehicles (MPVs) which are, after inspection, considered suitable for the intended purpose; and
 - d. Such other vehicles as may be approved by the Licensing Authority from time to time.
- 3.4 Tuk tuk vehicles are 3 wheeled motor vehicles based upon scooters and when intended for human transportation will often be constructed to carry three or more passengers sitting behind the driver who operates scooter controls from within a covered cabin area.
- 3.5 Tuk tuk vehicles have been licensed to operate as private hire cars and taxis in a number of English licensing authority areas.
- 3.6 Trikes are, for the purposes of taxi and private hire car licensing, 3-wheeled motor vehicles based upon motor bikes and may be fitted with one or more seats to the rear of the driver who operates the vehicle using motorcycle controls.
- 3.7 Trikes have been licensed to operate as private hire vehicles in a range of licensing authority areas in Scotland and further afield. A number of companies offer trike based tours in Scotland and the UK using vehicles licensed as private hire vehicles.
- 3.8 Consultation input has been sought from Argyll and Bute Council's vehicle inspection section regarding the addition of tuk tuk vehicles and trikes to the list of vehicles approved for use as taxis or private hire vehicles. A copy of the consultation response regarding tuk tuks is attached as Appendix 2. A copy of the consultation response trikes is attached as Appendix 3.
- 3.9 Consultation input has been sought from Strathclyde Police regarding the addition of tuk tuk vehicles and trikes to the list of vehicles approved for use as taxis or private hire vehicles. A copy of the consultation response from Strathclyde Police regarding tuk tuks is attached as Appendix 4. Strathclyde Police have made no comment regarding trikes.
- 3.10 Consultation input has been sought from Argyll and Bute Council's Health and Safety Section regarding the addition of tuk tuk vehicles and trikes to the list of vehicles approved for use as taxi or private hire vehicles. A copy of the consultation response from Argyll and Bute Council's Health and Safety Section regarding tuk tuks is attached as Appendix 5. Argyll and Bute Council's Health and Safety Section have made no comment regarding trikes.

- 3.11 Taxi and private hire vehicles licensed for operation by Argyll and Bute Council are subject to standard conditions. It is recommended that these standard conditions be varied to include conditions relating specifically to the use of tuk tuk vehicles and trikes as taxis or private hire cars. Variation of these standard conditions is proposed as at Appendix 1.
- 3.12 Members should note the differences between taxis and private hire vehicles as contained in the Civic Government (Scotland) Act 1982. Taxi means 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 his behalf, and its driver for a journey beginning there and then. The maximum fare which can be charged for a journey in a taxi is set by the licensing authority. A taxi may pick up passengers waiting at a taxi stance or in a public place. A private hire vehicle may only take passengers who have arranged the journey prior to it beginning. The fare for a journey in a private hire vehicle is freely negotiable between passenger and operator.
- 3.13 Members should note that private hire licensing under the Civic Government (Scotland) Act 1982 is used within Argyll and Bute Council for the licensing of tour vehicles which fall with the definition of a "hire car" in terms of the Act.

4. CONCLUSION

- 4.1 There is an apparent level of demand to amend the list of vehicles approved for use as taxis and private hire vehicles. The proposed amendments to the relevant conditions will widen the range of vehicles which can be licensed in Argyll and Bute while recognising the need to protect the safety of drivers, passengers and others within the licensing authority area.

5. IMPLICATIONS

- 5.1 **Policy:** Amendment of policies on licensing of taxis and private hire vehicles.
Financial: Nil.
Personnel: Nil.
Equal Opportunity: Nil.
Legal: Nil.

Charles Reppke
Head of Governance and Law

**For further information contact: Graeme B Forrester; telephone 01546 604197;
e-mail graeme.forrester@argyll-bute.gov.uk**



CUSTOMER SERVICES – GOVERNANCE & LAW

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SCHEDULE OF CONDITIONS - PRIVATE HIRE CAR

