

LICENSING COMMITTEE
15 DECEMBER 2009

**ADDITION TO EXISTING PRIVATE HIRE VEHICLE CONDITIONS FOR
LICENSING OF A MOTORISED TRIKE**

Executive Summary

This report asks the Committee to decide whether additional conditions may be added to current conditions already in place to accommodate a request for the licensing of a motorised trike, as a private hire vehicle.

Recommendations

It is recommended:

- **Agree to the proposed conditions for a motorised trike becoming a private hire vehicle with immediate effect.**

Reason for Proposal

On the 29th July 2009 a request was received from Mr and Mrs MacKay for consideration to be given to the licensing of a motorised trike, along with detailed documentation outlining the type of business the vehicle would be used for.

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Purpose of Report

For the Committee to decide whether proposed conditions for a motorised trike can be incorporated with existing conditions for private hire vehicles.

Background

On the 19th July 2009, a letter of request was received from Mr and Mrs Mackay for changes to be considered to current conditions for private hire vehicles.

The vehicle to be considered for licensing is a Boom Family 8i 3-wheel tricycle, and was licensed with the Isle of Wight Council in March 2009, for the carriage of two passengers. It is manufactured to the highest standard and compliant with EN ISO 9001. It is also fitted with seat belts and a safety restraint bar.

Mr and Mrs Mackay intend to use the vehicle for pre-booked tours of the surrounding areas as well as providing unique experiences for birthdays, weddings and other special occasions. They have also advised of the safety equipment and clothing that all passengers will be required to wear and that they will provide this.

The vehicle can be driven on a full car or motorcycle licence. All drivers of the vehicle, if licensed, would be subject to the same fit and proper checks as already required by all applicants who wish to become private hire vehicle drivers.

Additional Proposed Conditions

P40 Motorised Trikes

In relation to these conditions, certain exemptions or restrictions apply with regard to motorised trikes. These vehicles are defined as: -

A three-wheeled vehicle, with the capacity to carry up to 3 passengers excluding the driver. It is an adaptation of a two-wheel motorbike, widened to the rear for carriage of passengers side by side behind the driver. All passengers are carried at the risk of being exposed to the elements as there is no roof/canopy or doors to the vehicle.

The purpose of these conditions is to protect public safety. They apply in addition to the Authorities standard conditions for private hire vehicles.

P41 Trike Tyres

The vehicle should be equipped with 3 road tyres, but is not required to carry a spare tyre due to lack of carriage facilities.

P42 Trike Seatbelts

All seats provided for the use of passengers must be fitted with seatbelts in accordance with the current Road Vehicle (Construction and Use) Regulations.

P43 Passengers carried in Trikes

- All passengers must remain seated and wear a seatbelt when the vehicle is in motion.
- Any child carried must be over 135cms in height.
- Any child under the age of 16 years must be accompanied by an adult.

P44 Protective Clothing

All passengers, including the driver, will be required to wear: -

- A helmet, compliant with Safety Standard ECE 22.05
- Hygienic hair covers to be worn under the helmet.
- Eye protection glasses, compliant with European Directive 89/686/EEC.
- Long trousers and covered in shoes.
- Waterproof clothing, which should be provided if required.

P45 Fire Extinguisher

Operators of trikes will not be required to carry a fire extinguisher.

Environmental Impact

None

Equality and Diversity

Any vehicle put forward for licensing as a private hire vehicle should be considered for its purpose despite the fact that current conditions may not accommodate such a vehicle without change.

Risk Assessment

None, although health and safety issues have been considered in compiling conditions and vehicle specifications.

Financial Implications

None.

Legal Implications

The Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that a vehicle is: -

- Of a suitable type, size and design for use as a private hire vehicle;
- Not of such design and appearance as to make it likely to be confused with a hackney carriage;
- In suitable mechanical condition;
- Safe;
- Comfortable.

All of the above must be satisfied before a private hire vehicle licence may be granted. The main conditions will be enforceable by the Licensing Officer, with additional and exempted conditions in place for a trike.

Conclusion

It is recommended:-

Committee agree to the addition of these conditions to current enforced conditions already in place, in order to support this new venture in the County of Wiltshire.

Background Papers

Information from Mr and Mrs Mackay in relation to the licensing of the Trike.

Appendices

Appendix 1 – Letter of Request from Mr and Mrs Mackay

Appendix 2 – Vehicle Information

Appendix 3 – Private Hire Vehicle Licence issued by Isle of Wight Council

Appendix 4 – Isle of Wight Council – Certificate of Compliance

Appendix 5 – List of Protective Clothing to be Provided by applicants