

# Regulatory Committee

1.30pm, Monday, 22 October 2018

## Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions

Item number	7.6
Report number	
Executive/routine	
Wards	All
Council Commitments	N/A

### Executive Summary

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The operation of pedicabs within the city has previously given rise to a number of concerns about passenger safety, the operating area and adherence to licensing conditions.

A report was presented to the Committee on 27 October 2017 proposing a draft policy framework and new conditions, in an attempt to address these concerns. It was agreed to consult on the proposals and to receive a final report on the outcome of the consultation.

This report updates the Committee on the outcome of that consultation and recommends approval of the proposed policy and standard conditions.

## Street Trader Licensing – Pedicabs: Update and Proposed Licensing Conditions

### 1. Recommendations

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- 1.1 The Regulatory Committee is asked to:
  - 1.1.1 note the proposals and agrees to approve the proposed revised licensing policy and conditions for pedicabs set out in Appendix 6;
  - 1.1.2 to agree that the area of operation shall be expanded to include the Meadows, but no further change to be made to the area of operation as shown in Appendix 8; and
  - 1.1.3 to agree to an implementation date of 1 April 2019 to allow further work to be carried out prior to full implementation, as detailed in paragraph 3.21.

### 2. Background

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- 2.1 The operation of pedicabs in the city is licensed by the City of Edinburgh Council by means of Street Trader licensing, in this instance with respect to the offering of a service (pedicab rides) for money or money's worth.
- 2.2 Pedicabs have operated in the city since 1996. At present there are four pedicab licensed companies, 70 licensed employees and approximately 60 pedicabs operating in the city centre.
- 2.3 The current licensing regime can be divided into two sections. Firstly, the regulation of the pedicab owners/operators, and secondly the pedicab drivers/employees. The majority of current licences are issued to the owners of the pedicabs, who charge rent for the use of the pedicab and then apply for employee licences for pedicab drivers, who in effect are self-employed. Generally the owners of the pedicabs do not actually carry out any street trading activity, unlike the pedicab drivers who are street trading in their own right.
- 2.4 The operation of pedicabs within the city has previously given rise to a number of concerns about passenger safety. In April 2010, a man died after falling from a pedicab. In 2001, a woman was seriously injured when her neck scarf became entangled in the wheels of a pedicab.

- 2.5 The operation of pedicabs in Edinburgh is not unique. A number of other local authorities also have pedicab licensing regimes including Glasgow, Aberdeen, Dundee and Falkirk. A number of English authorities also operate pedicab licensing, including Westminster Council.
- 2.6 In 2013, Police Scotland made representation to Glasgow City Council highlighting safety concerns regarding the operation of pedicabs, and in particular the lack of protection afforded to passengers. No similar representations were made to this Council.
- 2.6 Reports prepared for Glasgow City Council and Police Scotland highlighted that:
- 2.7.1 there is currently no official build standard for pedicabs and as such it would be impossible to assess the structural integrity of a pedicab or to conclude that a pedicab is considered safe for use by members of the public; and
- 2.7.2 that pedicabs did not have either a roll cage or three-point seat belts for each passenger considered necessary in providing reasonable safety for passengers travelling within a pedicab.
- 2.8 It was previously proposed that a further report should be jointly commissioned with Glasgow City Council in respect of pedicab passenger safety. Glasgow City Council decided not to take forward this option. In the absence of any current concerns about safety of pedicabs it was agreed not to pursue commissioning a further report.
- 2.9 A report was presented to the Committee on 27 October 2017 proposing a draft policy framework and new conditions, in an attempt to address these concerns. It was agreed to consult on the proposals and to receive a final report on the outcome of the consultation.
- 2.10 The consultation (Appendix 1) ran from 19 January until 2 March 2018

### **3. Main report**

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- 3.1 In line with statutory requirements, all existing licence holders were contacted and a number of one to one meetings were held. The consultation was expanded to include the wider business and residential community, relevant partners and agencies. This took the form of an online questionnaire which was published on the Council website.
- 3.2 The consultation was designed to assess the understanding of the effects of the draft policy on different user groups, to allow an informed decision on suitable changes to be made.

- 3.3 There were a total of 124 responses submitted to the Council Consultation Hub survey, and a further four written responses were received. The results of the consultation are contained in Appendices 2 – 4.
- 3.4 Almost half of respondents (62) to the online survey were submitted by residents. The four written responses were all submitted by pedicab owners or riders. In addition reports have been received from Council officers (Appendix 5)

### **Consultation Responses**

- 3.5 Views were asked for on a range of issues, including vehicle safety, policy and licensing conditions and trading areas. A summary of responses is detailed below.

### **Vehicle safety**

- 3.6 In terms of vehicle safety and roadworthiness, there was general support for drivers and owners pedicabs to be able to demonstrate the structural integrity of Pedicabs, and that on a day-to-day basis they are able to meet the conditions in relation to roadworthiness.
- 3.6.1 87% agreed or strongly agreed that the drivers of pedicabs should be responsible for and able to demonstrate that the pedicabs that they are operating on a day-to-day basis meet the conditions set out in relation to roadworthiness.
- 3.6.2 87% agreed or strongly agreed that, prior to the grant of a licence, the owner/driver of a pedicab should be able to demonstrate that the structural integrity of a pedicab is considered safe for use by members of the public.
- 3.6.3 71% agreed or strongly agreed that, prior to the grant of a licence, the owner/driver of a pedicab should be able to demonstrate that the pedicab meets the relevant conditions of licence.
- 3.7 In relation to the need for pedicabs to be fitted with a roll cage or three point seatbelts there was no strong view.
- 3.7.1 54% agreed or strongly agreed with the proposed additional requirement that all pedicabs be fitted with a roll cage.
- 3.7.2 54% agreed or strongly agreed all pedicabs be fitted with three point seat belts or lap belts for passenger safety.
- 3.8 Following consideration of the comments provided by pedicab operators it is proposed to amend both the proposed policy and conditions:
- 3.8.1 to remove the requirement for a roll cage;
- 3.8.2 to retain the condition requiring three point seatbelts or lap belts for each passenger; and

- 3.8.3 to replace any reference to steering wheel and replace it with handle bars.
- 3.9 The requirement to have a roll cage fitted to a pedicab has been carefully considered. Whilst this may still be considered best practice in terms of safety, there is currently no evidence to show that pedicabs are unstable and likely to overturn when in use. In addition, there are currently no pedicabs built or available on the market that are fitted with a roll cage. To further adapt a pedicab and add a roll cage might affect the integrity of the structure.

### **Licensing of Drivers/Owners**

- 3.10 The consultation asked for views on the proposal that pedicab drivers will be licensed as street traders and not the pedicab owners. There was strong support that pedicab drivers should be licensed as street traders in their own right, with 81% agreeing or strongly agreeing.
- 3.11 In relation to pedicab owners retaining ownership and responsibility for their maintenance, no strong view was expressed about the requirement to hold a street trading licence in their own right.
- 3.12 Having reviewed the current system of regulating the operation of Pedicabs and their drivers, the Council's view is that it is now appropriate to put far greater emphasis on the drivers who street trade on a day-to-day basis, and to align this with a more stringent set of conditions for the actual Pedicabs. The current licensing regime was designed when it was believed that riders were in fact employees of the Pedicab companies. It is now clear that each rider is in effect self-employed. Pedicab owners in the main only rent out the Pedicabs and they do not carry out any street trading activity themselves.
- 3.13 It is proposed to change the current system of licensing the pedicab owners as the main licence holders, and to require riders to hold a full street trading licence in their own right.

### **Pedicab trading area**

- 3.14 During the initial consultation pedicab drivers and owners expressed a view that the area in which they are currently allowed to operate (Appendix 7) should be expanded beyond that of the city centre. Respondents were asked:
- 3.14.1 if the current area of operation should be retained;
- 3.14.2 if it should be extended to cover far more of the city, including Roseburn and The Meadows;
- 3.14.3 if it should be further restricted in the west of the city to stop at Lothian Road.

The response was fairly balanced, with no clear support for either an increase in area or further restrictions.

- 3.15 Members of the pedicab trade are keen to see the trading area expanded to other areas of the city. Whilst there may be some merit in expanding the existing area to include the Meadows, there is little support for further expansion. Regular complaints are received by Council officers and the Police regarding pedicabs operating outwith their designated area, and the difficulties this can cause during match days at Murrayfield and Tynecastle stadium
- 3.16 The map shown in Appendix 8 shows the proposed extension to the Pedicab trading area which is highlighted in yellow.