- 1 The holder of a private hire car licence shall ensure that the private hire car, including all bodywork, upholstery and fittings is in good, safe and serviceable condition, that the bodywork is of a uniform colour scheme (except where in the manufacturer's specification i.e. coachlines etc) and that subject to prevailing road conditions is in a clean condition.
- 2 During the currency of the licence the holder of a Private Hire Car Licence shall, on expiry of current documents, produce to the Licensing Authority (a) a current MOT Certificate (for vehicles over 3 years old) excluding vehicles on the Islands of Tiree, Coll, Colonsay and Lismore and (b) a current Certificate of Motor Insurance within 48 hours of the expiry of the previous Certificates. It is the responsibility of the licensee to ensure these documents are passed to the licensing authority. Failure to comply may lead to the licence being suspended. In addition the holder of a Private Hire Car Licence shall require the Private Hire Car to undergo and pass an annual inspection as instructed by the Licensing Authority. On such other occasions as may be required by the Licensing Authority and on such reasonable notice from the Licensing Authority, he shall produce his private hire car for inspection at such time and place as may be reasonably required. On request, he shall produce to the Licensing Authority evidence that the private hire car has passed the inspection.
- 3 The holder of a private hire car licence shall hold in his own name the requisite vehicle registration document and the certificate of insurance in relation to the private hire car required by Part VI of the Road Traffic Act 1972 and a certificate confirming the vehicle has passed inspection as issued by the testing station; where more than one name appears on the private hire car licence the vehicle registration document the certificate of insurance and inspection certificate shall be in the name of at least one of those names.
- 4 The holder of a private hire car licence, when the private hire car is damaged in a vehicular accident or by any other means, shall report the damage to the Licensing Authority within 2 working days. As soon as the repairs to the private hire car have been completed, the licence holder shall submit to the Licensing Authority an inspection certificate, or equivalent, for the vehicle dated after completion of repairs. Until an appropriate certificate has been submitted to the Licensing Authority the vehicle shall not be used as a private hire car. If a decision has been taken that the damage is of a more serious nature, the licensing authority may wish to inspect the vehicle before permitting it to be used again as a Private Hire Car.
- 5 Should the circumstances arise that a private hire car is damaged in a road accident and cannot be used for a temporary period, the licensing authority may consider an application for a temporary substitution of vehicle. It is recognized that the temporary vehicle may be provided by an insurance company and may therefore be part of a lease arrangement. In these circumstances the requirement to produce a vehicle registration document and/or bill of sale, may be replaced by production of the original lease agreement.
- 6 The holder of a private hire car licence shall not ask a driver of a private hire car to do anything which would result in the driver committing a breach of conditions attached to the grant of the driver's licence.

- 7 The holder of a private hire car licence shall keep an up-to-date list of the names and addresses of all private hire car drivers employed by him and shall supply the Licensing Authority with a list thereof on demand.
- 8 The holder of a private hire car licence shall be bound to fulfill, or cause to be fulfilled, at the time and location specified, an engagement to hire his private hire car which he has accepted, unless prevented by sufficient cause.
- 9 The holder of a private hire car licence shall ensure that while the vehicle is in use as a private hire car the plate which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a private hire car is displayed at all times on the back inside window of the car.
- 10 The holder of a private hire car licence shall not obliterate or deface any plate which has been issued by the Licensing Authority for the purpose of indicating that the vehicle is a Private hire car and which is fixed to the private hire car. If any such plate becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate is lost, the holder of the private hire car licence shall report this to the Licensing Authority as soon as practicable in order to obtain from the Licensing Authority a replacement plate on payment of the appropriate fee.
- 11 The holder of a private hire car licence shall ensure that any potential hirer of his private Hire car is informed, prior to acceptance of the hire, of the cost, or method of calculating the cost, of the proposed journey.
- 12 The holder of a private hire car licence (a) shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car other than those approved by the Local Authority; the holder requires to apply to the Local Authority for approval of such sign in the prescribed form (b) shall not display a roof sign of any kind on his private hire car, (c) may have the name and address of the licence holder shown on the outside of his private hire car, (d) shall not have any advertisement notice on the outside or on the inside of his private hire car other than those approved by the Local Authority in terms of (a); and (e) shall display inside the private hire car, in a conspicuous position and of a size which will allow it to be read easily by all passengers, the private hire car licence number and the name and address of the licence holder.
- 13 The holder of a private hire car licence must carry a first aid kit and also, in a suitable Fastener in his private hire car, a fire extinguisher of an appropriate type in a readily accessible position.
- 14 The holder of a private hire car licence shall not substitute a vehicle in respect of which the private hire car licence is held for another vehicle without first making a formal application to the Licensing Authority and obtaining the written consent of the Licensing Authority. Before consenting to a substitution in terms of this condition, the Licensing Authority shall require that the vehicle to be substituted for the existing vehicle undergo and pass an inspection by or on their behalf.
- 15 The holder of a private hire car licence shall not employ anyone to drive their vehicle who does not hold a current private hire car driver's licence.
- 16 The holder of a private hire car licence shall report all changes of circumstances relating to the licence to the Licensing Authority, in writing, as soon as practicable. This includes, without prejudice on the foregoing generality dissolution of partnerships, change of address etc. Any licensee in doubt as to what constitutes a change of circumstances should contact the office of Head of Governance and Law for guidance.
- 17 Only those vehicles approved by the Licensing Authority shall be permitted for use as private hire cars by the Licensing Authority. These are:-
 - (a) FX4, Metrocab or similar vehicles purpose built for use as private hire cars.
 - (b) 4 door saloon, 5 door hatchback or estate cars of a size acceptable to the Council.

