
London's Rickshaws

The Transport Committee's scrutiny into the future of London's pedicabs
February 2005



Membership of the Transport Committee

| | |
|--------------------|-------------------------------|
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The Transport Committee's general terms of reference are to examine and report on transport matters of importance to Greater London and the transport strategies, policies and actions of the Mayor, Transport for London, and the other Functional Bodies where appropriate. In particular, the Transport Committee is also required to examine and report to the Assembly from time to time on the Mayor's Transport Strategy, in particular its implementation and revision.

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Chair's Foreword



As a regular visitor to Dhaka it is not uncommon to see rickshaws vie precariously for space among its crowded and cluttered streets with tuk-tuks, cars and buses.

Less common is their presence in the UK but take a trip to the West End on a Friday night and it is impossible not to come across the fleets of rickshaws that patrol the theatres and bars of Soho. As a Councillor in Westminster I have raised concerns about the safety of these rickshaws and now as a Rapporteur on behalf of the London Assembly's Transport Committee, I have decided to look again at the issue, not least because legislation is before

Parliament which deals with rickshaws or pedicabs as they are defined in the Bill.

I have examined what kind of legal status pedicabs should be given, the potential impact current proposals could have on pedicabs and what, if any, regulation could ensure that pedicabs can operate as part of London's many and varied transport network in the future.

I am acutely aware of the problems that pedicabs do and could potentially bring to the streets of the capital but I do not think they should be banned outright.

Pedicabs provide a useful short distant off peak service ferrying tourists and Londoners between various stops within London's late night economy. Admittedly, pedicabs when compared to buses or taxis, pound per distance, do not offer good value but if they are too expensive they will soon be priced from the streets of London.

Rickshaws in my view provide a welcome and colourful, albeit, minor addition to the streetscape of the West End. And that's how it should stay.

Pedicabs can also be a minor nuisance, whether it is blocking access from theatres or holding up traffic. Because of this the Transport Committee has recommended to London's MPs that they support the aspect of the legislation that makes pedicabs subject to parking fines. However, we also share the concerns of taxi drivers and pedicab operators alike about forcing pedicabs from the relative safety of bus lanes and ask that pedicabs are not subject to bus lane fines as the Bill proposes.

We have also concluded that in future there should be relatively light touch regulation for pedicabs managed by Transport for London (TfL) - ensuring that licensed pedicabs meet certain safety and insurance requirements. Although it is highly unlikely that numbers of rickshaw would mushroom out of control, TfL should also be given powers to allow for a tight control on numbers.

I'd like to also take this opportunity to thank those representatives from the Licensed Taxi Drivers Association, the Public Carriage Office and the London Pedicab Operators Association who gave generously of their time and expertise to the Committee.

Murad Qureshi AM

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1. Introduction

- 1.1 You only have to step out of a West End show on a Friday night to realise that over the last few years, there has been one particularly distinctive arrival on the streetscape of the West End – the rickshaw. Introduced at the turn of this century rickshaws or pedicabs have become a familiar and high profile presence on the streets of Soho and Theatreland ferrying tourists and Londoners from A to B, typically from theatre to restaurant across a couple of blocks in Soho. Since then, their novelty remains undimmed and their numbers have increased.
- 1.2 Pedicabs offer Londoners and tourists an additional choice for typically short journeys within Soho and the West End. Most demand can be sourced to theatres, cinemas, restaurants, clubs and bars and their business is largely concentrated between late evening and early morning. Per mile pedicabs work out more expensive than a taxi and it is estimated that around 250 pedicabs now work the streets of London.
- 1.3 Their arrival has not been universally welcomed however. It is claimed that they hold up traffic, pose a risk to public safety by blocking fire exits when plying for trade and only offer an expensive alternative to walking rather than an emission free alternative to taxis or buses. There remain deep concerns too about their safety and their suitability to become part of the mainstream of London traffic.
- 1.4 The London Assembly has decided to examine the role that pedicabs have to play in London and in particular the West End. It is a timely examination as legislation¹ is being put to MPs that would give pedicabs a legal status that would make them liable to parking and traffic contraventions like any other vehicle.
- 1.5 The Transport Committee has therefore met informally with the Licensed Taxi Drivers Association (LTDA), the London Pedicab Operators Association (LPOA) and the Public Carriage Office (PCO)² and has also gone to the West End to see for themselves the demand and the effects generated by pedicabs.
- 1.6 Pedicabs emerged in London when a company, Bugbugs, took advantage of a legal loophole in the Metropolitan Public Carriage Act 1869. The Act legislated for the exclusive right of Licensed Hackney Carriages to ply for hire on the streets of London – however this exclusivity did not include “stage carriages”, an omission which permits pedicabs to ply for hire in London³. After a series of cases brought to court by the Licensed Taxi Drivers Association, this loophole was upheld in 2002⁴ and pedicabs have continued to ply for hire in London, almost exclusively in the West End.
- 1.7 The overwhelming majority of pedicabs are driven by individuals who hire the pedicab from a pedicab operator. Very few of the 250 pedicabs in London are

