

Consultee Response	Policy Amendments (Indicated in <i>Italics</i> in the policy)
<p data-bbox="107 140 472 164"><b>Gloucestershire Constabulary</b></p> <p data-bbox="107 209 1088 344">The Constabulary appreciates that pedal-powered Hackney Carriages (Rickshaws) are an environmentally-friendly means of transport and an appealing visitor attraction. However the Constabulary has some concerns from a Road Safety perspective.</p> <ol data-bbox="152 389 1088 1425" style="list-style-type: none"> <li data-bbox="152 389 1088 632">1. The risk of a collision with one of these vehicles is almost certainly higher than cycles, due to the fact that they are slow-moving and considerably wider than cycles. These risks would be <i>increased</i> further during the hours of darkness. Research into accidents involving Pedicabs in Westminster, London, showed that 75% of reported accidents with motor vehicles in 2011 occurred during the hours of darkness, and over 60% occurred after 10pm.</li> <li data-bbox="152 676 1088 740">2. The vehicles are of light construction and offer virtually no protection to passengers in the event of a Road Traffic Collision.</li> <li data-bbox="152 785 1088 1027">3. Pedestrians and cyclists are normally able to react quickly in the event that they see a motor vehicle heading towards them, whereas passengers in these vehicles will be entirely dependent on the rider to avoid a collision. However, these vehicles are slow-moving, especially when there are passengers and luggage on-board and the rider is suffering from fatigue, so the rider will be unable to respond quickly to avoid collisions that might otherwise be avoidable.</li> <li data-bbox="152 1072 1088 1248">4. Cheltenham Ring-Road is busy and fast-moving at times, and the circuit tends to attract Boy Racers. Should a collision occur between a fast-moving motor vehicle and a Rickshaw, injuries would undoubtedly be sustained by the passengers and rider and these would probably be serious injuries.</li> <li data-bbox="152 1292 1088 1425">5. There is also a risk of collisions between Rickshaws and Pedestrians if the Rickshaws use the pedestrian areas. Whilst the proposed Policy dictates that they would not be permitted to use the Pedestrian areas, the Bye-Laws for the High Street permit Hackney Carriages and pre-booked</li> </ol>	<p data-bbox="1122 405 1939 437">Addressed in the officer's report. No policy changes proposed.</p> <p data-bbox="1122 676 1939 708">Addressed in the officer's report. No policy changes proposed.</p> <p data-bbox="1122 820 1939 852">Addressed in the officer's report. No policy changes proposed.</p> <p data-bbox="1122 1091 1939 1123">Addressed in the officer's report. No policy changes proposed.</p> <p data-bbox="1122 1299 1939 1331">Addressed in the officer's report. No policy changes proposed.</p>

Private Hire vehicles to access the High Street pedestrianised section for the purpose of passengers embarking and disembarking.

6. The One-way system around Cheltenham Town Centre would tend to tempt riders to take short-cuts and encourage non-compliance with road signs/one-way system (as with cyclists currently).

The proposed Policy suggests a minimum of two passengers, but does not state a maximum number, so it would be possible for there to be two adults and two children or three adults squeezed into the rear of the carriage. Presumably the Hackney Carriage Plate would dictate a Maximum of two or three. The Constabulary is unsure how children & babies would be counted in the capacity.

#### **Additional Concerns**

Research regarding Pedicabs in London revealed additional issues sometimes arose, such as the fitting of electric motors under the platform (thus changing the vehicles classification from cycle to mechanically propelled vehicle), riding on pavements, parking on pavements in busy areas in order to attract customers, thereby causing obstruction and bumping into pedestrians. In addition to electric motors, vehicle inspections found poor brakes and steering.

Separately, there is some concern that if the vehicles were permitted to operate during peak-times in the Late Night Economy, they could become a target for anti-social behaviour, for example drunken individuals leaping onto the back of vehicles as they pass, leaping in front of these vehicles or attempting to overturn a vehicle etc. Their slow-moving speed will make this possible to a greater extent than with existing Hackney Carriages (which occasionally experience such activity). Customers under the influence of alcohol might also be inclined to leap out of or fall out of moving vehicles. Such an incident occurred in Edinburgh in 2010 with fatal consequences.

#### **Conclusion**

In the event that the Council grants Licences for these vehicles, the Constabulary makes the following recommendations:

1. Pedicabs be permitted to operate only between the hours of 6am - Midnight, and be marked with high-visibility and reflective markings so

Addressed in the officer's report. No policy changes proposed.