### **Policy and Conditions**

- 3.17 There was mixed support for the proposed new licensing conditions (Appendix 6), with 36% strongly agreeing and 13% agreeing, 33% strongly disagreeing and 6% disagreeing.
- 3.18 Given the range of views expressed in the written comments, the mixed view is to be expected with different groups of respondents supporting or disagreeing with different parts of the policy proposals.
- 3.19 Following consideration of the comments and responses to the proposed policy and conditions, it is proposed to provide a more proportionate response by making receipts available on request rather than on each occasion:
- 3.19.1 amend the condition requiring that a written receipt will be given to each paying passenger and a copy kept by the operator, and replace it with 'A receipt book must be carried by each driver to permit a receipt to be produced on request by any paying passenger'.

### **Summary of changes to policy and or conditions**

- 3.20 It is proposed that:
- 3.20.1 the current system of regulating the operation of Pedicabs and their drivers is changed, to ensure that the drivers who street trade on a day-to-day basis hold the appropriate Street Trader's Licence, and to align this with a more stringent set of conditions relating to the Pedicabs;
- 3.20.2 pedicab owners who are not riders will not be required to hold a Street Trader's Licence. Pedicab riders will be required to hold a Street Trading Licence in their own right;
- 3.20.3 to remove the requirement for a roll cage;
- 3.20.4 to retain the condition requiring three point seatbelts or lap belts for each passenger;
- 3.20.5 to replace any reference to steering wheel and replace it with handle bars;
- 3.20.6 to increase the trading area to include The Meadows;

3.20.7 to amend the condition requiring that a written receipt will be given to each paying passenger and a copy kept by the operator and replace it with 'A receipt book must be carried by each driver to permit a receipt to be produced on request of any paying passenger'.

### **Next Steps**

- 3.21 Following adoption of the proposed policy and conditions, further engagement with the trade will be necessary to identify:
- 3.21.1 A suitably qualified technician approved to carry out a yearly inspection;
  - 3.21.2 standardised inspection record; and
  - 3.21.3 system for plating pedicabs.
- 3.21 It is therefore proposed that the new policy and conditions take effect from 1 April 2019 to allow this to take place, and to allow the industry to take the necessary steps to implement these requirements.

## **4. Measures of success**

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- 4.1 That the city's licensing function is modernised to ensure that it meets the needs of customers.
- 4.2 That any Licensing policy adopted balances appropriate protection of citizens with the need to ensure a minimum burden on economic development.
- 4.3 The review of Pedicabs is evidence-led as part of a wide ranging and robust consultation process.
- 4.4 The revised Pedicab policy is suitable for the needs of the city and addresses concerns raised with the Council.

## **Financial impact**

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- 4.2 The Council's scale of fees for licensing applications was approved with effect from 1 April 2018. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

## **5. Risk, policy, compliance and governance impact**

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- 5.1 The development of policy in respect of licensing of Pedicabs is part of a wider place-making role for the Council. It is essential that all the strategic aims of the Council are considered and that the revised policy and conditions is consistent with these.

- 5.2 There is a risk that any decision to a new policy and licensing conditions could be subject to legal challenge and may be appealed to the Sheriff. Irrespective of this and given the growing concerns in respect of pedicab safety, public safety must be of paramount importance.
- 5.3 There is a statutory process for amending the policy and this approach is in line with the statutory requirements.

## **6. Equalities impact**

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- 6.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 6.2 The contents and recommendations described in this report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.

## **7. Sustainability impact**

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- 7.1 There is no environmental impact arising from the contents of this report.

## **8. Consultation and engagement**

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- 8.1 Council officers have held a number of one to one meetings with relevant parties.
- 8.2 The consultation ran from 19 January until 2 March 2018.

## **Background reading/external references**

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- 8.3 [Regulatory committee report Street Trader Licensing – Pedicabs 27 January 2012](#)
- 8.4 [Regulatory committee report Street Trader Licence - Pedicabs: Update on Outstanding Issues 20 June 2014](#)
- 8.5 [Regulatory committee report Street Trader Licensing - Pedicabs: Update and proposed Licensing Conditions 24 October 2017](#)

## **9. Appendices**

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- 9.1 Appendix 1 - Pedicab Licensing - Online Survey Consultation Questionnaire
- 9.2 Appendix 2 - Pedicab Licensing – Online Survey Consultation Summary Report

- 9.3 Appendix 3 - Pedicab Licensing – Online Survey Consultation Written Response
- 9.4 Appendix 4 - Pedicab Licensing – Written Response
- 9.5 Appendix 5 - Pedicab Licensing – Council Officer Responses
- 9.6 Appendix 6 - Proposed policy and conditions on the licensing and regulation of Pedicabs
- 9.7 Appendix 7 - Map of existing Pedicab trading area
- 9.8 Appendix 8 - Map showing the proposed extension to existing Pedicab trading area.

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# Appendix 1 - Pedicab Licensing - Online Survey Consultation Questionnaire

28/05/2018

Print Survey - City of Edinburgh Council - Citizen Space

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## Pedicab Licensing - proposed policy and conditions

### Overview

We're reviewing the parts of the Council's street trading policy which relate to pedicabs and we would like to hear your views on proposals for guidance and policies on their use. Through the policy, we're aiming to address the concerns previously raised and offers a solution to the issue of pedicab safety.

Pedicabs - sometimes referred to as rickshaws - are a non-motorised type of tricycle which carries passengers in addition to the driver. They have operated in the city since 1996. At present, there are four pedicab companies, 70 licensed employees and approximately 120 pedicabs operating in the city centre. While the Council recognises that pedicabs offer an alternative method of transport, the operation within the city has previously given rise to a number of concerns about passenger safety.

Where members of the public pay for using pedicabs, the person offering that service has to obtain a Street Trader's Licence from us.

The proposals in the draft policy framework would only apply to pedicabs where payment is taken to carry passengers. The proposed policy would not apply to pedicabs used to transport goods or where payment isn't taken to carry passengers.

Please read our committee report on **Street Trader Licensing – Pedicabs: Update and proposed Licensing Conditions - Regulatory Committee 24 October 2017** <[http://www.edinburgh.gov.uk/download/meetings/id/55118/item\\_63\\_-\\_street\\_trader\\_licensing\\_%E2%80%93\\_pedicabs\\_update\\_and\\_proposed\\_licensing\\_conditions](http://www.edinburgh.gov.uk/download/meetings/id/55118/item_63_-_street_trader_licensing_%E2%80%93_pedicabs_update_and_proposed_licensing_conditions)> if you would like to find out more about the proposed policy framework and background to it. (see link below.)

### Why we are consulting

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 is required to hold a Street Trader's Licence.

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 is required to obtain a Street Trader's Licence.

The pedicabs that are subject to this policy are those which are made available with a rider for the purpose of carrying passengers for payment or payment's worth, and not those pedicabs used for the carriage of goods, or which do not otherwise carry passengers for payment.

The operation of pedicabs in the City is licensed by the City of Edinburgh Council by means of Street Trader licensing, in this instance with respect to the offering of a service (pedicab rides) for money or money's worth.

Pedicabs have operated in the city since 1996. At present there are four pedicab companies, 70 licensed employees and approximately 120 pedicabs operating in the city centre.

While the City of Edinburgh Council recognises that pedicabs offer an alternative method of transport, the operation within the city has previously given rise to a number of concerns about passenger safety.

The proposed policy framework and conditions are designed to address the concerns previously raised and offers a solution to the issue of pedicab safety.

## Introduction

The 'Proposed policy and conditions on the licensing and regulation of Pedicabs' can be found [here](#) <user\_uploads/proposed-policy-and-conditions-on-the-licensing-and-regulation-of-pedicabs-2.docx> and the 'Map of existing Pedicab trading area' can be found [here](#) <user\_uploads/map-3.png> .

Please read these before responding to the following survey.

### 1 What is your name?

Name

### 2 What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

### 3 What is your organisation?

Organisation

## Survey

### Questions

#### 4 Do you agree that pedicab drivers should be licensed as street traders in their own right?

Please select only one item

- Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree Strongly

#### 5 Do you agree that the drivers of pedicabs should be responsible for and able to demonstrate that the pedicabs that they are operating on a day-to-day basis meet the conditions set out in relation to roadworthiness?

Please select only one item

- Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

#### 6 Do you agree that the owners of Pedicabs who are not drivers, whilst retaining ownership and responsibility for their maintenance would no longer be required to hold a street trading licence in their own right?

### More Information

It is proposed that the pedicab operators who currently only rent vehicles and, in effect, are outwith the licensing regime, would no longer be required to hold a street trading licence in their own right. They would still be able to operate their business as long as the pedicabs used by drivers were inspected, records maintained and registered with the council.

Please select only one item

- Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**7 Do you agree that prior to the grant of a licence the owner/driver of a pedicab should be able to demonstrate that the structural integrity of a pedicab is considered safe for use by members of the public?**

**More Information**

There is currently no official build standard for pedicabs and as such it would be impossible to assess the structural integrity of a pedicab or to conclude that a pedicab is considered safe for use by members of the public

*Please select only one item*

Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**8 Do you agree that prior to the grant of a licence the owner/driver of a pedicab should be able to demonstrate that the pedicab meets the relevant conditions?**

**More Information**

The proposed policy establishes a set of requirements for pedicabs as detailed in Appendix 1, sub section 2 - Conditions of Fitness for use as a Pedicabs, that must be met before a pedicab driver can operate.