¹ London Local Authorities and Transport for London Bill, Section 4

² Notes from these meetings are attached.

³ London is therefore unique in this regard to the rest of the country and explains why pedicabs have not been allowed to flourish in other parts of the UK

⁴ Further details of this case can be found at

<http://www.richardbuxton.co.uk/reference/view.php?table=transcripts&id=119&flag=name>

owned by their rider. Fares for pedicabs are determined largely by the driver at the time the passengers board. The London Pedicab Operators Association (LPOA), was formed in 2004 in order to establish a lobby on behalf of the pedicab industry and to establish certain codes of practice and conduct across London's pedicab operators and riders. The LPOA now represents around 80% of the pedicabs currently thought active in London.

- 1.8 However, as it stands there is no way that a pedicab driver or operator can be identified if they are involved in a crash (to date there has not been a serious accident involving a pedicab in London) or if they found to obstructing a bus lane, pedestrian right of way or are parked on a double yellow line.
- 1.9 The part of the Private Bill that deals with Pedicabs addresses those issues, providing pedicabs with a legal definition and local authorities and Transport for London with the power to hold riders and operators responsible for their actions on the road. A registration scheme, supervised by the Public Carriage Office, would allow for rider and operator recognition.
- 1.10 This report seeks to assess the potential impact of the proposed legislation based on the evidence we have heard from key stakeholders and also to consider the possibility of future regulation and the potential shape any such regulation may take.

2. The Proposed Legislation

- 2.1 It is important to note that the Bill before Parliament to deal with Pedicabs does not seek to regulate pedicabs, merely to make them liable for bus lane, parking and other road traffic contraventions⁵. To make this possible, two things are required. Firstly, it is necessary to establish a legal definition for pedicabs so that they can be added to existing parking and traffic legislation. Secondly, a registration scheme is required which can allow pedicab drivers and operators to be identified should they contravene any such legislation. The Bill does not seek to establish a licence scheme or any other regulatory function for pedicabs.
- 2.2 Pedicabs have been defined in the Bill as a "cycle to seat one or more passengers...for the purpose of being made available with a driver for hire." A pedicab business is one which owns, lets out and takes bookings for pedicabs. As it stands, the Bill would make pedicabs liable for using bus lanes (cyclists and taxis are exempt from such liability), parking on double yellow lines and the blocking of pavements. This liability would rest with the operators, who have hired out the pedicabs, and not the riders themselves (unlike with private hire firms).
- 2.3 The registration scheme would make it illegal for unregistered pedicabs to ply for hire in London. Pedicab operators would register their pedicabs with the Public Carriage Office for a "reasonable fee" so that should a pedicab be involved in a contravention of road and traffic law, a fine could be levied against

⁵ For example, there was initially a clause in the Bill that sought that each Pedicab operator as part of the registration scheme would be required to prove they held third party insurance. This clause was removed as it was felt by those sponsoring the Bill that such a requirement would sit more easily in any future legislation that would seek to regulate the pedicab industry more comprehensively.

the operator. Pedicab riders are not required to be registered and are not therefore liable to the fines incurred by their riding of the pedicab.