Without prejudice to the foregoing generality any such vehicle shall have a rear seat of at least 51 inches in width.

- (c) "People Carriers" or multi purpose vehicles (MPV's) which are, after inspection, considered suitable for their intended purpose.
- (d) Tuk tuk vehicles.
- (e) Trikes.
- (f) Such other vehicle(s) as may be approved by the Licensing Authority from time to time.

Where a hatchback or estate car is used, the rear parcel shelf shall be kept in place or a satisfactorily secured device shall be fitted to prevent luggage travelling from the luggage compartment into the passenger compartment in the event of a sudden stop or accident.

- 18 On being granted a licence for the first time, an applicant shall be furnished with a private hire car plate by the Head of Governance and Law. In the event of the plate being damaged or lost while in his possession or if a new plate is required in respect of the substitution of a vehicle, a replacement plate may be issued on payment of the requisite fee.
- 19 No charge may be made for carrying blind and hearing dogs and only owners/drivers with an allergy to dogs are entitled to refuse to carry such animals. In this respect operators/drivers must ensure that such allergies are notified to the Licensing Authority in writing.
- 20 The driver of a private hire car shall not use a mobile phone in contravention of the legislation in relation to the use of mobile phones.
- 21 Without prejudice to the foregoing, where the licence relates to the use of a tuk tuk vehicle, the licence holder shall ensure that:
 - (a) The vehicle is maintained in a sound, mechanical and structural condition at all times and that the vehicle complies with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction and use of tuk tuk style vehicles.
 - (b) The bodywork of the vehicle is in good condition and the paint work clean and well maintained.
 - (c) Any roof covering is water tight.
 - (d) The condition, fixing and routing or position of electric cables and fittings, if any, are such that there is no risk of electrical fire or other incident.
 - (e) The vehicle is provided with an audible warning device such as a bell or a horn.
 - (f) Any door hinges, locks and hand rails and any grab handles fitted to the vehicle are secure and sound and not liable to injure any passengers or damage or soil their clothing or luggage.
 - (g) A suitable spare wheel is provided, readily available for use, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.
 - (h) The fittings and furniture of the vehicle are kept clean and well maintained and in every way fit and safe for public use.
 - (i) Any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers clothing or luggage and the floor is provided with a carpet, mat or other suitable non slip floor covering which is sound and clean.

- (j) The seats are properly cushioned and covered by a water resistant material and the covers are in a sound and clean condition, which may be easily cleaned and dried.
- (k) Seat belts are fitted to all seats. The seat belts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.

22 Without prejudice to the foregoing, where the licence relates to the use of a trike, the licence holder shall ensure that:

- (a) The vehicle is maintained in a sound mechanical and structural condition at all times and that the vehicle complies with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction and use of trikes.
- (b) Seat belts are fitted to all passenger seats. Seat belts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.
- (c) Passengers are provided with or equipped in suitable clothing including waterproof jacket and trousers and gloves.
- (d) Passengers are provided or equipped with suitably fitting safety helmets conforming to legal safety requirements for use on a motorcycle in the United Kingdom.

23 Operation of tuk tuk vehicles as private hire cars shall be limited to fixed routes agreed between the licence holder and the licensing authority.

24 Without prejudice to the foregoing, operation of tuk tuk vehicles as private hire cars shall be limited to those roads or streets within town limits where speed restrictions limiting road users to 30mph or lower are in force. For the avoidance of doubt, tuk tuk vehicles shall not be licensed for use as private hire vehicles on roads where a speed restriction of greater than 30mph is in force.

Forrester, Graeme

From: MacArthur, Walter
Sent: 03 June 2011 10:02
To: Forrester, Graeme
Cc: Black, Sandra
Subject: FW:
Attachments: Tuk Tuk_20110602161408.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Graeme

Regarding the TUK TUK if this vehicle complies with Construction and use legislation and Legal are happy with it from a Health and Safety point of view, I would be willing to carry out inspections as required under licensing conditions

Albeit we would not be able to put it over a pit we would inspect it to the best of our capabilities

Thanks
Walter

From: Johnston, Cara
Sent: 02 June 2011 16:10
To: MacArthur, Walter
Subject:

Cara Johnston
Clerical Assistant
Development and Infrastructure Services
Argyll and Bute Council
Tel: 01546 604 616
Fax: 01546 604 890

cara.johnston@argyll-bute.gov.uk

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Forrester, Graeme

From: MacArthur, Walter
Sent: 20 December 2011 11:31
To: Forrester, Graeme
Cc: Black, Sandra
Subject: FW:
Attachments: Tuk Tuk_20110602161408.pdf

Graeme

Following your memo sent to me on 16th December 2011, please see below my previous reply