*Please select only one item*

Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**9 Do you agree with the proposed additional requirement that all pedicabs be fitted with a roll cage?**

*Please select only one item*

Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**More Information**

Previously pedicabs did not require to have either a roll cage or three-point seat belts for each passenger which is considered necessary in providing reasonable safety for passengers travelling within a pedicab.

**10 Should all pedicabs be fitted with three-point seat belts or lap belts for passenger safety?**

**More Information**

Previously pedicabs did not require to have either a roll cage or three-point seat belts for each passenger which is considered necessary in providing reasonable safety for passengers travelling within a pedicab.

*Please select only one item*

Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**11 Do you agree that the proposed condition sets out what is expected in respect of pedicab vehicle safety, conduct of drivers and what passengers can expect in terms of street trading activity?**

**More Information**

The proposed policy establishes a set of conditions for pedicab drivers as detailed in sub section 3 of the document '**Conditions for Pedicab drivers** <[user\\_uploads/proposed-policy-and-conditions-on-the-licensing-and-regulation-of-pedicabs.doc](#)> .

## 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 1963 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:
- 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; and
  - a roll cage fitted for the protection of passengers travelling in the pedicab.
- 1.9 An inspection of a pedicab will include, but will not be limited to ascertaining the condition of the following:
- Front and rear brakes
  - Front and rear lights
  - Operation of seats belts
  - Condition of tyres, wheels, spokes and roll cage
  - 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.

## 2. Conditions of Fitness for use as a Pedicabs

2.1 The pedicab, a non-motorised type of pedal cycle, will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.

2.2 The Pedicab shall comply with Pedal, Cycle (Construction and Use) Regulations 1983 7 2015, the Road Vehicles Lighting Regulations 1989 and any other legislation which affects the construction/lighting of the Pedicab / Pedal cycle.

2.3 The pedicab and all their fittings will be subject to a yearly inspection 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.

2.4 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.

2.5 The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.

2.6 The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.

2.7 There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror will also be permitted.

2.8 The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility markings.

2.9 Every pedicab licensed by the authority shall be fitted with 3 point seatbelts or lap belts which will be adequate to retain the passenger in the pedicab and must bear an EC or BSI mark.

2.10 Every pedicab licensed by the authority shall a roll cage fitted for the protection of passengers travelling in the pedicab.

2.11 Tyres must comply with the following requirements:-

- a) tread pattern clearly visible over the whole tread area;
- b) properly inflated;
- c) no exposed cords; and
- d) the load ratings of all tyres must be suitable for a pedicab when fully loaded

2.12 Any canopy or roof, when fitted to the pedicab must remain in a fixed position, achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered, when conveying passengers.

2.13 The pedicab must be fitted with adequate guards or other fittings so as to prevent loose garments or other material being caught in the pedicabs chain, spokes or other moving parts. No alterations shall be made to the pedicab without the prior approval of the Licensing Authority.

2.14 All pedicab shall be required to be fitted with an audible warning instrument i.e. bell.

2.15 The drivers' controls and the surrounding area of the controls must be so designed that the driver has adequate room. The driver must be able to easily reach and quickly operate the controls and give hand signals when required.

2.16 The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.

2.17 Each pedicab shall be licensed to carry a driver and no more than 2 passengers at any one time.

2.18 The position of the drivers' seat must not be such that it restricts access or egress to the passenger compartment.

2.19 Each pedicab shall be fitted with an identification plate supplied by the Licensing Authority, any plate or other identification which has been issued by the City of Edinburgh Council shall be clearly displayed on the front and rear of the pedicab at all times so that it may be easily visible to members of the public.

2.20 The licence plates remain the property of the City of Edinburgh Council at all times and must be returned to the City of Edinburgh Council as and when required by these conditions.

### 3. Conditions for Pedicab drivers

3.1 The licence holder shall not be less than 18 years of age.

3.2 The licence holder will only operate within the area detailed in the attached map.

3.3 The licence holder shall not use, or permit the use of, the pedicab in any pedestrianised area as set out in the City of Edinburgh Council's policy on pedicabs from time to time or use any footways other than those that form part of a designated cycle way.

3.4 The licence holder shall at all times when trading wear the identity card which is issued with the licence. In addition the licence must be displayed on the pedicab in a position approved by the City of Edinburgh Council, so that they may be read by any passenger, police or authorised officers of the City of Edinburgh Council.

3.5 The licence holder shall not lend to or allow any other person to use any licence or identity card issued by the City of Edinburgh Council.

3.6 The licence holder shall carry on business subject to any direction which the police or authorised officers of the City of Edinburgh Council may reasonably be required to give.

3.7 The licence holder shall ensure that the pedicab is properly maintained and complies with all relevant road traffic legislation including the Pedal Cycles (Construction and Use) Regulations 1983 & 2015 and the Road Vehicles Lighting Regulations 1989.

3.8 The licence holder shall ensure that, while the pedicab is in use, any plate or other identification which has been issued by the City of Edinburgh Council shall be clearly displayed on the front and rear of the pedicab at all times so that it may be easily visible to members of the public.

3.9 The licence holder shall on each occasion prior to commencing their shift ensure that all bodywork, upholstery and fittings is roadworthy, safe and serviceable.

3.10 The licence holder shall not carry more than two passengers at any one time, who must be safely restrained at all times while in the pedicab.

3.11 All children must occupy a seat and no person under the age of 16 shall ride unaccompanied without an adult.

3.12 Fares will be agreed with any passengers at the commencement of the journey and the licence holder will not charge or demand more monies at the end of that journey than the fare previously agreed upon at the start of the hire.

3.13 A written receipt will be given to each paying passenger and a copy kept by the operator.

3.14 The licence holder should comply with the National and Local legislation and the Highway Code relating to the use of the Pedicab on the road, i.e. traffic signals, no entry signs and one way streets.

3.15 The licence holder shall only use the audible warning instrument (i.e. bell) to let other road users know they are there when necessary and for no other purpose. i.e. it shall not be used to attract potential customers.

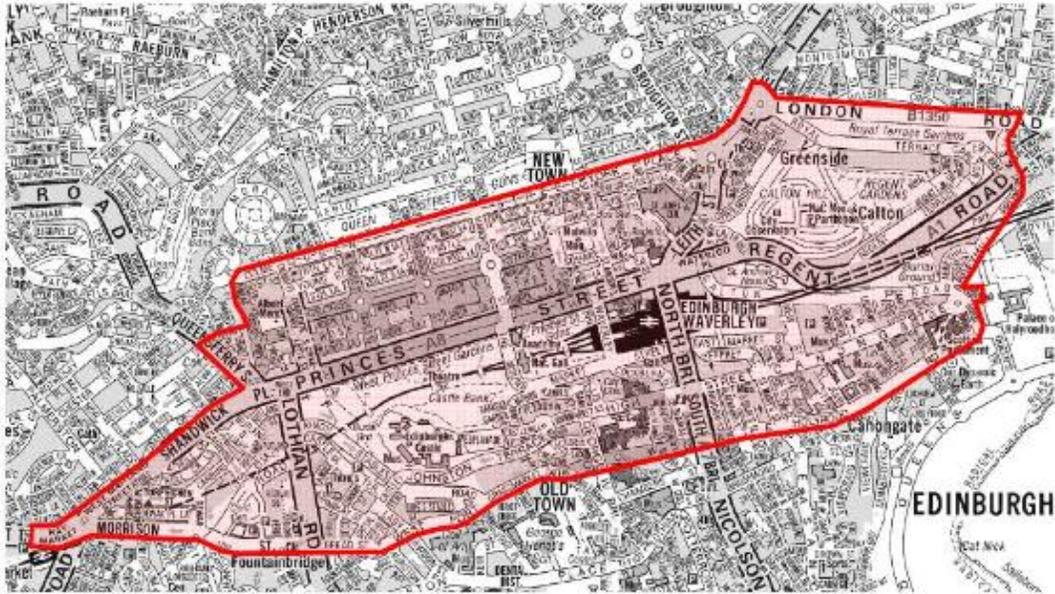
- 3.16 The licence holder shall not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.
- 3.17 The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers.
- 3.18 The licence holder shall not engage in any anti-social behaviour or race other Pedicabs or road users i.e. endangering themselves passengers or other road users.
- 3.19 The licence holder must inform the City of Edinburgh Council of any change of address prior to the change, where possible, but in any event no more than 7 (seven) days after that change.
- 3.20 The City of Edinburgh Council must be informed immediately should the pedicab plate be broken, lost or defaced. On no account must the pedicab operate without a pedicab plate being displayed.
- 3.21 The licence holder shall hold a valid Public Liability insurance policy to the value of £5 million and the certificate of insurance will and available for inspection by any authorised officer of the City of Edinburgh Council at any time during trading hours and at any other reasonable time.
- 3.22 Any Authorised Officer of the City of Edinburgh or Police Constable shall be permitted to inspect any vehicle, at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with.