The case against legislating for pedicabs

- 2.4 The LTDA opposes the Bill out of hand on the grounds that pedicabs should not be legislated for but rather legislated against and banned altogether. The LTDA have been vociferous in campaigning against pedicabs on the grounds that they offer neither value for money or safe travel for their customers.
- 2.5 The LTDA's conducted research, carried out in full by TRL, which concluded that the Pedicabs tested did not comply to Highway Code regulations, although the code made no specific reference or requirements to or of pedicabs. The report also asserted that unless pedicabs actually replace motor vehicles journeys, which there is no evidence to suggest that they do as yet, there is little environmental benefit to pedicab use.
- 2.6 However, the report's central concern focused on the safety of pedicabs. TRL's tests found that a laden pedicab's braking performance was significantly lower than that of a car⁶. Concerns were also expressed over handling performance, particularly when a pedicab was unladen or had only one passenger. More alarmingly, in crash tests with a car traveling at 45 km/h (30 mph) the passenger compartment would provide little or no protection to the passenger with unsuitable restraint from the provided seatbelt for child passengers.
- 2.7 There have been no serious incidents to date in London involving pedicabs although the LTDA did point to isolated incidents in Edinburgh and Barbados where a serious injury and a fatality occurred to pedicab passengers. The London Accident Analysis Unit informed the Committee in the last three years just one injury had been reported to the Unit that had involved a pedicab when a blanket had caught in the wheel.
- 2.8 Another core criticism of the pedicab industry is that the fares are extortionately high – ranging, according to the LTDA, from £20-£70 per mile, a claim backed by their own research on the streets of Soho. However we found that when we went into Soho a typical fare was about £6 for two people from the Lyceum to Chinatown.
- 2.9 The Committee are conscious of the concerns raised by the LTDA around safety and extortionate charges. **However, the Transport Committee does not support an outright ban of pedicabs.**
- 2.10 It seems reasonable to conclude, if a car were to slam into a pedicab at 30 mph passengers would be at risk. However, there is also an element of risk in how pedestrians cross the road and there is no legislation banning pedestrians crossing the road from any point other than built in crossings. A pedicab passenger is bound to be aware of the risk that they take in using a pedicab on routes shared with cars. It is a risk that they appear prepared to take, especially in areas such as Soho where, along many streets, traffic rarely reaches speeds of 30 mph.

⁶ For example, if a Pedicab was following a car at 15 km/h with a headway of 2m, if the car braked heavily the pedicab would be travelling at 13km/h on impact.

- 2.11 Regulation could allay some of the other concerns about pedicab safety and the report will discuss these later. On the issue of extortionate fares, there is a genuine case and need for action. A pricing schedule is neither enforceable nor feasible at this stage so any immediate action would have to be self-regulating.
- 2.12 It is therefore to be welcomed that the LPOA has sought to ensure that their Pedicab drivers agree a fare prior to a journey's departure as part of their Drivers Code of Conduct (see Appendix D). The Committee would also welcome the extension of good practice to ensure that a notice is placed in the back of pedicabs to remind passengers that a fare should be agreed before a journey is started.
- 2.13 However the greatest force that can be brought to bear on the use of pedicabs is that of the free market. If pedicabs are or remain extortionate then demand, via guidebooks and word of mouth, will simply fall. If the demand for pedicabs is not sustainable in the long run, we will soon find out.

The case against *this* legislation for pedicabs

- 2.14 There is little argument that a legal definition of pedicabs was required and that the one arrived at, for those who believe legislation is necessary, is broadly supported. The registration scheme also leaves little room for dispute.
- 2.14 Pedicab operators do have acute concerns however about the proposals to make pedicabs liable for parking and bus lane contraventions. As it stands, pedicabs are not able to be ticketed for parking or obstruction offences. Consequently, and in particular at pinch points outside theatres and landmark shops, pedicabs congregate contravening parking restrictions, often blocking fire access for audiences and customers alike.
- 2.15 It is a problem that especially rankles with taxi drivers and is both recognised in this legislation and by the pedicab operators themselves. The legalisation proposes that pedicabs could be liable to parking such as any motor vehicle is currently. The LPOA has acted on the problem and has a clause added in their code of conduct for drivers that drivers "not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings eg theatres"⁷.
- 2.16 However, despite these intentions the problem still needs to be dealt with. **The Transport Committee supports the view that pedicab riders need to be liable to parking enforcement to instigate the desired change in pedicab behaviour and supports this particular aspect of the Bill. However, before any such enforcement is acted upon, local authorities, TfL and the pedicab operators need to establish pedicab ranks where riders could legally ply for hire.**
- 2.17 There are concerns around the elements of the Bill that make pedicabs liable for contravening certain bus lane regulation. Unusually both taxi drivers and pedicab are united in their opposition to these particular aspects of the Bill. Both fear the potential safety hazard such regulation may bring about. It is clear that pedicabs present a more difficult obstruction to the progress of buses than bikes

⁷ See Appendix D

because of their width. However, a recent incident on Blackfriars Bridge where a cyclist was killed in a cycle lane which rested between a bus lane and the mainstream of traffic highlighted the dangers of moving cycles, conventional or otherwise, away from the side of road and into traffic.

