

Present: Councillor Pat Vaughan (*in the Chair*),
Councillor Jane Loffhagen, Councillor Alan Briggs,
Councillor Liz Bushell, Councillor Loraine Woolley,
Councillor Biff Bean, Councillor Bill Bilton, Councillor
Bill Mara, Councillor Adrianna McNulty and Councillor
Ralph Toofany

Apologies for Absence: Councillor Kathleen Brothwell

9. Confirmation of Minutes - 22 January 2020

RESOLVED that the minutes of the meeting held on 22 January 2020 be confirmed.

10. Declarations of Interest

No declarations of interest were received.

11. Hackney Carriage and Private Hire minutes of previous meeting - 25 June 2020

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee held on 25 June 2020 be confirmed.

12. Licensing of Tuk Tuks as Private Hire Vehicles

Tom Charlesworth, Licensing Officer:

- a) presented a report to the licensing committee for the consideration of proposal from Christine Kimbrell, Managing Director of both Seyexclusive Ltd and Holla Tuk Tuk Ltd to licence a Tuk Tuk as a private hire vehicle
- b) explained that the purpose of the report was to seek the committee's decision on whether to depart from its current policy to licence a vehicle that does not meet all of the criteria as set out in the Private Hire Vehicle specification contained within the Hackney Carriage and Private Hire Licensing Policy
- c) stated that the onus was on the applicant to explain to the Licensing Committee why it should depart from that policy and allow Tuk Tuks to be licensed as Private Hire Vehicles in Lincoln and appropriate reasons should be given for the determination and if policy has been departed from, then reasons for such departments should be given
- d) detailed the proposal outlined at Appendix A of his report
- e) advised that any vehicle used for private hire purposes (this was collecting for a journey which has been pre-booked) must be licensed as a private hire vehicle under the provision of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- f) explained that the Council cannot condition a private hire vehicle to limit the area of the district in which it could operate. Once a private hire licence

had been granted to a vehicle, that vehicle could undertake journeys anywhere in England and Wales. That was irrespective of the local authority area where the journey commenced, areas through which the journey passes and, ultimately, the area where the journey ends

- g) advised that a Council determined vehicle suitability through the implementation of policy. The Hackney Carriage and Private Hire Licensing Policy was agreed by the Licensing Committee and came into effect in March 2016. The Policy contained a vehicle specification for private hire vehicles that could be licensed in Lincoln
- h) stated that the Council would consider all applications for private hire vehicle licence on their own merits once it was satisfied that the appropriate criteria had been met. Currently, if all policy criteria was met, then Licensing Officers had delegated authority to issue a licence once an application was received. If an applicant did not meet all policy criteria then the Licensing Committee determined an application. The Licensing Committee would then decide whether to depart from its policy and issue a licence by determining the appropriate requirements
- i) informed that it would be the responsibility of the applicant to show why in each case, the Council should depart from the policy. Where it was necessary for the Council to depart substantially from its policy, clear and compelling reasons would be given for doing so
- j) advised that the Licensing Committee did deviate from its current policy in June 2018 to allow a private hire operator permission to licence a Lamborghini Huracan as a private hire vehicle for restricted private hire use. Whilst the vehicle was never licenced due to no application being received, it was important to note that the Licensing Committee did not specify licence conditions that would limit the area of the district in which the vehicle would operate. It instead specified the type of private hire work that this vehicle could be used for, in this case, chauffeur services
- k) referred to the vehicle specifications and the requirements were as follows:
 - "The vehicle shall be right-hand drive only"
 - "The vehicle shall have four road wheels with the vehicle manufacturer's recommended size of wheels and tyre specification and be equipped with a spare tyre or a means of inflation (except those vehicles designed for and running "run-flat" tyres)"
 - "Have at least four passenger doors including the driver's door, which could be opened from the inside and the outside. These could be hinged or sliding doors"
 - "The vehicle must have sufficient seating capacity to carry a minimum of 4 adult size passengers and not more than 8 passengers and be forward or rear facing"
 - "Interior lighting shall be fitted within the vehicle sufficient to illuminate the whole area and shall operate automatically when a door is opened"
 - "The vehicle must be able to carry a reasonable amount of luggage. Luggage should be safely secured and not stored in such a way to hinder access to any doorway".
- l) explained that on 25th February 2020, Marcus Barstow, Vehicle Examiner from the DVSA, based in Lincoln, contacted the Licensing Team. Mr

Barstow confirmed via email that although the DVSA did not have a record of an IVA for the Tuk Tuk there was evidence, through the DVLA that the vehicle was type approved under the following:

- "Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two – or three-wheel vehicles and quadricycles"

- m) stated that it was the opinion of the DVSA that the Council should impose certain conditions for the vehicle to be compliant with safety conditions, namely:
 - the fitment of a type approved seat belt system
 - the fitment of ABS (Anti-lock Braking System)
 - a suitable GVW (Gross Vehicle Weight) to carry two passengers of 85kg each plus driver
 - the correct power to weight ratio (which needed to be calculated from the GVW)
 - a minimum safety roll cage as approved from Mira
 - the vehicle to be fitted with a catalyst for emission control and to meet the standards from 1st September 2002.

- n) invited members comments and questions.

RESOLVED that the report be noted by members.

The Chair gave the applicant the opportunity to speak and present to the committee why they should deviate from the policy to licence a Tuk Tuk.

Christine Kimbrell, Managing Director of both Seyexclusive Ltd and Holla Tuk Tuk Ltd:

- a) explained that it was a great idea for the Licensing committee to deviate from the policy to licence a Tuk Tuk

- b) advised that as some areas of the city were not walkable for some, it would assist tourists and locals up and down Steep Hill.