*Please select only one item*

- Agree strongly  Agree  Neither agree nor disagree  Disagree  Disagree strongly

**12 Do you agree that the current area of operation should be retained?**

**Map of existing Pedicab trading area**



**More Information**

During the initial stakeholder discussions one of the areas of concern related to the current area of operation, as detailed in the above document - Map of existing Pedicab trading area. The pedicab trade would like to see the area extended to cover far more of the city, including Roseburn and The Meadows. Representatives of the transport trade are concerned re public and road safety, and would like to see the area restricted in the west of the city stopping at Lothian Road - although they would have fewer concerns re the area extending south towards the Meadows.

*Please select only one item*

- Agree strongly
  Agree
  Neither agree nor disagree
  Disagree
  Disagree strongly

**13 Do you agree that the Council should extend the current area of operation to cover far more of the city, including Roseburn and The Meadows?**

*Please select only one item*

- Agree strongly
  Agree
  Neither agree nor disagree
  Disagree
  Disagree strongly

**14 Do you agree that the Council should restrict the current area of operation in the west of the city to stop at Lothian Road?**

*Please select only one item*

- Agree strongly
  Neither agree nor disagree
  Disagree
  Disagree strongly

**15 Please use the space below for any additional information, comments or suggestions about the proposed policy and conditions.**

Other comments

## About me

Information about respondent

**16 In what capacity are you responding to the consultation?**

Please select only one item

- Pedicab owner    Pedicab Driver    Community Council    Resident    Business  
 Taxi Driver / Vehicle Owner    Private Hire Driver / Vehicle Owner    Taxi/PHC Association  
 Other Transport Provider    Other (please specify below)

Further details

**17 What is your age?**

Please select only one item

- Under 16    16 - 24    25 - 34    35 - 44    45 - 54    55 - 64    65 - 74    75 and over

**18 What is your gender?**

Please select only one item

- Male    Female    Other Gender Identity

**19 What is your sexual orientation?**

Please select only one item

- Heterosexual / straight    Gay / Lesbian    Bisexual    Other

**20 What religion, religious denomination or body do you belong to?**

Please select only one item

- None    Church of Scotland    Roman Catholic    Other Christian    Muslim    Buddhist    Sikh  
 Jewish    Hindu    Pagan    Another religion (please specify)

**21 What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)**

**A) WHITE**

*Please select only one item*

- Scottish  Other British  Irish  Gypsy / Traveller  Polish

- Other white ethnic group, please write in

**B) MIXED OR MULTIPLE ETHNIC GROUP**

*Please select only one item*

- Any mixed or multiple ethnic groups, please write in

**C) ASIAN, ASIAN SCOTTISH OR ASIAN BRITISH**

*Please select only one item*

- Pakistani, Pakistani Scottish or Pakistani British  Indian, Indian Scottish or Indian British

- Bangladeshi, Bangladeshi Scottish or Bangladeshi British  Chinese, Chinese Scottish or Chinese British

- Other, please write in

**D) AFRICAN, CARIBBEAN OR BLACK**

*Please select only one item*

- African, African Scottish or African British  Caribbean, Caribbean Scottish or Caribbean British

- Black, Black Scottish or Black British  Other, please write in

**E) OTHER ETHNIC GROUP**

*Please select only one item*

- Arab  Other, please write in

## Thank you

Thank you for taking the time to complete this survey.

For further information, please contact

Gordon Hunter

Policy Officer Licensing Team

Services for Communities

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## Appendix 2 - Pedicab Licensing – Online Survey Consultation Summary Report

### Pedicab Licensing - proposed policy and conditions: Summary report

This report was created on Monday 05 March 2018 at 09:48.

The consultation ran from 19/01/2018 to 02/03/2018.

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Ethnicity (A - White)	11
Other white ethnic group, please write in	11
Ethnicity (Mixed or multiple ethnic group)	12
Any mixed or multiple ethnic groups, please write in	12
Ethnicity (Asian, Asian Scottish, Asian British)	12
Other, please write in	12
Ethnicity (D - African, Caribbean or Black)	13
Other, please write in	13
Ethnicity (E - Other)	13
Other, please write in	13

**Question 1: What is your name?**

**Name**

There were 111 responses to this part of the question.

**Question 2: What is your email address?**

**Email**

There were 101 responses to this part of the question.

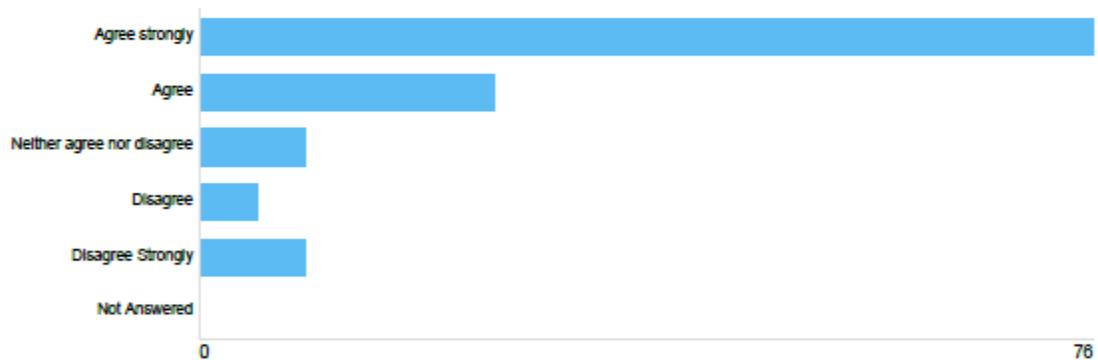
**Question 3: What is your organisation?**

**Organisation**

There were 69 responses to this part of the question.

**Question 4: Do you agree that pedicab drivers should be licensed as street traders in their own right?**

**Licensed?**



Option	Total	Percent
Agree strongly	76	61.29%
Agree	25	20.16%
Neither agree nor disagree	9	7.26%
Disagree	5	4.03%
Disagree Strongly	9	7.26%
Not Answered	0	0%

Question 5: Do you agree that the drivers of pedicabs should be responsible for and able to demonstrate that the pedicabs that they are operating on a day-to-day basis meet the conditions set out in relation to roadworthiness?

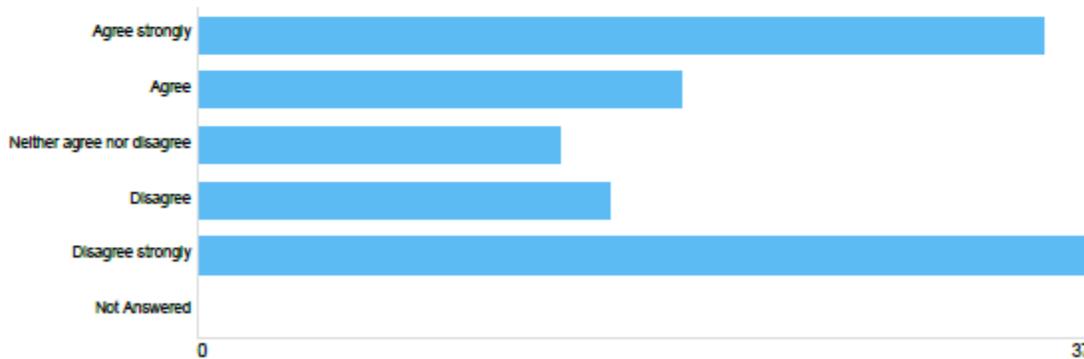
*Responsible for roadworthiness?*



Option	Total	Percent
Agree strongly	92	74.19%
Agree	16	12.90%
Neither agree nor disagree	4	3.23%
Disagree	4	3.23%
Disagree strongly	8	6.45%
Not Answered	0	0%

Question 6: Do you agree that the owners of Pedicabs who are not drivers, whilst retaining ownership and responsibility for their maintenance would no longer be required to hold a street trading licence in their own right?