2.18 The proposals as they stand pose a significant risk to the safety of pedicab riders and passengers. There is also the likelihood that if pedicabs are forced to travel in the mainstream of traffic that the hold ups and congestion caused by pedicabs in bus lanes would be even further aggravated in normal traffic lanes. Just as safety concerns should mean that pedicabs are liable to parking tickets, similarly they should not be forced to operate outside the relative protection of bus lanes.

2.19 Recommendation 1
The Transport Committee recommends that the proposed Bill be amended to ensure that pedicabs are not subject to fines should they be required to use bus lanes⁸.

2.20 However the operation of pedicabs should not be allowed to hold up buses. There rests a responsibility with both pedicab riders and operators to ensure that pedicab use does not lead to greater journey times for buses and therefore the potential for greater congestion.

2.21 Recommendation 2
The Transport Committee calls upon the London Pedicabs Operators Association to include as part of their training and their Drivers Code of Conduct the need for pedicab drivers to avoid the use of bus lanes where possible and where not, to pull over to allow buses to pass.

2.22 According to the Bill, the source of liability for these traffic and road contraventions is not going to be the pedicab rider however but the pedicab operator. Many pedicab riders are temporary and are not always resident within the UK. This proposal may be grounded in the fear that if pedicab riders are fined, such is the diverse, and transient disparate background of many of the riders, many of these fines will go unpaid.

2.23 Pedicab operators are concerned about the potential impact on their business of such a line of liability. They point to the fact that private hire and vehicle hire firm do not place owners and operators of these vehicles as liable to traffic fines. Pedicabs riders are effectively self-employed. The discipline that parking fines could bring should be felt by the pedicab rider. If the legislation seeks to improve the standard of pedicab riding, then it is the riders that should be legislated against.

2.24 Recommendation 3
The Transport Committee recommends that the proposed Bill be amended to ensure that a Pedicab business should be treated as a vehicle hire firm so that its riders are liable for parking fines and not the operators themselves⁹.

⁸ This would involve the removal of Clause 21, Part 2, b) and c)

⁹ This would involve the alteration to Clause 21, Part 3.

3. Future Regulation

- 3.1 If the pedicab aspects of the Bill went through with the changes the Committee seek, outstanding issues would still remain about safety, rider liability and conduct and congestion that would need to be addressed.
- 3.2 Not all models of pedicabs are as safe as others. So far, the code of conduct for drivers and code of practice for operators are only signed up to on a voluntary basis – albeit by a substantial majority of pedicab operators. In addition, only one major pedicab operator has third party insurance. And if pedicab operators and drivers continue to flourish, there is nothing to stop numbers increasing further and the risk of congestion rising accordingly.
- 3.3 **The Transport Committee supports the view that the pedicab industry needs to be regulated and that legislation is tabled soon (preferably in December 2005) to allow this to happen.** Any such regulation would hinge on a licensing scheme that would logically be supervised by the Public Carriage Office.
- 3.4 The pedicab industry is small and so any licensing scheme should be self-funding and therefore not too burdensome to some pedicab operators.
- 3.5 **Recommendation 4**
The Transport Committee recommends that part of any licensing should be conditional on:
- **Operators providing certain levels of training for their riders**
 - **Specifically agreed pedicab models**
 - **Operators effectively managing their riders so that they can be tracked down and made to pay fines**
 - **Operators holding third party insurance**
- 3.6 Another concern the Committee has is the potential number of pedicabs that could operate in London and the areas where pedicabs operate. Not all of London's roads are suitable for pedicab operation and the market and common sense will determine the majority of these – for example, few pedicab riders would seek to ply for hire on the North Circular. However, it might be useful when armed with more research than the Committee themselves have been able to undertake to date, that TfL consider imposing limits on the areas of operation for pedicabs.
- 3.7 Another function a regulatory body could take on is the potential restriction on numbers. This is not a power that TfL holds with the licensing of private hire taxis but these do not have the potential to cause substantial congestion in the same way that pedicabs could. Sooner or later, a critical number of pedicabs could operate within the West End for example which would pose such a significant block of bus and car journey times that numbers would need to be reduced.

- 3.8 **Recommendation 5**
The Transport Committee therefore recommends that any future regulation of the pedicab industry would include powers for TfL to impose restrictions on both the areas of operation for pedicabs and the number of licenses issued to pedicab operators.
- 3.9 The Transport Committee will return to this issue during 2005. The issue of pedicabs has opened up questions about the future make up of other ply for hire or private hire services on the streets of London, including velocabs – effectively pedicabs with an engine – and taxi mopeds and there may be scope as part of the follow up work to this rapportuer scrutiny to probe further into these developments.