The policy has been amended to clarify the point of passengers (para 2.3(b)) – “b) Be capable of carrying a minimum of 2 but a maximum of 3 passengers in safety and comfort;”

<p>that they are at reduced risk of Road Traffic Collisions. This would maintain a degree of safety if lights fail.</p> <p>2. Consideration should be given to including the entire length of the Honeybourne Line in the Area of Operation, so as to allow passengers to be taken from the Railway Station into the Town Centre by Pedicab and to the end of the line (by the Athletics Stadium) on Race Days. This quiet route avoids Road Traffic and greater use is to be encouraged in the interest of increasing natural surveillance along that route.</p> <p>3. Although the Constabulary would inevitably deal with Road Traffic Collisions, day-to-day enforcement of the Pedicabs would fall to the Licensing Authority. Enforcement Powers may be delegated by the Chief Constable to Accredited Persons as part of a Community Safety Accreditation Scheme. This would allow them to:</p> <ul style="list-style-type: none"> <li>○ stop cyclists if they are suspected of having committed the offence of riding on a footpath;</li> <li>○ stop a vehicle for the purposes of an inspection;</li> <li>○ require the name and address of a driver or pedestrian who fails to follow appropriate directions;</li> <li>○ issue Penalty Notices for those cycling on a footpath;</li> </ul>	<p>Policy has been updated to clarify reference to high visibility.</p> <p>Addressed in the officer's report. No policy changes proposed at this stage.</p> <p>Addressed in the officer's report. No policy changes proposed.</p>
<p><b>Integrated Transport &amp; Parking Manager for Cheltenham Borough Council</b></p> <p>In principle I have no issues with the principles stated Policy, Procedure and Conditions for Licensing Rickshaws, having stated that I wish to provide the following comments:</p> <p>2.13 Cobbled Area Crescent Terrace</p> <p>I have reservations in making this a designated area for sole use by Rickshaw's as Tourism have indicated that they would like to see horse and carriages reintroduced into Cheltenham as a tourist initiative and this site would seem a likely location.</p> <p>As previously discussed I am about to undertake an audit review of all</p>	<p>Policy has been amended to preclude the use of the referenced area.</p>

<p>hackney taxi ranks across the Borough, Rickshaws will be included together with discussion on issues related to Private Hire. The concern I have is that we do not put into place restrictions prior to the review being completed. Therefore I propose that we take a more holistic approach with the view and consider an experimental approach when an application is submitted. In this way we are able to determine the appropriate placement of ranks that meets all parties needs, this would also be subject to any interim ranks being determined during such events as the Cheltenham Festival and other like events that occur throughout the year.</p>	
<p><b>Highways Manager (Cheltenham &amp; Bishops Cleeve) for Gloucestershire Highways</b></p> <p>I have looked through the consultation documentation and have no objection to the introduction of Rickshaws however my main concerns are:</p> <ul style="list-style-type: none"> <li>· Management of the rank in Crescent Terrance – The road is very busy and quite narrow, mismanagement could result in safety issues and congestion.</li> <li>· Classification – are they bicycles or vehicles? Will they be restricted to the roads only? We will need to know as we are looking into revising the restrictions in some of the pedestrainised areas and also considering cycle contraflows on some one way streets, this may not be suitable to rickshaws which is why the classification need to be clarified.</li> <li>· If at some stage in the future they are considered for use in the pedestrian areas, orders will have to be amended to allow this and a strict code of conduct needs to be applied to the license to ensure pedestrians are not left feeling venerable in the areas set aside to ensure both safety and a pleasant environment.</li> </ul>	<p>Policy has been amended to preclude the use of the referenced area.</p> <p>Para. 2.11 of the policy does not permit use of “pedestrainised areas and/or cycle lanes or routes”. It is not proposed that this be changed.</p> <p>Addressed in the officer’s report. No policy changes proposed.</p>
<p><b>Cheltenham Business Partnership Manager</b></p> <p>In principle, I have no objections to this initiative.</p> <p>I think it would add an environmentally-friendly attraction to the town that</p>	<p>Addressed in the officer’s report. No policy changes proposed.</p>