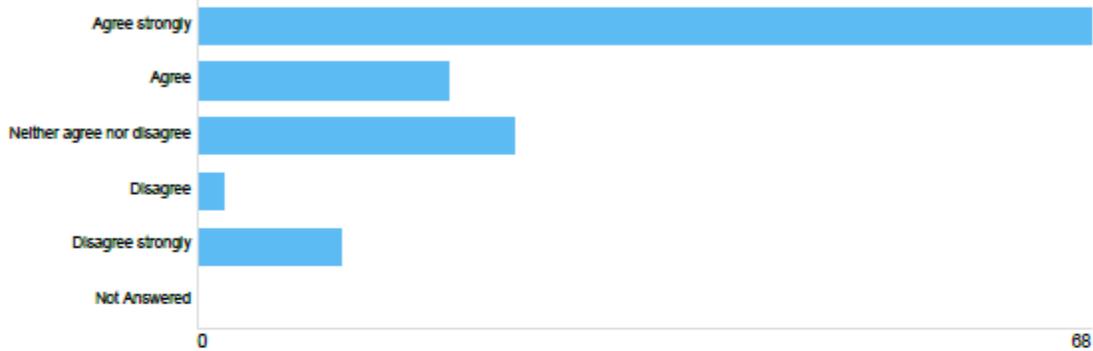
*no ST licence for owners?*



Option	Total	Percent
Agree strongly	35	28.23%
Agree	20	16.13%
Neither agree nor disagree	15	12.10%
Disagree	17	13.71%
Disagree strongly	37	29.84%
Not Answered	0	0%

Question 7: Do you agree that prior to the grant of a licence the owner/driver of a pedicab should be able to demonstrate that the structural integrity of a pedicab is considered safe for use by members of the public?

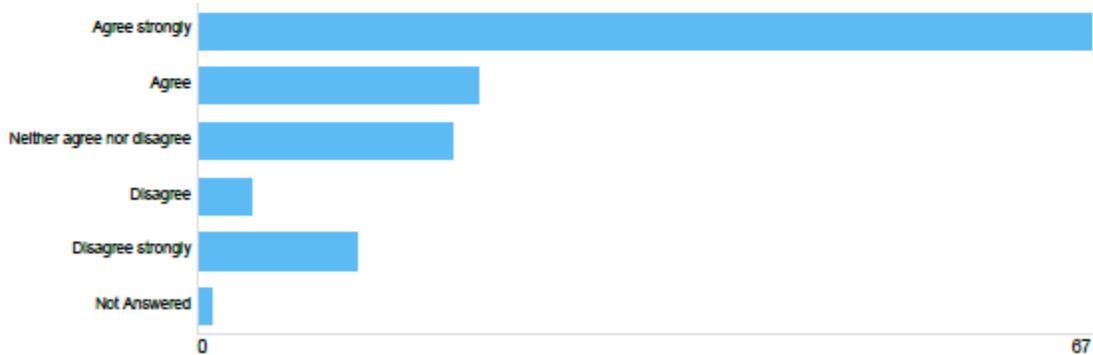
*demonstrate structural integrity?*



Option	Total	Percent
Agree strongly	68	54.84%
Agree	19	15.32%
Neither agree nor disagree	24	19.35%
Disagree	2	1.61%
Disagree strongly	11	8.87%
Not Answered	0	0%

Question 8: Do you agree that prior to the grant of a licence the owner/driver of a pedicab should be able to demonstrate that the pedicab meets the relevant conditions?

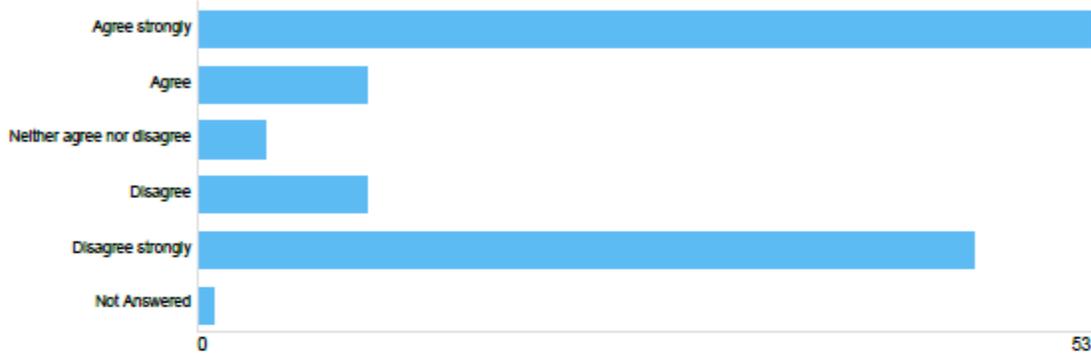
*demonstrate meets conditions*



Option	Total	Percent
Agree strongly	67	54.03%
Agree	21	16.94%
Neither agree nor disagree	19	15.32%
Disagree	4	3.23%
Disagree strongly	12	9.68%
Not Answered	1	0.81%

Question 9: Do you agree with the proposed additional requirement that all pedicabs be fitted with a roll cage?

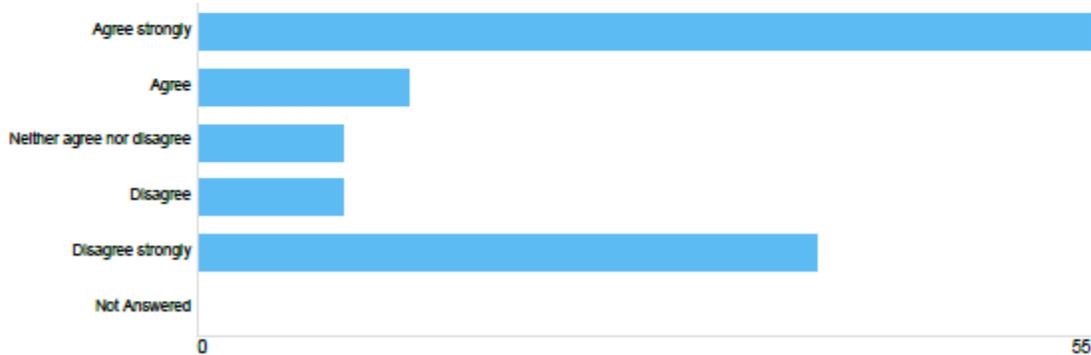
*Roll cage*



Option	Total	Percent
Agree strongly	53	42.74%
Agree	10	8.06%
Neither agree nor disagree	4	3.23%
Disagree	10	8.06%
Disagree strongly	46	37.10%
Not Answered	1	0.81%

Question 10: Should all pedicabs be fitted with three-point seat belts or lap belts for passenger safety?

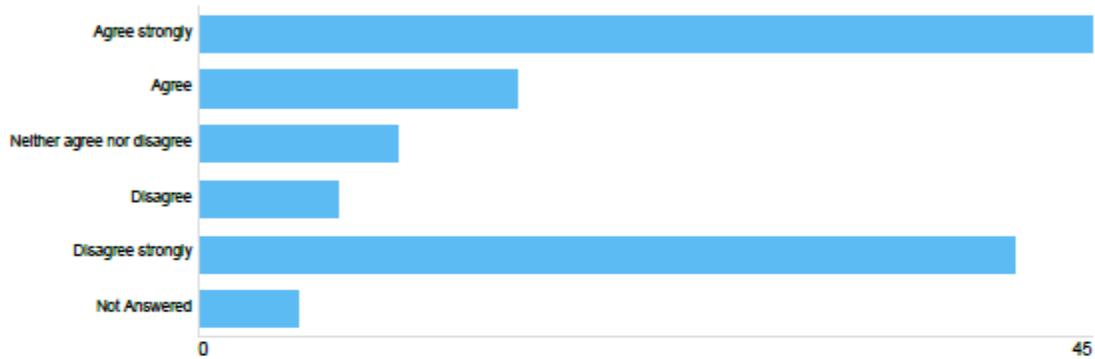
*seat belts?*



Option	Total	Percent
Agree strongly	55	44.35%
Agree	13	10.48%
Neither agree nor disagree	9	7.26%
Disagree	9	7.26%
Disagree strongly	38	30.65%
Not Answered	0	0%

Question 11: Do you agree that the proposed condition sets out what is expected in respect of pedicab vehicle safety, conduct of drivers and what passengers can expect in terms of street trading activity?

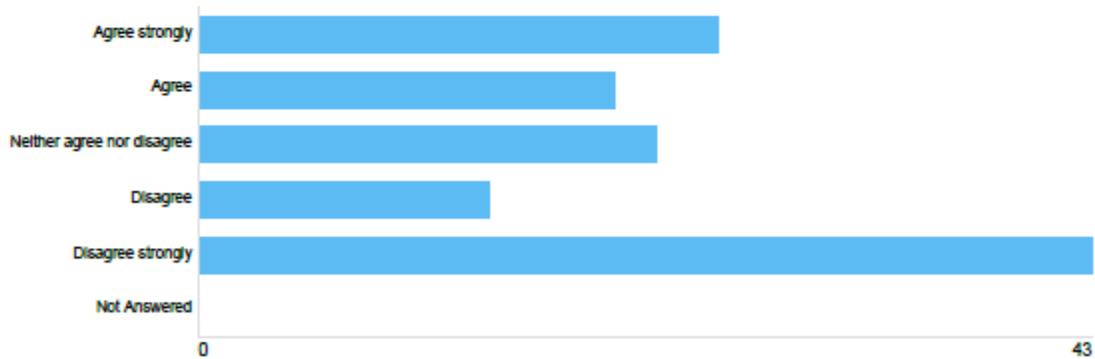
*expectations met?*



Option	Total	Percent
Agree strongly	45	36.29%
Agree	16	12.90%
Neither agree nor disagree	10	8.06%
Disagree	7	5.65%
Disagree strongly	41	33.08%
Not Answered	5	4.03%

Question 12: Do you agree that the current area of operation should be retained?