Appendix A

Notes from Meeting with Licensed Taxi Drivers Association (LTDA) 17th January 2004, City Hall

Present:

Bob Oddy LTDA
Murad Qureshi AM
Peter Hulme Cross AM
Heidi Nicholson
Alison Lloyd
Denys Robinson
Danny Myers
Katy Shaw

Bob Oddy referred to the video which had been produced by the LTDA "Ban Not Licence". It was noted that attendees had recently viewed the video. The LTDA were campaigning not for registration of pedicabs but for a complete ban.

Bob Oddy said that the taxi drivers were not worried about the commercial threat of pedicabs as they had never been in competition with the pedicabs. There were 25,000 taxi drivers and 3-400 pedicabs. Pedicab fares varied widely with £20-£70/mile charge by pedicabs (the fare from Covent Garden to Leicester Square was £15-20) and such a payment would cover a far longer distance in a black cab.

It was noted that the pedicabs in Canary Wharf, which was a private estate and not public roads, gave free rides and were a means of advertising. Bob Oddy said that the cost of a 12 week advertising deal for 20 bikes was £29,000.

The taxi drivers had other concerns:

- There were often large number of pedicab waiting for fares outside theatres such as the Lyceum which were running shows which appealed to children. This made it very difficult for taxi drivers to put down and pick up as the streets were blocked.
- The street corners in Soho were blocked by pedicabs
- Taxis were scratched by pedicabs which squeezed past them
- The pedicabs went though red lights and past no entry signs as a pedicab heavy with passengers would always take shortcuts, for example an illegal right turn onto Waterloo Bridge if they were heading east along the Strand.

Would the Bill deal with these matters?

The Bill proposed classifying pedicabs as motor vehicles in order to make them easier to issue penalty charge notices. - however enforcement was difficult for example, the licensing of minicabs had not been a success with large number of illegal cabs in the west end, touting and parking on yellow lines

The requirement for insurance had been removed from the Bill.

Registration would not work as there was no relationship between the plates and the pedicab.

None of the clauses in the bill addressed the reckless and lawless driving which was already occurring and was not enforced.

The bus lane infringement section of the bill could probably be enforced.

The Case for pedicabs?

Bob Oddy posed the question that if pedicabs did not exist by using a loophole in the law, would politicians open up a loophole in order to allow for their introduction. Pedicabs did not reduce emissions in London as 90% of their journeys replaced a short walk. They were seen to be a fun thing to do for tourists.

Transport for London should not be endorsing the high level of fees charged by the pedicabs as registration would legitimise the pedicabs.

Pedicab Safety

Passengers were being thrown out of pedicabs. The LTDA had asked their drivers to report any accidents they saw through their newspaper. Pedicabs were a danger to pedestrian who would not hear them coming. A British tourist had been killed whilst on a pedicab in the Caribbean and a passenger's neck had been broken in Edinburgh.

The LTDA had purchased a pedicab and had paid the Transport Research Laboratory (TRL) £52,000 to test it. The TRL had concluded: "Pedicabs provide little or no protection" and had banned their technicians from riding in them at over 9 mph.

There were different models of pedicabs and shortly after purchasing the model to be used by the TRL, the LTDA were sent a solid steel strut with instructions to fit it to the pedicab in order to prevent the front wheel from collapsing.

The LTDA believed that the use of pedicabs in London were a tragedy waiting to happen. For example, the LTDA had lobbied the Public Carriage Office (PCO) about fitting child locks to taxis but the PCO had said that they were not needed but changed its mind following the death of a child.

Bob Oddy said that he had spoken to Charring Cross Police Station about the illegal activities of Pedicab drivers but they had responded that they had other priorities. The police had not previously collated any information about accidents but were now doing so.

If someone was injured in a pedicab the passenger could take out a civil action against the pedicab business but if TfL had registered the pedicab it might lead to questions about legal liability.

The LTDA was eager to work with MPs to produce a Bill to close the loop holes in the law which would stop pedicabs plying for trade.