- c) stated that in regards to weight, she felt the vehicle could manage with over 15 stone in the back of the Tuk Tuk whilst also considering the driver. If at any point the vehicle appeared to struggle, two individual journeys would be carried out

- d) invited members comments and questions

Question: Is it a two stroke engine?

Response: There would be very little traffic pollution compared to taxi's and if successful an electric vehicle would be considered in the future.

Question: Would induction training be carried out for the driver?

Response: The applicant was in agreement that it would be carried out.

Question: Why should the committee deviate from the policy?

Response: It would be a good tourist attraction, assist girls on nights out who would be wearing heels etc.

Question: If the committee granted the proposal, would the amount of Tuk Tuk's be increased?

Response: Yes, up to 3-5 vehicles potentially which would be electric.

Question: Would it be seasonal?

Response: Yes, April to October however electric vehicles could be used all year round.

Question: Would bookings be made by a third party?

Response: Yes they would be made via an app to the driver and payment would also be made by the app. Customer wouldn't be able to contact the driver directly to make a booking.

Question: What would you do if someone wanted to go outside of the City Centre?

Response: The app wouldn't allow it. You would have to choose the route and pick a drop off location.

Question: Were you willing to put in conditions on the limit of journeys?

Response: Yes we would be able to do that.

Overall members showed their support towards the proposal of a Tuk Tuk and felt that it would be a good attraction to the City of Lincoln.

RESOLVED that the proposal for the licensing of a Tuk Tuk be approved subject to the following:

1. The Committee noted that their decision to accept the proposal submitted by Ms Kimbrell, would mean that they were deviating from the Council Policy, in particular sections referenced in 8.1 to 8.7 in the report. On carefully balancing of all the required considerations, members unanimously felt that this was reasonable, proportionate and appropriate in the circumstances.
2. It was noted that the Policy did not allow for flexibility in respect of the type of vehicles which could be licensed under it. The fact the application was for a Tuk Tuk vehicle meant that some elements of the policy could not apply, however the members felt that the Policy was in need of a review in order to meet the needs of the city residents and it's visitors and allow the private hire vehicle fleet to expand in variety, if it could be done safely.
3. The members were pleased to hear about the relatively low emission levels of the vehicle, as well as the possibility that it could be replaced by an electric vehicle in due course, which supported the climate change agenda of the Council.

4. The Committee was reassured by Ms Kimbrell's comments about the fact she has already tested the Tuk Tuk in respect of passengers of a heavier build and Ms Kimbrell provided confidence in the fact that the driver would tactfully suggest not carrying two passengers who could compromise the safety of the vehicle for the passengers by sensitively suggesting two journeys be carried out, for the same price.
5. The members all felt that this was an opportunity to enable people to have a choice about the type of private hire vehicle they wished to hire, however it would not impact on the trade inappropriately.
6. In particular, the members thought that Ms Kimbrell was justifiably enthusiastic about the possibility of the Tuk Tuk journeys becoming a visitor attraction, enabling tourists to travel short distances in a novel way. It was also accepted that local residents could benefit from this being an option to increase links between the Bailgate area and the High Street areas of the city.
7. The Committee were keen on the proposal presented by Ms Kimbrell and believed that there was a market for the Tuk Tuk to be used as a private hire vehicle in the city, felt it could be done in a safe manner, with the assistance of appropriate conditions, and that it would encourage economic growth as an option for tourists, which would be particularly welcomed in this climate.
8. Specifically regarding the elements of the policy which need to be diverted from, the requirement for a private hire vehicle to be right hand drive was felt to be irrelevant as this vehicle is driven with a central handlebar system and, being smaller, does not present a safety risk whilst travelling on the road. The requirements of specific numbers of wheels, passengers, and doors were felt not to be relevant to this vehicle as the members were satisfied that it was road worthy by the fact the Tuk Tuk had gone through the IVA ('Individual Vehicle Approval') scheme and a vehicle registration certificate (V5C) had been issued and it had doors to prevent passengers falling out. In addition the vehicle would be MOT tested at an approved DVSA testing station to ensure it meets motor vehicles (Construction and Use) Regulations, including emission test standards. The lighting requirement was not relevant as the vehicle was largely open. The luggage capacity for the Tuk Tuk was felt appropriate for the size of the vehicle, namely that small rucksacks and handbags could be stored securely. The members were all in agreement that these requirements should be removed from the vehicle specification.
9. The conditions which the Licensing Officer recommended be included, as set out in 13.1 in the report, were felt to be appropriate, save for the amendment to read 5th August 2020. Condition 13.3 was also deemed to be necessary so that the licensing team could respond to any complaints more efficiently.
10. The members agreed that condition in 13.2 in the current licence conditions for a private hire vehicle would need to be removed to enable the proposal to be implemented.
11. The Committee felt it was necessary to require all the conditions suggested by the Vehicle Examiner at the DVSA outlined in section 16.7 of

the report, given his expertise in this field and that they all seemed reasonable requirements to ensure the safety of the driver, passengers and other road users. They also mitigated any safety concerns the Committee had in respect of the specific sections of the Policy which would have to be deviated from.

12. The Committee also agreed with Councillor Mara's suggestion that there should be some formal training required of the drivers, which Ms Kimbrell agreed with. therefore, if an application for a licence is submitted and successful, there will be a condition requiring an induction training programme, as approved by the Licensing Team Leader.
13. The Committee recognised that the Council had deviated from its policy previously and licensed a vehicle which did not comply with its requirements and also that other councils have licensed Tuk Tuks.
14. The delegations suggested were appropriate to be able to assess any subsequent applications from the proprietor or comparable applications from other vehicle proprietors.