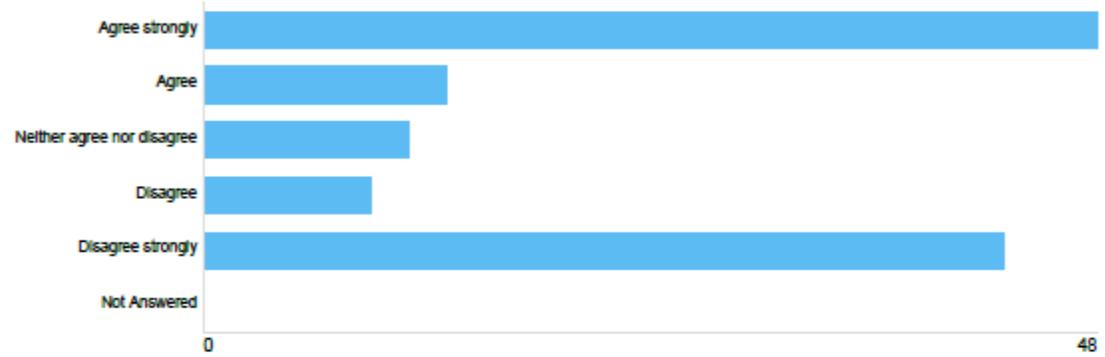
*current area?*



Option	Total	Percent
Agree strongly	25	20.16%
Agree	20	16.13%
Neither agree nor disagree	22	17.74%
Disagree	14	11.29%
Disagree strongly	43	34.68%
Not Answered	0	0%

Question 13: Do you agree that the Council should extend the current area of operation to cover far more of the city, including Roseburn and The Meadows?

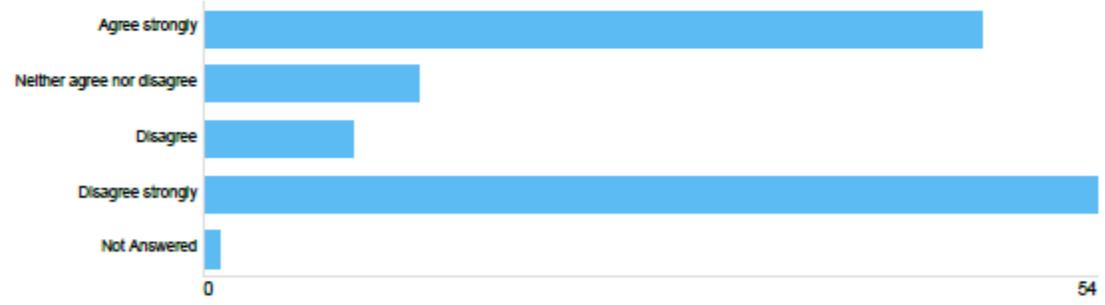
extend?



Option	Total	Percent
Agree strongly	48	38.71%
Agree	13	10.48%
Neither agree nor disagree	11	8.87%
Disagree	9	7.26%
Disagree strongly	43	34.68%
Not Answered	0	0%

Question 14: Do you agree that the Council should restrict the current area of operation in the west of the city to stop at Lothian Road?

restrict area?



Option	Total	Percent
Agree strongly	47	37.90%
Neither agree nor disagree	13	10.48%
Disagree	9	7.28%
Disagree strongly	54	43.55%
Not Answered	1	0.81%

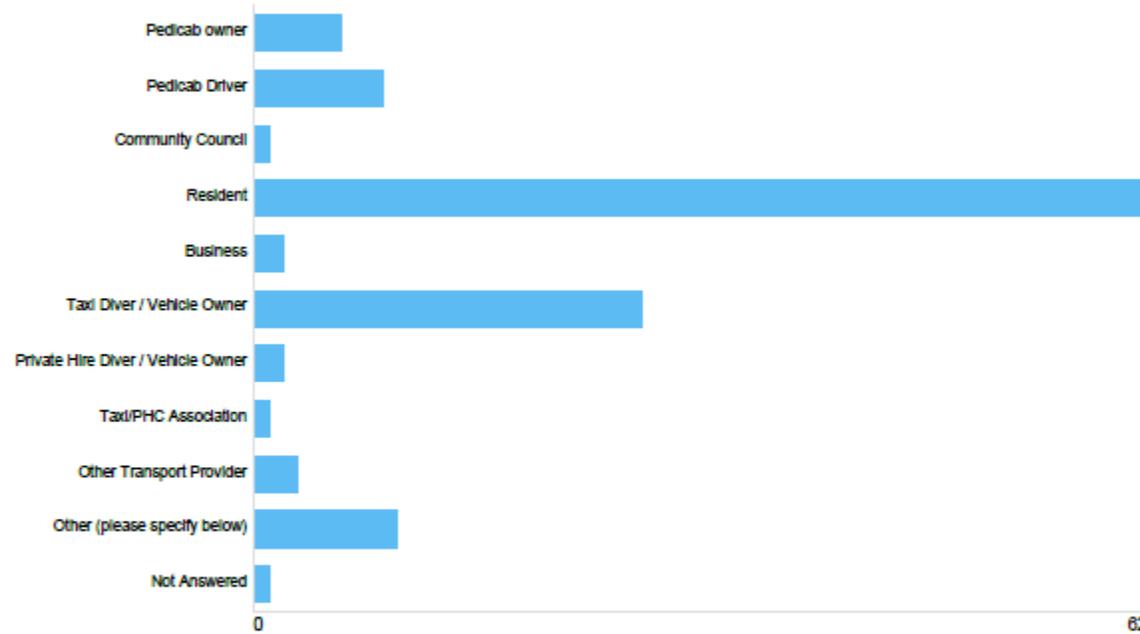
Question 15: Please use the space below for any additional information, comments or suggestions about the proposed policy and conditions.

**Other comments**

There were 67 responses to this part of the question.

Question 16: In what capacity are you responding to the consultation?

**capacity**



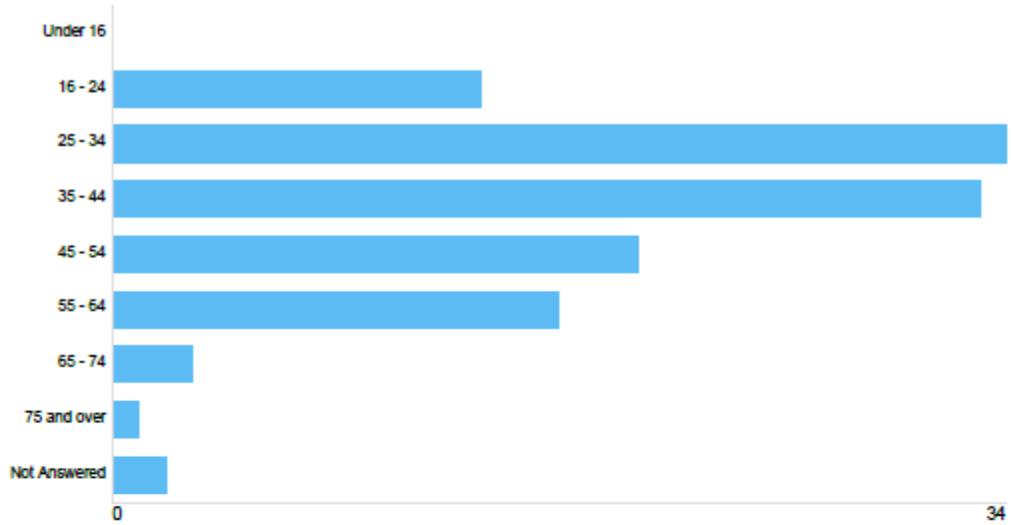
Option	Total	Percent
Pedicab owner	6	4.84%
Pedicab Driver	9	7.28%
Community Council	1	0.81%
Resident	62	50.00%
Business	2	1.61%
Taxi Driver / Vehicle Owner	27	21.77%
Private Hire Driver / Vehicle Owner	2	1.61%
Taxi/PHC Association	1	0.81%
Other Transport Provider	3	2.42%
Other (please specify below)	10	8.08%
Not Answered	1	0.81%

**Further details**

There were 19 responses to this part of the question.