<p>could prove popular to visitors, particularly during the summer months. However, the logistics of whether the rickshaws would be allowed on pedestrianised areas (would they be classed as cycles?) would need to be closely considered.</p> <p>This scheme could be even more popular if the drivers were properly trained in customer service as they could be very useful ambassadors for the town.</p>	
<p><b>Cheltenham Borough Council's Licensing Committee</b></p> <p>Page 3 – “Rickshaw Hackney Carriage” be changed to just read “Rickshaw” and all references to “Rickshaw Hackney Carriage” in the policy be changed to “Rickshaw”.</p> <ul style="list-style-type: none"> <li>• Page 3 – “Vehicle Licence Number” should read “rickshaw licence number” and “Rickshaw plate” to “rickshaw plate”.</li> <li>• Page 4 – All Members felt it was unnecessary for rickshaw riders to hold a full DVLA driving licence and asked that 1.4 C be deleted.</li> <li>• Page 4 – change Riders under 1.2 to Initial application riders.</li> <li>• Page 5 – change Renewal Applications under 1.9 to Riders Renewal Applications.</li> <li>• Page 5 – 1.11 as discussed remove b and c.</li> <li>• Page 5 – Change Rickshaw Vehicles under 1.12 to Initial Application Rickshaw Vehicles.</li> <li>• Page 6 – Change Renewal Application under 1.14 to Rickshaw Renewal Applications.</li> <li>• Page 7 - 2.3 c) water-tight – it was suggested this be changed to water proofed not water tight.</li> <li>• Page 7 - 2.3 h) remove window.</li> <li>• Page 8 – 2.7 It was suggested this is changed to 10 minutes.</li> </ul>	<p>Other than the special comments below, all recommendations by the Licensing Committee have been incorporated.</p> <p>Addressed in the officer's report. No policy changes proposed.</p> <p>Addressed in the officer's report. No policy changes proposed.</p>

- Page 8 – 2.9 should be re worded as follows; “Rickshaw Hackney Carriages can stand or ply for hire on any street within a prescribed district and may undertake any request for a journey. However, it would be unrealistic to expect rickshaws to undertake all such journeys due to the physical demands on the rider. There must nonetheless be assurances that the passengers will be safely delivered to their destination with no reasonable risk that they may be ejected by the rider who becomes tired or fatigued. Consideration needs to be given to control of the areas of operation for Rickshaw Hackney Carriages in the borough.”
- Page 8 – 2.11 it was suggested that “not” at the end of the sentence be underlined and printed in bold.
- Page 9 – 2.17 suggested that bell/horn is added to this list. Passengers would have to wear seat belts.
- Page 9 – 2.17 d add steering after “spokes”.
- Page 11 – Appendix A 17) include alcohol for both passengers and riders.

### **Gloucestershire Road Safety Partnership**

Many thanks for your call this afternoon to confirm that we have received your documents.

I confirm that your documents have been received by the Road Safety Partnership and have been circulated and no negative comments have been received to date.

I did seek the view of the Driving Standards Agency and I mentioned the two emails that I received, and these are as follows:

I am not aware of any DSA involvement in the operation or use of Rickshaws.

I do know it was the subject of a debate in Parliament (The Lords) last year and I suspect this has caused Cheltenham Borough Council to consider licensing, see:- <http://www.standard.co.uk/news/license-rickshaws-lords->

<p>debate-told-6452189.html</p> <p>Derby City Council is also exploring the licensing of rickshaws and may be ahead of Cheltenham Borough Council and therefore might be of assistance, see:- <a href="http://www.derbygripe.co.uk/derby4.htm">http://www.derbygripe.co.uk/derby4.htm</a></p> <p>Other than those references I am not aware of anything else, however I will ask DSA colleagues and if I can offer you further information rest assured I will.</p> <p>There was also a recent consultation on taxi standards at <a href="http://lawcommission.justice.gov.uk/areas/taxi-and-private-hire-services.htm">http://lawcommission.justice.gov.uk/areas/taxi-and-private-hire-services.htm</a> which might be relevant.</p>	
<p><b>Ms Diane Mitten – Hackney Carriage Licence Holder &amp; Secretary of the Cheltenham Hackney Carriage Association</b></p> <p>Rickshaws - I have put a lot of thought into this and I think this is a big Health &amp; Safety risk not only for passengers also for the rider, the solider in Scotland should prove what a high risk this is. As for congestion if you think of a car or taxi leaving the Promenade following 1 of these it has to follow it all the way to Lansdown road before it can over take it and that's just the promenade what about Clarence Street even more of a nightmare.</p> <p>As I said a lot of thought has gone into this even as my role as an Assessor How fit does this rider have to be and how or whom will be testing this rickshaw.</p>	<p>Addressed in the officer's report. No policy changes proposed.</p>
<p><b>Mr Dick Hibbert – Hackney Carriage Licence Holder (on behalf of 64 other licensed Hackney Carriage licence holders)</b></p> <p>With regard to the proposed licensing of rickshaws in Cheltenham. I would like to object in the strongest possible terms to the proposal on the grounds of traffic congestion, safety, and over supply of services.</p> <p>The use of rickshaws would result in tailbacks behind very slow moving cycles similar to the congestion once caused by the "train" that used to clog up the town. I well remember the frustration caused by the congestion and the dangerous overtaking manoeuvres that resulted.</p>	<p>Addressed in the officer's report. No policy changes proposed.</p> <p>Addressed in the officer's report. No policy changes proposed.</p>

