



# CHELTENHAM BOROUGH COUNCIL

## Cheltenham Borough Council

### Policy, Procedure and Conditions for Licensing Rickshaws

All enquiries should be directed to:-  
Licensing Section  
Municipal Offices  
Promenade  
CHELTENHAM  
GL50 9SA  
Tel: 01242 775200  
E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
Website: [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing)

This policy was adopted by Cheltenham Borough Council on xxxx.

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## Introduction

It is an established fact (*R v Cambridge City Council* [1999] R.T.R. 182) that non-motorised vehicles are to be licensed as Hackney Carriages. For the purpose of this policy therefore, rickshaws will be understood to mean Hackney Carriages and riders as Hackney Carriage drivers.

The Council has the responsibility to regulate and control all drivers and vehicles used for carrying passengers for hire and/or reward within the borough under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This policy will provide guidance to applicants and other interested parties, officers and Members on the approach the Council will take when licensing rickshaws.

For the avoidance of doubt, this policy has been set and adopted in addition to the Council's general *Licensing Policy, Guidance and Conditions for Private Hire and Taxis*. Unless otherwise stated, the scope and provisions of this policy has no bearing on the Council's general policy and vice versa.

## Definitions

"The 1847 Act"	The Town Police Clauses Act 1847
"The 1976 Act"	The Local Government (Miscellaneous Provisions) Act 1976
"The Council"	Cheltenham Borough Council
"The Borough"	The Borough of Cheltenham
"The Licence"	a licence granted in respect of a Rickshaw granted pursuant to Section 37 of the Act of 1847
"Rickshaw"	a vehicle in respect of which there is a licence in force under Section 37 of the Act of 1847
"Rickshaw Rider"	a driver licensed by the Local Authority to be in charge of a licensed rickshaw and which there is a licence in force under Section 46 of the Act of 1847
"Rickshaw licence number"	the number allocated by the Council to a licence granted for a Rickshaw
"Vehicle plate"	the plate provided by the Council for affixing to a rickshaw pursuant to Section 38 of the Act of 1847
"Core Commercial Area"	The said area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006

References to the male gender shall be construed as including reference to the female gender where appropriate.

References to “rickshaw” shall be construed to also include Pedicabs or any other non-motorised vehicles.

All other words and phrases in these conditions shall bear the meanings ascribed to them (if any) in the 1976 Act and the 1847 Act.

All obligations contained in the Licence Conditions are to be construed as the obligations of the Licence.

## **1. Procedure for Licensing Rickshaws**

- 1.1 The Council has a statutory duty to regulate Hackney Carriages and Hackney Carriage Drivers in the interest of public safety and protection. To this end, the Council will adopt the following procedures for licensing rickshaws and rickshaw riders.
- 1.2 Non-motorised vehicles will be subject to the same statutory provisions as motorised vehicles which includes the Council’s Hackney Carriage byelaws.

### **Initial Application Riders**

- 1.3 To apply for a licence, the applicant must be over 18 years of age, be a fit and proper person as defined by section 59(1)(a) of the 1976 Act, hold a full original DVLA driving licence for a period of no less than 12 months and be proficient in English.
- 1.4 In addition, the applicant must provide the Council with the following documents when making a first application:-
  - a) Licence application form completed in full;
  - b) The appropriate fee;
  - c) A full original DVLA driving licence (or equivalent driver’s licence) that has been issued for at least 12 months;
  - d) A passport sized, colour photograph which must be clear and concise, with no face or head covering;
  - e) CRB enhanced disclosure application form and fee;
  - g) Documentation regarding applicant's right to work in UK (if applicable);
  - h) Medical certificate (In accordance with DVLA Group 2 driver standard for medical fitness of Hackney and Private Hire drivers & by a practitioner who has access to the applicant’s medical history);
  - i) Provide evidence of having achieved Level 3 of The National Standards for Cycle Training using a rickshaw and must be able to provide certified documentary evidence of this achievement.
- 1.5 If convictions or charges are revealed, the Council will make a decision as to their relevance in reference to its adopted policy on the Relevance of Convictions (from the Council’s general policy available at [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing)). The Council may require further information from the Police or Crown Prosecution Service prior to making a decision.