Thanks
Walter

From: MacArthur, Walter
Sent: 03 June 2011 10:02
To: Forrester, Graeme
Cc: Black, Sandra
Subject: FW:

Graeme

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cara.johnston@argyll-bute.gov.uk

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Forrester, Graeme

From: Alistair Davidson [Alistair.Davidson@strathclyde.pnn.police.uk]
Sent: 09 June 2011 12:18
To: Forrester, Graeme
Subject: FW: A&B Taxi Licensing - TUK TUK enquiry
Attachments: Tuk Tuk.doc

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Graeme

Thank you for your departments letter dated 26/05/2011 seeking our views on the above subject. As you have requested a response by 10/06/2011 I have taken the liberty of replying by e mail. If you require more formal correspondence I can be contacted on the number below and that can be arranged. As you can see from the below e mail I sought suitable expert advice from one of the Road Policing Sergeants, David Ferguson based here in Lochgilphead. His views very much mirror my own that provided the vehicle conforms to all construction and use legislation and fitted with seatbelts as standard the vehicle would then be road legal.

The question then centres around whether this is a suitable vehicle for the Argyll and Bute roads network. From a police perspective I would have concerns for the safety of the passengers and other road users if the vehicle in question a Piaggio D3 was used routinely on the major arterial routes throughout Argyll where the national speed limit applies. The volume of traffic, particularly large goods vehicles on these arterial routes would in my view make operating such a vehicle as a taxi more hazardous than operating the current approved types of vehicle.

The situation within our towns and villages differs significantly from the open road above where the national speed limit applies. Again I concur with Sergeant Ferguson's assessment. As our main towns, Oban, Dunoon, Campbeltown and Lochgilphead have restricted speed limits of 30 MPH and a number of traffic calming measures the potential for serious road accidents is significantly reduced. This is evidenced through the various statistics available. As a result I can see no grounds for having any valid concerns regarding the operating of such a vehicle within the confines of the major towns covered by 30 MPH speed limits.

To summarise our view, the type of vehicle would be suitable for operation as a taxi within the confines of the towns however we would have concerns from a safety point of view if they were to be used out with the limits of the towns.

I hope this is of some assistance.

Yours faithfully

*Section Inspector
Lochgilphead
Mid Argyll
Alistair Davidson
L Division
tel: internal 735 2251
external 01546 702251*

From: David Ferguson
Sent: 05 June 2011 23:17
To: Alistair Davidson
Cc: Cameron Brownlee
Subject: A&B Taxi Licensing - TUK TUK enquiry

Hi Al,
Just to let you know that the Tuk Tuk is a small 3 wheeled passenger carrying vehicle which originated in Asia and is designed for varying uses.

They have a small engines usually about 350 cc and persons able to drive the vehicles would require a cat A or B1 licence (large or small m/c licence) or a full car licence (cat B) and riders must be over 17 yrs old.

Having done a small bit of research it appears that a number of councils in the UK have added the TUK TUKS to their taxi licensing however they have varying licence requirements as attached.

In essence we would have no objections provided they are fitted with seatbelts and comply with the Road Vehicle (Construction and Use) Regs 1986 and the Road Vehicle Lighting Regulations 1989.

I have attached a document from Derbyshire Council for your info.

I would also say that the vehicles would have to remain and be used in the town area and not travelling any great distances (not sure if they would make it up an large hill anyway carrying passengers with a small engine)

I have left the letter and a picture of a TUK TUK for your info.

Cheers

Davie

<<Tuk Tuk.doc>>

David Ferguson T261
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Use of Tuk Tuks, or Motorised Rickshaws as Taxis.

Disabled access, do not comply with DDA requirements for Hackney vehicles, however potential for Private Hire Vehicle or Public Service Vehicle. One registered in Glasgow as a PSV, which require a route to be identified for operation.

Health and Safety concerns:

- Potential tendency to tip, 2 injured in Bath, Council withdrew approval.
- Frontal impact protection.
- Side impact protection.
- Roll over protection.
- Weather.
- Location – speed etc in relation to types of traffic on Argyll roads, volume and highway condition. E.g. timber lorries etc. Are they suitable for Argyll and Bute?

Approve subject to strict operational area requirements? Not health and safety responsibility as such but would have reservations or concerns. Committee would need to be satisfied as to suitability.

Forrester, Graeme

From: Brown, Ernie
Sent: 27 February 2012 11:13
To: Forrester, Graeme
Subject: FW: Document1
Attachments: Doc1.docx

Graeme,

I've spoken to Alasdair and I'm happy with his response.

Hope this helps

Ernie

Ernie Brown
Assistant Health and Safety Manager
Improvement and HR
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From: MacConnell, Alasdair
Sent: 27 February 2012 11:08
To: Brown, Ernie
Subject: Document1