Appendix B

Notes from Meeting with London Pedicabs Operators Association (LPOA)

Friday 21st January 2005

Present:

Chris Smallwood, Bugbugs Ltd

Sabine Ibanez Bugbugs Ltd

Murad Qureshi AM

Peter Hulme Cross AM

Heidi Nicholson

Alison Lloyd

Denys Robinson

Danny Myers

Katy Shaw

History

Bugbugs commenced operations in 1998. Chris Smallwood explained that legal research had shown that pedicabs could legally ply for hire as stage carriages under the Metropolitan Public Carriage Act 1869. This legislation only applied to London – pedicabs wanting to operate in other cities would have to apply for a street trading licence. The Public Carriage Office (PCO) had taken Bug Bugs to court in 1999 to test the legislation but had lost the case. The market was open to anyone who complied with some simple charging guidelines, but remained unlicensed

Bugbugs did attempt to get some licensing in place in 2000 as this would mean that the trade maintained some standards such as the maintenance of vehicles, training, insurance, accountability etc. In 2002 the Licensed Taxi Drivers' Association (LTDA) issued a summons against Bug Bugs and two of its riders in a private prosecution for illegally plying for hire as Hackney carriages and for soliciting. Both the magistrates and the High Court dismissed the case and the LTDA was refused leave to appeal to the House of Lords. Bugbugs met with the PCO in summer 2002 but there was not a strong move on their behalf towards regulation.

Velotaxi, a German company, had introduced electric-assisted cabs into London in 2002 but the legislation depended on the fleet being non-motorised. There was a strong case for electric-assisted cabs. A small hub motor would give the vehicle a range of about 20 miles and would assist in going up hills. If there were electric assisted bikes it would be a major challenge to the taxis and less emissions. The Environment Trust had put in a proposal.

One operator in Cardiff who provides free rides has adverts on the pedicabs in order to raise money. There were pedicabs in other countries such as the America, France, Germany and Holland although the biggest fleet was probably in London. There was no legislation covering pedicabs in other countries although Florida did issue a finite number of licences every year. In some areas riders were licensed. There were some examples overseas of pedicab businesses expanding rapidly in a non-licensed environment and then being closed down.

Logistics

Bugbugs owned 61 pedicabs, which were rented out to riders by the day, week or month. The work was seasonal with very few pedicabs being rented during the winter. Some pedicabs were rented during the day in summer. The riders hired the bikes between 5-7pm each night and had to return them daily to the Bugbugs garage between 12-4 am the following morning. The riders were self employed and Bugbugs did not know the income made by individual drivers. There were no regulations on fares although Bugbugs recommended a charge of £5/mile for each passenger with a minimum fare of £2. Excessive charges would discourage repeat custom.

Bugbugs provided a proper base for their pedicabs. People hiring bikes had to undertake a training course and had public liability insurance which covered self-employed riders for the purposes of carrying passengers for hire and reward. Bugbugs was a company limited by guarantee.

Bugbugs employed "Rider Support Managers" who could be contacted by the riders via mobile phone and were able to attend to any breakdowns or accidents within half an hour.

The Pedicabs

Bugbugs used two types of bike: Velocabs which were built in Germany and were subject to the TUV safety standard; and a smaller number from Cycles Maximus which were built in Bath. There were some riders in London who did use homebuilt pedicabs and this was a worrying safety issue.

The LTDA had brought a Cycles Maximus pedicab and had it tested by the Transport Research Laboratory. The PCO had commissioned two reports, one by TRL and the other by a firm called Sinclair Knight but Bugbugs had not been given access to the reports.

Need for Pedicabs

There was a market for pedicabs with about 200 in London, a figure that was increasing annually. They were hired for short journeys in a restricted area and were an emission free form of transport.

The pedicabs did add to street safety and moved people from outside pubs to taxi ranks or bus stops. The riders also acted as mobile information posts.

The Bill

Chris Smallwood believed that the definition of the word "pedicab" would cause legal problems. He proposed that the wording should be: "stage carriage defined as a cycle referred to as a pedicab". He said that by drawing pedicabs into legislation designed for "motor vehicles", which was proposed to stop the riders from parking or standing anywhere, was a health and safety risk if the riders were unable to take breaks. It would also add to congestion if they had to constantly ride around. If pedicabs could ply for hire they must be allowed to pick up and set down passengers.

Chris Smallwood had spoken to TfL about the provision of stands. The footprint of a pedicab was smaller than that of a car and would take up less space and if stands were

used people would learn where to go in order to hire a pedicab. There would be a need for strategic and appropriate stopping spaces.