- 1.6 Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.
- 1.7 If the information received is deemed relevant the licence may be refused.
- 1.8 Failure to disclose any previous convictions, cautions fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken.
- 1.9 All riders will be issued with 2 driver badges detailing the licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the rider is working and be clearly visible and the other must be displayed inside the rickshaw in a prominent position so that it can be clearly seen by passengers.

### **Rider Renewal Applications**

- 1.10 Holders of existing licences must apply to renew their licence in the month preceding the expiry date and ideally should be submitted as early as possible prior to the expiry of the previous licence. The Council has no duty to notify riders that their licence is due for renewal, but as a courtesy and part of the Council's customer service will send reminders generally four to six weeks in advance of the expiry of the licence.
- 1.11 Upon renewal, the applicant will be required to produce the following:-
  - a) Completed renewal application form completed in full;
  - b) Current valid DVLA Driving Licence;
  - c) DVLA mandate form completed in black;
  - d) Correctly completed enhanced CRB form and fee;
  - e) Medical certificate (In accordance with DVLA Group 2 driver standard for medical fitness of Hackney and Private Hire drivers & by a practitioner who has access to the applicant's medical history);
  - f) The appropriate fee;
  - g) A passport sized, colour photographs which must be clear and concise, with no face or head covering.
- 1.12 All riders will be issued with 2 driver badges detailing the licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the rider is working and be clearly visible and the other must be displayed inside the rickshaw in a prominent position so that it can be clearly seen by passengers.

### **Initial Application Rickshaw Vehicles**

- 1.13 The applicant must provide the Council with the following documents when making a first application:-
  - a) Licence application form completed in full;
  - b) Policy of public liability insurance which covers use for hire and reward with passenger risks of no less than £5 million (The insurance certificate must have effect for the duration of the licence);
  - c) Signed and completed certificate of fitness compliance sheet.

1.14 All vehicles will be issued with a window badge outlining the vehicle licence number, the vehicle licence expiry date, vehicle make, model and number of passengers permitted to be conveyed in the vehicle. The window badge must be displayed inside the vehicle in a visible position to passengers.

### **Rickshaw Renewal Applications**

1.15 Holders of existing licences must apply to renew their licence in the month preceding the expiry date and ideally should be submitted as early as possible prior to the expiry of the previous licence. The Council has no duty to notify licence holders that their licence is due for renewal, but as a courtesy and part of the Council's customer service will send reminders generally four to six weeks in advance of the expiry of the licence.

1.16 Upon renewal, the applicant will be required to produce the following:-

- a) Licence application form completed in full;
- b) Policy of public liability insurance which covers use for hire and reward with passenger risks of no less than £5 million (The insurance certificate must have effect for the duration of the licence);
- c) Signed and completed certificate of fitness compliance sheet.

1.17 All vehicles will be issued with a window badge outlining the vehicle licence number, the vehicle licence expiry date, vehicle make, model and number of passengers permitted to be conveyed in the vehicle. The window badge must be displayed inside the vehicle in a visible position to passengers.

## 2. Policy

### General

- 2.1 Each application will be determined on individual merits.

### Vehicle Types to be Licensed

- 2.2 The Council recognise that Rickshaw can present unique challenges with regards to traffic flow, highway access, obstruction and safety.

This is particularly relevant in Cheltenham town centre where:

- a) a number of one way systems are in operation,
- b) a significant section of the town centre being pedestrainised with limited vehicular access, and
- c) on street parking combined with bus stops narrow the width of the road which can cause obstruction and difficulties with traffic flow.

Mechanically propelled vehicles will present difficulty for the Council, in reference to the above, and as a result, the Council considers it appropriate to only licence purpose built cycle rickshaws fitted with at least 2 passenger seats and of a design, which has the rider in the front or forward position and the passengers seated to the rear.

- 2.3 All Rickshaws must:-

- a) Display a vehicle plate which must be securely attached to the exterior of the rear of the vehicle in a prominent position;
- b) Be capable of carrying a minimum of 2 *but a maximum of 3* passengers in safety and comfort;
- c) Have sufficient roof and weather covering to be kept water proof;
- d) At all times comply with the safety standards contained in this policy;
- e) Be fitted with operational lap belts, one for each passenger;
- f) Be fitted with operational and adequate lights;
- g) Display at all times, in a prominent position, the adopted fare card;
- h) Display licence badge.

