

Pedicabs – Policy Note from Transport for London

*NB: The information in this note has been drafted by Transport for London (TfL).
References to 'we' and 'our' mean TfL.*

TfL's Headline Policy Intention:

In establishing a licensing regime for pedicabs our primary consideration will be to ensure public safety. In this regard we expect the regulatory requirements to be similar to taxi and PHV licensing but tailored to reflect the unique nature of pedicabs and the market they operate in. Depending on the operating model chosen, it is likely to contain elements of both the existing taxi and PHV licensing regimes, with drivers, vehicles and operators all being separately identified and licensed, yet intrinsically linked.

More generally, we recognise the need for regulations to not only improve safety but to minimise the other associated negative impacts pedicabs have on London, from congestion on streets and pavements, to loud music causing public nuisance or disproportionate fares undermining London's reputation as a global tourist hub. Once this behaviour is effectively managed through a regulatory regime however, we believe there are a number of benefits pedicabs may have, especially in central areas, where these services could offer a green and space efficient option.

Public Consultation:

Transport for London (TfL) have begun to plan for the possible future consultation on new licensing regulations for pedicabs in London. We plan to engage with the pedicab industry and potential customers before formal consultation. Once legislation is in place the consultation would be undertaken according to the following criteria:

- It would meet the principles for consultation as laid out in *R v London Borough of Brent ex parte Gunning* – see Gunning Principles.
- TfL's usual approach to delivering public consultations, is described in broad terms below and would be followed:
 - The consultation would be extensively publicised. We would aim to promote the opportunity to take part in the consultation to pedicab operators, drivers and owners (to the extent that this is possible, given the nature of the industry), and to those members of the public with an interest in the subject (again, to the extent that this is possible). We would also promote the consultation to stakeholders judged to have a potential interest in the proposals e.g., the Metropolitan Police, City of London Police and Royal Parks Police, local authorities, residents' groups, Visit London, taxi and private hire trades, etc. Information to explain the proposals would be posted on our consultation website (Have Your Say), as is usual practice with TfL consultations. We would provide sufficient information so as to enable 'intelligent consideration' of the proposals, but we would also make it possible for potential respondents to ask questions of us through a range of digital and non-digital means during the consultation, should they need to do so in

order to submit a response. Information to explain our proposals would also be available in: Alternative languages to English, through an auto-translate function built into our website in hard copy, on request in 'easy read' and British Sign Language format.

- We would accept responses to the consultation:
 - Through a questionnaire we would post on our Have your Say website
 - By letter to Freepost TfL Consultations
 - By email
- Due to the anticipated extensive nature of the consultation proposals, exact timescales are unknown at this stage but, in common with most of TfL's consultations, the consultation would run for no less than six weeks.
- The consultation materials would be accompanied by an impact assessment of our proposals including potential equality, business and economic, environmental, crime and disorder, and health impacts. Respondents will have the opportunity to comment on the impact assessment as well as using it to help inform their responses.
- The responses to the consultation would be analysed to identify the issues raised, and each of those issues would be fully considered. Once that process was complete, we would publish a Consultation Report to set out the outcomes of the consultation and our decisions, including a response to each of the issues raised by respondents before preparing the regulations and regulatory regime.

Cycle Lanes:

Although pedicabs are currently permitted to use bus lanes, cycle lanes and London's Cycle Superhighways, consideration will be given to prohibiting pedicabs from major roads and tunnels (where cycles are not already prohibited) in the interests of public safety. This will be included in the public consultation described above.

Nuisance:

While some antisocial behaviour and noise offences are already covered by existing legislation, we will propose that regulations cover the conduct of drivers, including playing loud music and causing disturbances, which TfL authorised officers would enforce under powers conferred on them by the Act.

Consideration will be given to pedicab vehicle roadworthiness and whether any electrical installations including equipment for playing music and/or speakers could present safety issues.

Pedicab Ranks:

The decision to introduce new or make amendments to existing taxi ranks is typically a collaborative effort across a number of parties including TfL and the relevant borough, depending on who has responsibility for the road or kerbside space. We also work closely with taxi trade representatives to gain their valuable input into the process. There are a number of competing demands for road space in London and

careful consideration is given to balancing the need for all road user types, including taxi drivers and passengers.

TfL will need to give proper consideration to the question of allocating dedicated road space for pedicabs, again considering the needs of pedicab drivers and passengers and balancing this with the need for all road users. This would then be subject to consultation.

Enforcement:

We are of the view that the type of offences which would be applicable to pedicabs would be similar to those applying to taxis and private hire vehicles (PHVs). As with taxi and PHV offences, these would be criminal offences which could be dealt with by Fixed Penalty Notices (FPNs) and/or prosecution, alongside the licensing authority being able to take licensing action for regulatory breaches, fitness and conduct issues. FPNs provide a quick, simple and direct way of dealing with minor offences while preserving the right of individuals to challenge an alleged offence in court.

Regulations would include provisions for authorised officers to stop and detain unlicensed pedicabs drivers or those failing to comply with any regulations.

In addition, TfL should have the power to suspend or revoke a licence for any of the offences as well as deal with the offences by way of a monetary civil penalty as provided for in the current version of the pedicab Bill.

As with taxi and PHV licensing, TfL would hold the power to suspend or revoke driver, vehicle and operator licences for serious and multiple breaches of regulations or where a licence holder demonstrates a pattern of non-compliance or poor behaviour.