The classification of Bugbugs and other similar companies that rented out pedicabs, as not being a vehicle hire firm meant that liability for fines would be with the company rather than the rider and would be damaging for the companies. They must therefore be classed as vehicle hire firms

It would be dangerous if pedicabs were banned from using bus lanes and therefore moved into the ordinary traffic lanes.

Self Regulation

By the end of February 2005 all of the London Pedicab Operators Association members would have a photo ID with full contact details for all riders. There would be a daily log of which riders were on which pedicab. After a bike had been hired for 20 days it would be given a full maintenance check. There would also be a signed contract with the riders that made them rather than the company responsible for any fines.

All but one of the London Pedicab operators had joined the "London Pedicab Operators Association" so about 80-90% of the pedicabs in London were now self regulated. The Code of Practice for the Association, which would be signed by all members by the end of February 2005, provided (inter alia)

- operators had to take out 3rd party insurance to a minimum value of £1 million.
- all riders needed to be registered
- zero tolerance policy for drink and drug use by riders

The LPOA would also appoint a monitor to report on the behaviour of pedicab riders on Friday and Saturday nights.

Bugbugs was considering expanding the area in which it operated to possibly include Chelsea and Notting Hill.

Appendix C

Notes from Meeting with the Public Carriage Office (TfL) 31st January 2005

Roy Ellis, Public Carriage Office (PCO)
Graham Sarson, Public Carriage Office (PCO)
Murad Qureshi (AM) London Assembly
Heidi Nicholson London Assembly
Danny Myers
Alison Lloyd
Katy Shaw

London Local Authorities and Transport Bill

The Boroughs of Westminster and Kensington & Chelsea had promoted a section in the Bill which sought to give pedicabs a legal definition and to introduce a registration scheme. If pedicabs were legally defined and identifiable it would enable local authorities to enforce traffic regulations in relation to them. If the Bill was passed the Public Carriage Office (PCO) would be tasked with registering the pedicabs as it was the only regulatory section within Transport for London (TfL). The Bill was not introducing a regulatory regime but as a parallel action TfL was working towards implementing one.

The Bill does not apply to auto rickshaws. There was one model of auto-rickshaw that did have a gas engine but there are no known plans for it to be introduced in London.

The Need for Greater Control and Safety Issues

Roy Ellis noted that there were concerns that pedicabs caused an obstruction and allegedly could be a nuisance. He agreed that with LTDA's argument that a large number of pedicabs ranked outside of a theatre could be dangerous if the theatre needed to be evacuated in an emergency.

Roy Ellis said that there was a Transport Research Laboratory video, which showed a pedicab being smashed by a car, but any similar structure would be crushed in such a collision. Pedestrians and cyclists also ran the same risks. An accident in Edinburgh had occurred some years ago when a woman's scarf was trapped in a pedicab wheel and modifications were made to the vehicle design to ensure that this did not happen again. People did have to make a judgement on whether to ride in a pedicab which was clearly not as safe as a car but there should not be hidden safety risks caused by the construction of the vehicle.

The Case for Regulation

It was the TfL policy to regulate and not ban pedicabs as demanded by the Licensed Taxi Drivers Association (LTDA). The Bill was not seeking to license pedicabs but to find a way for local authorities to enforce parking, waiting/loading and other restrictions.

Peter Hendy, Managing Director of Surface Transport TfL, has expressed the view that the pedicabs' area of operation should be limited. He had also indicated that he wanted them to be regulated

Regulation would ensure that vehicles are safely built and maintained. TfL would not necessarily want to regulate how the service was delivered by the pedicabs, for example the fares charged. A regulatory regime would be likely to include requirements for insurance.

The Public Carriage Office was planning to appoint a project officer to design and implement a regulatory regime for pedicabs and was due to start consultation with the pedicab businesses. If there were new legislation it could be structured in a similar way to private hire companies, with a lot of the responsibility resting with the operator rather than the riders. The operators would then look after the maintenance of the pedicabs and TfL would undertake a regular inspection and on-street enforcement.

The Bill did provide for TfL to charge for the cost of administering the registration scheme and the PCO would expect similar funding provisions to apply to any regulatory regime. TfL will be considering the need for drivers' criminal record, medical and topographical knowledge checks but due to the open and slow nature of pedicabs, these may not be thought to be a necessity. If they were found to be necessary they would need to be appropriate for the nature of the pedicab business. TfL was also considering the need for pedicab ranks and might have to consider limiting the number of pedicabs (this was not done with taxis as it was left to market forces). One extra enforcement officer might have to be employed but it might be possible for existing administration staff to absorb some of the additional functions.