<p>Due to the nature of a rickshaw its method of propulsion it could only crawl up the hill on its proposed route to Montpellier and it would be difficult to pass anywhere due to its width. No doubt frustrated motorists would take even the slightest opportunity to pass putting the passengers thereon and other motorist and pedestrians at risk of injury or death.</p> <p>There is already an oversupply of transport in the town in the form of buses and taxis. The buses run nearly empty and the legions of taxis have little to do as it is. The argument I have heard that it would be a pleasant experience for the passengers and a tourist attraction hold little water in my view.</p> <p>How can it be a pleasant experience sitting on a bike being hooted at for blocking the road while frustrated motorists nearly knock you off as they force their way by? Tourist attraction? Would people really come to Cheltenham to experience that? What is to be gained by further clogging up an already congested Promenade?</p> <p>In my view not only will it be a danger to its users and operators but it will further congest the town and put shoppers off from visiting as a result.</p> <p>This proposal, though possibly well intentioned, is ill thought through and must be stopped.</p>	<p>Addressed in the officer's report. No policy changes proposed.</p> <p>Addressed in the officer's report. No policy changes proposed.</p>
<p><b>Mr Mark Buckland - Hackney Carriage Licence Holder</b></p> <p>Hi, I have just read the letter regarding rickshaws in Cheltenham! Please refer to page 16, in the June edition of PH&amp; taxi monthly!!! And the death of a soldier in one!!! Health &amp; safety is paramount in our job as taxi drivers! Our brakes work perfectly in the wet &amp; cold conditions, will theirs?? I am really worried about these rickshaws!!! And do not want them on Cheltenham roads</p>	<p>Addressed in the officer's report. No policy changes proposed.</p>
<p><b>Mr John Donoher - Hackney Carriage Licence Holder</b></p> <p>In the trade we are kept being told that the safety of the public is paramount.</p>	

<p>What kind of protection do Rickshaws offer to their passengers, if there is an unfortunate collision with another vehicle.</p> <p>What kind of Insurance will the Rickshaws have?</p> <p>Has there been any safety testing done on Rickshaws.</p> <p>Do Rickshaws have Seat Belts fitted?</p> <p>Will Rickshaws Fare Tariff be the same as Cheltenham Hackney Carriage Vehicle Fare Tariff?</p> <p>Will the Peddler/Driver/Operator of a Rickshaw have to have A Medical, Knowledge Test and a C.R.B. Like all Cheltenham Hackney Carriage Vehicle License Drivers.</p> <p>The Rickshaw maybe ECO friendly. But every time they are being peddled up and down some of the already main congested roads in Cheltenham. There will be a queue of vehicles behind them creating a lot more carbon emissions than normal.</p> <p>I have read in the local paper (The Echo), that the proprietor of these Rickshaws has concerns of how much the fees Cheltenham Borough Council charge to get these Rickshaws up and running. This is something the Trade has been doing for some time now as well.</p> <p>May I suggest to the proprietor of these Rickshaws, that if he went to all the traders he says, that wants and would benefit from, with more customers these Rickshaws would attract, for sponsorship. This would help him with his costs.</p>	<p>Addressed in the officer's report. No policy changes proposed.</p> <p>Outlined in the draft policy.</p> <p>Outlined in the draft policy.</p> <p>Addressed in the officer's report. No policy changes proposed.</p> <p>Outlined in the draft policy.</p> <p>Addressed in the officer's report. No policy changes proposed.</p>
<p><b>Mr Mariusz Antosiewicz - Hackney Carriage Licence Holder</b></p> <p>This is a major health and safety issue plus it will cause a lot of connection on the roads. Are roads in most places will not cope with these Rickshaws, and how fit will you have to be on a medical for this test.</p>	<p>Addressed in the officer's report. No policy changes proposed.</p>

Mrs Linda Camp – Ricksahw Revolution

DRAFT POLICY, PROCEDURE AND CONDITIONS DOCUMENT

1.1 There is an unsatisfactory continuing presumption that a rickshaw is a Hackney Carriage. For reasons outlined above, this is flawed and inappropriate. The need for regulation is recognised: indeed, we approached the Council for its assistance to put this in place. However, we feel that this regulation should be governed by safety and commonsense rather than an unsatisfactory cannibalism of non matching legislation. We do not feel that it is appropriate to refer to Rickshaw Hackney Carriages throughout this document.