**Question 17: What is your age?**

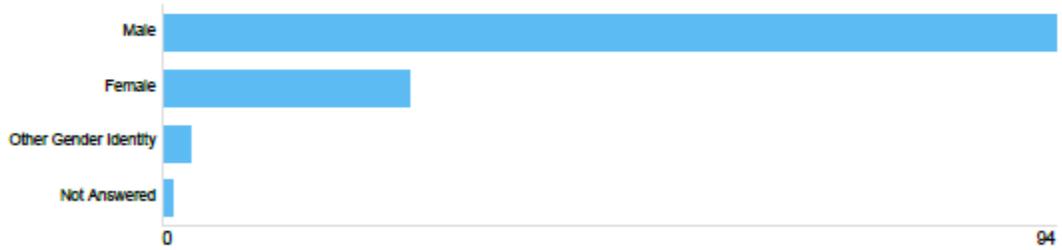
**How old are you?**



Option	Total	Percent
Under 16	0	0%
16 - 24	14	11.29%
25 - 34	34	27.42%
35 - 44	33	26.61%
45 - 54	20	16.13%
55 - 64	17	13.71%
65 - 74	3	2.42%
75 and over	1	0.81%
Not Answered	2	1.61%

**Question 18: What is your gender?**

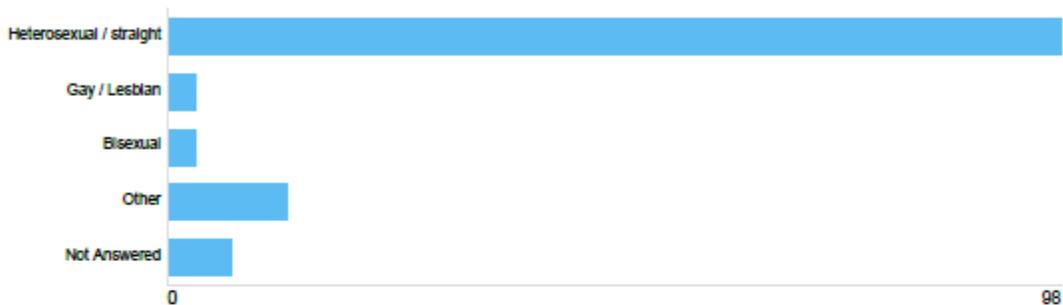
**Gender**



Option	Total	Percent
Male	94	75.81%
Female	26	20.97%
Other Gender Identity	3	2.42%
Not Answered	1	0.81%

**Question 19: What is your sexual orientation?**

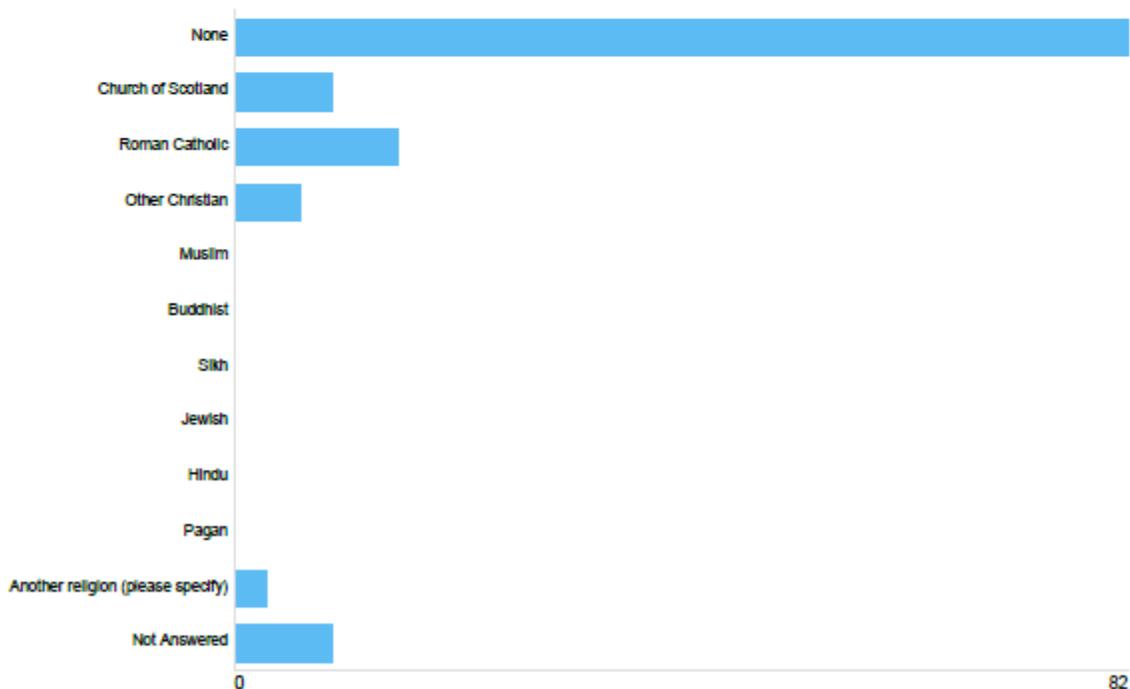
**Sexuality**



Option	Total	Percent
Heterosexual / straight	98	79.03%
Gay / Lesbian	3	2.42%
Bisexual	3	2.42%
Other	13	10.48%
Not Answered	7	5.65%

**Question 20: What religion, religious denomination or body do you belong to?**

**Religion**



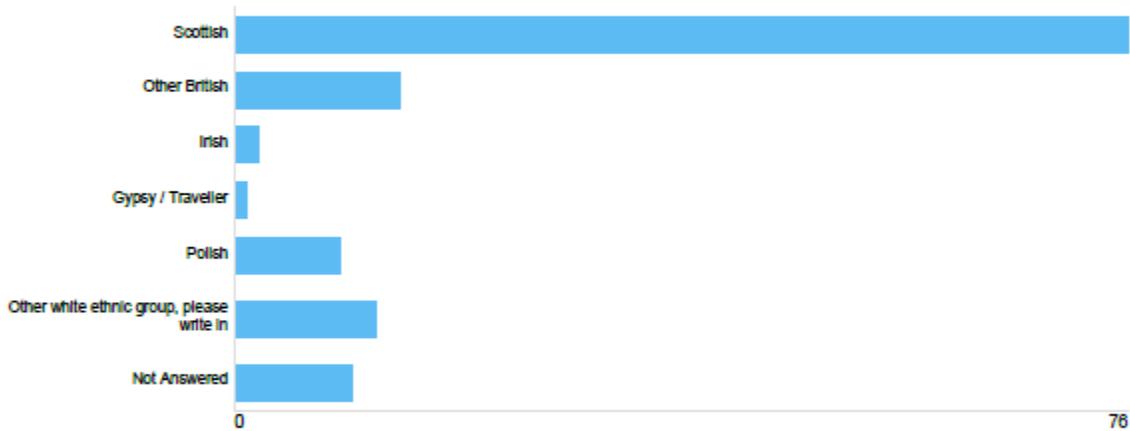
Option	Total	Percent
None	82	66.13%
Church of Scotland	9	7.26%
Roman Catholic	15	12.10%
Other Christian	6	4.84%
Muslim	0	0%
Buddhist	0	0%
Sikh	0	0%
Jewish	0	0%
Hindu	0	0%
Pagan	0	0%
Another religion (please specify)	3	2.42%
Not Answered	9	7.26%

**Another religion (please specify)**

There were 4 responses to this part of the question.

**Question 21: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)**

**Ethnicity (A - White)**



Option	Total	Percent
Scottish	76	61.29%
Other British	14	11.29%
Irish	2	1.61%
Gypsy / Traveller	1	0.81%
Polish	9	7.26%
Other white ethnic group, please write in	12	9.68%
Not Answered	10	8.06%

**Other white ethnic group, please write in**

There were 12 responses to this part of the question.