### Safety

- 2.4 All Rickshaws must comply at all times with the following safety standards:-

- a) BS EN 14766:2005 Mountain-bicycles - Safety requirements and test methods or equivalent;
- b) Pedal Cycle (Construction and Use) Regulations 1983;
- c) Pedal Bicycle (Safety) Regulations 2003;
- d) Road Vehicle Lighting Regulations 1989; and
- e) *The Electrically Assisted Pedal Cycles Regulations 1983.*

### Advertising

- 2.5 *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.*

## **Fares**

- 2.6 Theoretically it is possible to fit a meter on a rickshaw, however this is considered impractical, as it would require a battery and waterproof enclosure, be expensive and inappropriate. Furthermore battery failure or loss of charge would require regular re-setting of the calendar control system. Finally, a rickshaw is unlikely to ever go fast enough to allow charging by distance.
- 2.7 *The Council can set maximum fares in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976. However, it is accepted that the operation of a rickshaw is sufficiently different from a normal motorised licensed vehicle and to that end the Council does not consider it necessary to formally control fares in relation to rickshaws.*
- 2.8 *However, under the aforementioned section of the 1976 Act the Council reserves the right to introduce a formal fare structure for rickshaws at anytime.*
- 2.9 *Furthermore, to enable the Council to properly investigate and respond to complaints, it is a condition of this policy and the accompanying licence conditions that riders be required to issue receipts to customers for each and every journey and retain copies for inspection.*

## **Area of Operation**

- 2.9 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.
- 2.10 To this end the Council considers it appropriate that the area of operation for Rickshaws be limited to the core commercial area of the town and Evesham Road up to Walnut Close for access to Pittville Park.
- 2.11 Rickshaws will only be *permitted to stand or ply for hire* on-street within the areas defined at paragraph 2.10 above. Access to pedestrainised areas and/or cycle lanes or routes will **not** be permitted.
- 2.12 Rickshaws will not be permitted to operate from designated hackney carriage ranks used by motorised hackney carriages.

## **Duration of Licences**

### **Drivers**

- 2.14 The Council will issue driver's licenses for a period of 1 or 3 years.

### **Vehicles**

- 2.15 The Council will issue vehicle licences for a period of up to 1 year.



### **Inspection of the Vehicle**

- 2.16 Prior to a licence being granted to the intended Rickshaws must be inspected by officers of the Council.
- 2.17 Rickshaws will also require to be inspected annually by an officer of the Council. An inspection will include, but will not be limited to, the following:
- a) Front and rear brakes;
  - b) Front and rear lights;
  - c) Operation of lap belts;
  - d) Condition of tyres, wheels, spokes & steering;
  - e) Reflectors;
  - f) Quick release mechanisms;
  - g) Bell/Horn;
  - h) Condition of external body work.

### **Reporting Accidents**

- 2.18 The rider must notify the Council of any accident or incident within 72 hours.

## **3. Conditions**

- 3.1 Driver Code of Conduct for in respect of Rickshaws is attached at **Appendix A**.
- 3.2 Conditions attached the grant of a Rickshaw licence is attached at **Appendix B**.



**Code of Conduct for Cheltenham Borough Council Rickshaw Riders**

I (insert name) ..... hereby certify that in the course of my activities as a rickshaw rider I will:

- 1) Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents.
- 2) Abide by the rules as set out in The Highway Code at all times.
- 3) At no time be under the influence of alcohol or any drugs, including prescription drugs that may affect my judgement.
- 4) Ensure that my passengers are offered the safety belt or lap belt before all journeys.
- 5) Charge a standard fare for all journeys which will be for the hire of the vehicle (not per passenger) and agree that fare with passengers prior to embarking on a journey and not to charge or demand more.
- 6) Ensure that all items belonging to passengers are stowed away and that scarves, coats or any other items are safely contained within the rickshaws.
- 7) Not solicit or tout for business.
- 8) Not overload the rickshaw. I will only take the number of passengers specified on the licence plate.
- 9) Be courteous and considerate to other road users, pedestrians, passengers and other persons at all times.
- 10) Not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings, e.g. theatres and licensed premises.
- 11) Wear my licensed driver's badge (ID badge) at all times whilst working.
- 12) Carry out safety checks of brakes, steering, tyres, pedals, lights and the rickshaw in general before the commencement of work each day.
- 13) Assist any other rickshaw rider if they are experiencing difficulties.
- 14) Not become involved in racing of any kind.
- 15) Hand in any lost property to the Police station on Lansdown Road, Cheltenham.
- 16) Ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable.