1.3 We are unclear as to why a rickshaw rider should have held a full driving licence for a period of 12 months. The proposed cycle certification will prove knowledge of the Highway Code. Some people – particularly those attracted to this type of work - may not drive a car out of choice. Why should they be excluded? Some young people may not have been able to afford the cost of driving lessons. If they can't afford to run a car, why would they need to have a licence and why should they be excluded from this type of work?

1.4 We have already discussed the level of fees above. We would like to reiterate that Level 3 Bicycle training – aside for proof of knowledge of the Highway Code – is not specific enough to be applied to the riding of a rickshaw. Our riders will be trained by us and not allowed to take passengers until we are satisfied of their competency

2.5 It is impossible for the company to operate without revenue from advertising. The fares go to the riders. It goes without saying that we have to make this a profitable, viable business. Obviously, we would undertake not to accept advertising for certain products or services but we must be able to recoup our costs through advertising. The idea of approaching the Council for permission for each specific advert is untenable. The bureaucracy would be unworkable and unjustifiable. Many small businesses will use the rickshaws – as the Montpellier Trade Association did – for a specific small, local event. To have to get clearance for such a high volume of small advertisements would be wholly unworkable.

Addressed in the officer's report. No policy changes proposed.

Addressed in the officer's report. No policy changes proposed.

Addressed in the officer's report. No policy changes proposed.

Policy has been amended: "*Advertising will be permitted insofar as it is not inappropriate or offensive and the Council reserves the right to seek the removal of any advertising that is deemed or construed to be either or both*" - (para. 2.5)

<p>2.7 Half an hour intervals for charging are far too long. The increments should be 5 minutes or part thereof</p> <p>2.8 On what basis would the Council establish a maximum fare? This should properly be by negotiation with the passenger</p> <p>2.10 As mentioned above, the proposed area of operation is too limited and does not include important areas that would benefit from the service.</p> <p>2.11 We believe that, given the precedent for 'limited vehicular access' to pedestrianised areas, rickshaws should be permitted access to certain key locations. The number and speed would not pose a threat to pedestrians and the judicious use of paved areas would obviate some of the concerns raised about traffic flow.</p> <p>APPENDIX A</p> <p>7) This point seems to us to contradict the very notion of a 'Hackney Carriage' without a rank to stand at since, by the very nature of driving round the streets is, de facto, plying for trade</p> <p>APPENDIX B</p> <p>15) Written receipts are not considered to be practicable or necessary. The fares will be clearly and simply displayed; the digital clock will be clear. The proprietors have no financial interest in the fares paid to the riders in general circulation so we can see no good reason for such bureaucracy</p> <p>19) and 26) These refer back to advertising and we have commented on this above.</p>	<p>The policy has been amended (paras. 2.7 – 2.9 and point 23 "Code of Conduct for Cheltenham Borough Council Rickshaw Riders") to reflect that fact that the Council is not setting fares in respect of rickshaws but that it will, by way of policy and conditions, require operators to issue receipts to customers and retain copies for inspection.</p> <p>Addressed in the officer's report. No policy changes proposed. The policy has been amended (para. 2.11) to clarify that the proposed area only relates to rickshaws that "<i>stand or ply for hire</i>".</p> <p>Commented above on use of pedestrianised areas.</p> <p>Addressed in the officer's report. No policy changes proposed.</p> <p>Addressed above.</p> <p>Addressed above.</p>
<p><b>Other</b></p> <p>The Electrically Assisted Pedal Cycles Regulations 1983</p>	<p>The Electrically Assisted Pedal Cycles Regulations 1983 has been added the policy and conditions.</p>

	<p>These regulations state that electrically assisted tri-cycles shall not have a kerb weight of more than 60 kilograms (132 lbs), cannot have an output of more than 0.25 kilowatts and cannot propel the tricycle at more than 15 mph. These regulations would apply to electrically assisted rickshaws.</p>
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