It might be proposed that pedicabs be subject to a regime similar to that for private hire vehicles. Under private hire regulations the operator has to keep record of bookings, drivers etc so that TfL can check that only licensed drivers and vehicles are used. Private hire vehicles were not currently allowed use the Royal Parks (although taxis could).

In consideration of a potential control of the area of operation of pedicabs it was noted that some taxi drivers were limited to certain areas of London by means of a system of differently coloured badges. Regulations could, if necessary, require that pedicabs which were to operate in a particular area (e.g. Notting Hill) had garaging facilities in that area.

Transport for London would have to consider the proposal that pedicabs (but possibly not auto-rickshaws) be permitted to use bus lanes. However it had to be acknowledged that pedicabs using bus lanes did hold up buses and therefore added to emissions even though they were emission-free themselves.

a) The London Pedicab Operators Association (LPOA)

Code of Conduct for Pedicab Drivers

I (name) _____ hereby certify that in the course of my activities as a Pedicab Driver I will:

- a) Ensure the safety of my passengers, other road users and myself at all times and take all measures to avoid accidents and incidents
- b) abide by the rules as set out in The Highway Code at all times
- c) at no time be under the influence of alcohol or any drug including prescription drugs that may affect your judgement
- d) ensure that my passengers are offered the safety belt/lap belt before all journeys
- e) charge separate and distinct fares for each passenger that I carry on a specific journey – Stage Carriage law and agree my fare with passengers (per person) prior to embarking on a journey and not to charge or demand more
- f) ensure that all items belonging to passengers are stowed and that scarves, coats, or any other items are safely contained within the pedicab
- g) not solicit or aggressively tout business
- h) not overload my pedicab ie I will only take passengers if they can be **seated** in my pedicab – maximum 3 passengers
- i) be courteous and considerate to other road users, pedestrians, taxi drivers, the police and passengers at all times
- j) not cause an obstruction to other vehicles or pedestrians especially around fire exits from buildings eg theatres
- k) wear my ID tag at all times when riding (once provided by the Operator)
- l) carry out the prescribed safety checks each time I take out my pedicab
- m) assist any other pedicab driver (regardless of company) if they are experiencing difficulties or are in danger of assault
- n) not become involved in racing of any kind
- o) hand in any lost property to the Operating Company
- p) ensure that my passengers arrive at their destination safely and that I will take particular care of the vulnerable
- q) not smoke or use a mobile phone whilst riding
- r) not ride in pedestrian areas or on the pavement (pedicab may be pushed)
- s) not make any action that might damage the reputation of the industry
- t) report and document any accident or incident immediately or within 24 hours to the owner of the pedicab

Signed (name)

Company

Date

The London Pedicab Operators Association (LPDA)

Code of Practice for Pedicab Operators

We, the Pedicab Operator (name)_____ hereby certify that we will manage our operation according to the following Code of Practice for Pedicab Operators and therefore will:

- have in place 3rd Party Public Liability insurance (minimum £1M any one event) to cover all pedicabs owned by us and driven by pedicab drivers registered with us, for taking passengers for Hire and Reward
- ensure that all drivers registered with us have signed the Code of Conduct for Pedicab Drivers (as agreed by the LPOA)
- Have zero tolerance to the use of drink or drugs
- ensure that all drivers have a driving licence (valid in the UK) or have passed a written Driving Standards Agency test
- ensure that drivers receive training in all aspects of pedicab driving
- ensure that all drivers pass a practical on-road test (carrying passengers)
- register all rider personal information (full name, address, age, next of kin, phone, email, medical statement and some form of positive ID eg passport, drivers licence)
- ensure vehicles are safe, legal and roadworthy (including lights, safety belts) and are specifically designed for carrying passengers
- monitor street behaviour and have in place a disciplinary procedure clearly setting out the criteria under which a rider will be penalised or dismissed
- in the event of the dismissal of a rider, report this to all other Pedicab Operators in the LPDA
- ensure that all pedicabs are maintained regularly and kept in a safe condition and to keep records of all maintenance carried out on each vehicle
- keep operational records to ensure that you can identify which pedicab driver was on which pedicab at any one time
- take steps to protect the reputation of the pedicab industry at all times
- have a procedure for dealing with lost property
- document all incidents and accidents
- ensure that all vehicles and drivers can be identified as being part of our operation

Signed

Position

Operator name

Date