**Appendix A**

- 17) Not smoke, consume alcohol or use a mobile phone whilst riding or allow passengers to smoke, consume alcohol during any journey.
- 18) Not ride in pedestrian areas, cycle lanes or routes or on the pavement.
- 19) Not to operate in any area outside the designated area for operation.
- 20) Not use ranks designated for motorised Hackney Carriages.
- 21) Not take any action that might damage the reputation of the industry or licensing authority.
- 22) Report and document any accident or incident within 72 hours to the licensing authority.
- 23) *Issue receipts to customers for each and every journey that I undertake and retain copies of issued receipts in accordance with Cheltenham Borough Council's policy.*

Signed: ..... Company: ..... Date: .....

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## Appendix B

### RICKSHAW VEHICLE LICENCE CONDITIONS

- 1) The rickshaw must at all times comply with the requirements of the BS EN 14766:2005 Mountain-bicycles - Safety requirements and test methods or equivalent, the Pedal Cycle (Construction and Use) Regulations 1983, the Pedal Bicycle (Safety) Regulations 2003, *The Electrically Assisted Pedal Cycles Regulations 1983* and the Road Vehicle Lighting Regulations 1989.
- 2) The rickshaw will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
- 3) The rickshaw must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
- 4) The steering wheel when turned to full lock will not affect the stability of the rickshaw when turning.
- 5) Tyres must comply with the following requirements:-
  - tread pattern clearly visible over the whole tread area
  - no exposed cords
  - the load ratings of all tyres must be suitable for a rickshaw when fully loaded.
- 6) Any electrical installations to the rickshaw must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
- 7) A rickshaw must not exceed 1250mm in width (excluding rear view mirror) or 2650mm in length.
- 8) There must be at least one mirror fitted to the offside of the rickshaw in order to monitor other road users. A nearside mirror is also permitted.
- 9) The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
- 10) Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered and must remain water-tight.
- 11) The rear seat dimensions must be adequate to accommodate one or two adult passengers based on a width of 450mm per passenger and shall be forward facing.
- 12) Visibility from the passenger compartment must not be restricted by the design of the rickshaw. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
- 13) Every rickshaw licensed by Cheltenham Borough Council shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark.
- 14) The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
- 15) A written receipt will be given to each paying passenger and a copy kept by the licensed rider/proprietor. A chart explaining the fares shall be displayed in full view of any passengers.

## Appendix B

- 16) The certificate of insurance must be displayed within the view of any passengers and should remain so when roof or canopy is lowered.
- 17) All rickshaw shall be required to be fitted with an audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
- 18) Rickshaws and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any rickshaw found to be not properly maintained may have its licence suspended until such time as it is re-presented for inspection having had the defect(s) rectified. All testing will be carried out by CYTECH qualified technicians.
- 19) Suitable advertisements may be allowed on the exterior or interior of rickshaws subject to the approval of Cheltenham Borough Council. In addition they may display signs or notices which indicate professional skills or qualifications of the driver which enhance the rickshaw service to the public.
- 20) The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
- 21) The rickshaw shall be of a design which has the rider to the front and passengers seated to the rear.
- 22) Rickshaws licensed by Cheltenham Borough Council will only operate within the specified area as outlined in the Council's adopted policy.
- 23) Rickshaws will only operate on-street within the areas defined above. Access to pedestrianised areas and/or cycle lanes or routes will not be permitted.
- 24) Rickshaws are not permitted to operate from designated hackney carriage ranks used by motorised hackney carriages.
- 26) The rickshaw shall not display any other signs or notices except those detailed above or approved by the Council.
- 27) The rickshaw shall not be a licensed rickshaw of any other Council.
- 28) The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed vehicle.
- 29) Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
- 30) The Council's Licensing Section shall be notified within 72 hours of the following:-
  - a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers,
  - b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a rickshaw.
- 31) The licensed proprietor of a rickshaw shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by authorised Officers of the Council or Police Officers.
- 32) Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the rear of the

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vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

- 33) Licensed vehicles must display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
- 34) A driver's badge (ID badge) must be displayed inside the rickshaw when the rider is working, within the view of any passengers and should remain so when roof or canopy is lowered.

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