

## Appendix 6 – Proposed policy and conditions on the licensing and regulation of Pedicabs

### 1. Policy

- 1.1 In terms of section 39 of the Civic Government (Scotland) Act 1982, any person who carries out, or offers to carry out, a service in exchange for money or money's worth requires to hold a Street Trader's Licence.
- 1.2 Pedicabs (sometimes referred to as rickshaws) are a non-motorised type of tricycle designed to carry passengers in addition to the driver. Where pedicabs are offered as a service to members of the public in exchange for money or money's worth, the person offering that service requires to obtain a Street Trader's Licence.
- 1.3 The pedicabs that are the subject of this policy are those which are made available with a rider for the purpose of carrying passengers for payment or payments worth and not those pedicabs used for the carriage of goods, or which do not otherwise carry passengers for payment.
- 1.4 The policy covers the licensing of both drivers and their pedicabs.
- 1.5 While the City of Edinburgh Council recognises that pedicabs offer an alternative method of transport, it has adopted the following policy in the interests of public safety and prevention of undue public nuisance:-
- 1.6 Prior to a licence being granted the intended pedicab must be inspected by a ***suitably qualified technician***. Thereafter they must be checked every 3 months to ensure that the pedicab remains in a roadworthy condition throughout the validity of the licence. The Licence holder shall maintain records of maintenance and inspections throughout the currency of the licence and shall provide them to the City of Edinburgh Council at any reasonable time on request
- 1.7 The pedicab shall comply with Pedal, Cycle (Construction and Use) Regulations 1983 and 2015, the Road Vehicles Lighting Regulations 1989 and any other legislation which affects the construction/lighting of the pedicab or pedal cycle.
- 1.8 In order to pass inspection, the pedicab must have:
  - a) 3 point seatbelts or lap belts for each passenger which will be adequate to retain the passenger in the pedicab and must bear an EC or BSI mark;
- 1.9 An inspection of a pedicab will include, but will not be limited to ascertaining the condition of the following:
  - a) Front and rear brakes
  - b) Front and rear lights
  - c) Operation of seats belts
  - d) Condition of tyres, wheels, spokes and roll cage

e) Reflectors

- 1.10 The pedicab can only operate within the area detailed in the attached map appendix (*to be added to final conditions*)
- 1.11 The licensed pedicab holder should comply with the National and Local Legislation and the Highway Code relating to the use of a pedal cycle / pedicab on the road at all times, i.e. traffic signals, no entry signs and one way streets.
- 1.12 The presence of a licensed pedicab on the road shall not cause an obstruction nor shall it compromise the safety of its passengers or other road users. Accordingly where available, bus and cycle lanes should be used and pedicabs shall not be used within any pedestrianised area, including the following areas (*to be added to final conditions if required*), and must comply with Traffic Regulation Orders.
- 1.13 Although the Highway Code is not a legally binding document, the Road Traffic Act states that a failure to observe the Highway Code will not constitute an offence in itself but can be relied upon as evidence to establish or negate liability in legal proceedings for offences under other Acts such as the Traffic Acts.
- 1.14 Public Liability Insurance of not less than £5million must be in force in order that any losses sustained in the event of an accident can be recovered, either by passengers or by the other third parties.
- 1.15 The licensed pedicab holder will be required to demonstrate that they are eligible to work in the UK.
- 1.16 While this policy does not seek to limit the number of Street Trader licences issued in respect of the operation of pedicabs in the City, the City of Edinburgh Council will keep the number of such licences under review and may in future determine such a limit, having regard to the possibility of undue public nuisance or threat to public safety.
- 1.17 Advertising material may be displayed on a licensed pedicab, and do not require Local Authority approval, subject to the following criteria:
  - Advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.