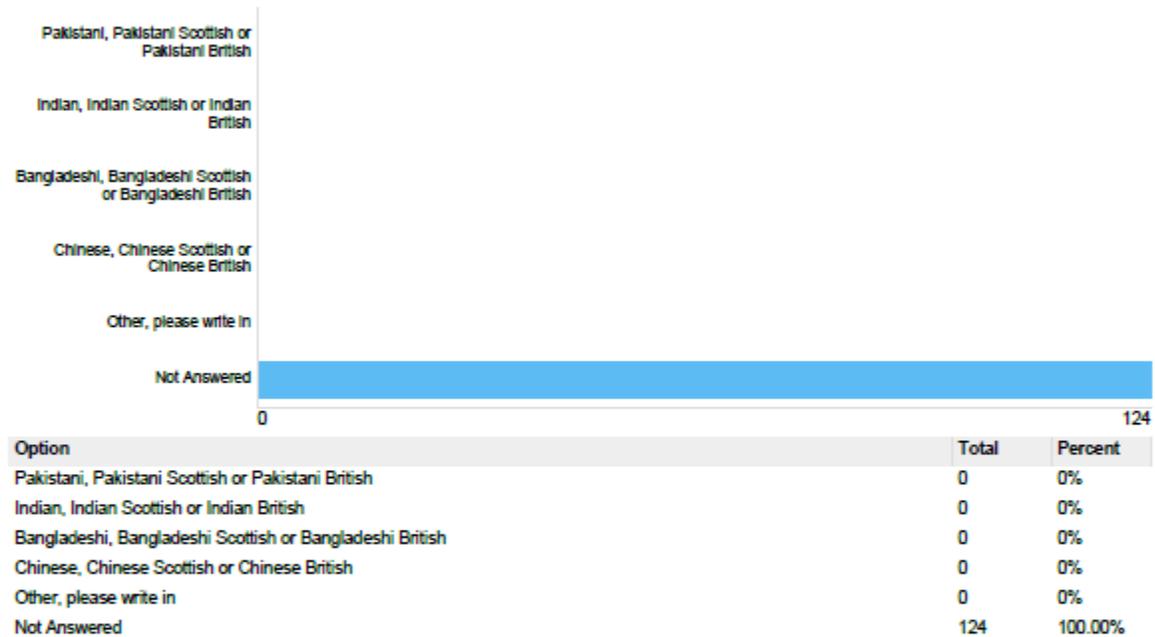
**Ethnicity (Mixed or multiple ethnic group)**



**Any mixed or multiple ethnic groups, please write in**

There were 0 responses to this part of the question.

**Ethnicity (Asian, Asian Scottish, Asian British)**



**Other, please write in**

There were 0 responses to this part of the question.

**Ethnicity (D - African, Caribbean or Black)**



Option	Total	Percent
African, African Scottish or African British	1	0.81%
Caribbean, Caribbean Scottish or Caribbean British	0	0%
Black, Black Scottish or Black British	0	0%
Other, please write in	0	0%
Not Answered	123	99.19%

**Other, please write in**

There were 0 responses to this part of the question.

**Ethnicity (E - Other)**



Option	Total	Percent
Arab	0	0%
Other, please write in	0	0%
Not Answered	124	100.00%

**Other, please write in**

There were 0 responses to this part of the question.

### Appendix 3 - Pedicab Licensing – Online Survey Consultation Written Responses

Please use the space below for any additional information, comments or suggestions about the proposed policy and conditions. - Other comments	
1	Also think they should be required to display their charges clearly so that prospective passengers know what the journey might cost before they set out, and it should state explicitly that they are not allowed on the pavements, rather than just saying they have to keep out of "pedestrianized areas".
2	In appendix 1, 3.16 we would like the wording changed to read: public seating, waste bins or bus stops.
3	I believe that pedicabs can be a carbon-free replacement for taxis in some situations, and should be promoted by the council as such. Extending the operating area & extending segregated cycle ways will both serve to boost their use. I do not think that roll cages are necessary if the council is able to provide safe spaces for cycling within the operating area - something that would benefit all cyclists.
4	<p>Pedicabs can sometimes get a bad name, but really we should be promoting them as a green form of personal transport. As cycling continues to get more popular in Edinburgh, particularly with the council's continued investment in new, segregated routes and traffic reduction, pedicabs will start to make more and more sense. With this in mind, it's great that safety standards are being tightened so that people can begin to trust pedicabs as a safe transport option.</p> <p>I definitely think that there should be a modest extension to the trading area. It seems mad that it doesn't extend south to Bruntsfield/Marchmont/Sciennes/Newington, where there is likely to be demand from young people and festival goers looking to get to the city centre and between festival venues around the uni and Southside area. However, it's important that the pedicabs follow their responsibilities and, in particular, use the wide cycle lanes on Middle Meadow Walk rather than the narrow pedestrian paths like Jawbone Walk, which are not suitable for pedicabs.</p>
5	Idiotic to have pedicabs on Edinburgh's streets a matter of time before there's another death every street in the capital is covered in potholes cars and cycles having to swerve all over the place you lot should be ashamed of yourselves
6	They are a death sentence please take them off our roads. I saw one last week nearly killing old lady straight through a green light
7	The drivers of pedicabs are often fit, young men; many of whom appear to be students. Many of the passengers are young ladies. The drivers have a regular inclination to weave around in traffic, drive very quickly and generally do what they can to illicit screams of fright or excitement from their passengers. They are also in the habit of congregating outside pub and clubs when there are lots of people on the pavement. They could arguably be regarded more like a thrilling fun fair attraction than as a means of public transport. They are often carrying revelers late at night in dark conditions on the public highway and providing a thrill ride is clearly inappropriate and a considerable threat to public safety. At best they

	<p>are a dangerous hazard in traffic. Safety harnessing for passengers, proper lighting of the vehicle and conditions/instructions for the drivers seem to be a necessity.</p> <p>It should be noted that they also carry adverts for Private Hire Vehicles, describing them as Taxis. Pedicabs should not have the word Taxi on them. Much as it would in a Private Hire Car this gives the false impression that the vehicle is a licensed public hire vehicle.</p>
8	<p>Can't believe CEC has not looked in to the maintenance of Rickshaws before this time, annual checks should be carried out, roll cages should also be the minimum required as letting these death traps on the road in 2018 without checks beggars belief. Drivers should also be put through a test and have to pay for all the checks PH and Hackney drivers have too,</p> <p>Rickshaws should also be banned from touring in pedestrian zones , as yes, they are pedestrian zones.</p>
9	<p>Pedicabs can be a fun way of getting round venue to venue especially on busy nights</p> <p>But I've seen all to many rickshaws careering down steep streets</p> <p>The mound Johnston terr etc</p> <p>A lot of them have very little disregard for road safety!</p>
10	<p>Fixed and WORKING red lights for the rear of the rickshaw and a fixed and working white light at the front would be helpful. Are they allowed to use the pavement legally? Who is responsible if they collide with a pedestrian on the pavement -I had a near miss a while back and got told to "fuck off" when I told the man to watch out and with no registration I can't identify them. I'm interested to see the area they're meant to operate in as I regularly see them in roseburn and I've overtaken them on the west approach road.</p>
11	<p>nobody seems to monitor these pedicabs, i saw one recently in balerno with passengers.why do we not have marshalls at night to control pedicabs and blatent picking up by private hire all over town?</p>
12	<p>I find that people only use pedicabs at the total last resort. And on many occasions most are worse for wear with alcohol. On many occasions people are out pushing the pedicab up hills which looks bad to visitors and tourists. The city centre is not the right area for these vehicle s in my opinion.</p>
13	<p>Knowledge of the city is poor</p> <p>Price for journey is far to high</p> <p>risk to public &amp; visitors</p> <p>Makes the city look very tacky</p>
14	<p>I thought that these pedicabs were issued a licence to operate in the city centre during the 1996 Edinburgh Festival period, and would phase itself out. There seems to be more and more on the roads now, possibly 1 pedicab having 3 separate drivers?</p> <p>Pedicabs are seen every weekend, plying for hire by ringing their bell or by calling out to pedestrians, well outside the designated working area, such as</p>

	<p>Corstorphine Rd, Meadowbank, Foot of Leith Walk, Raeburn Pl, Cannonmills garage to name but a few.</p> <p>They can be found ranked on the pavements near to any late night take-away. You say that there are 2 seat-belts fitted, yet the Police turn a blind eye to any pedicab taking 4 passengers away from a taxi rank, as the streets are being cleared they say?</p> <p>Another common sight is 2 pedicabs picking passengers from a taxi rank in George St, going to Cannonmills garage for food etc, and they race each other down the hill at speeds in excess of 40mph?</p> <p>I stopped one 6' 4" pedicab driver lifting his hand, going to assault 1 of the 2 females that he had picked up in George St going to the chip shop on South Bridge. They were standing outside the chip shop at the corner of Drumsheugh Gardens &amp; the Dean Bridge. He was demanding £40? I told the girls to get in a taxi that was waiting at a set of red lights, and I would wait with the pedicab driver for the Police to arrive, as he said he had called them. I was then threatened and only when the staff came out of the chip shop, he pedalled away shouting abuse. Where does anyone find a Policeman at 3am? Do they really give a receipt to every passenger at the end of their journey?</p> <p>They are not allowed to sit on pavements, cycle in pedestrian areas, go the wrong way in one-way streets or through a no-entry route, but they do all of these, and get away with it. When they are asked to move, turn about or move to one side, we are given abuse, mostly in a foreign language. Forget about calling the Police.</p>
15	<p>There appears to be no regulation of pedicabs within the city. I have seen pedicabs race each other two abreast down the mound and other locations with passengers on board, gathering together in streets and causing obstruction. I am concerned that some poor youngster is going to fall foul by accident on the busy Friday and Saturday night where there is no regulation. The police cannot regulate the growing number of licences issued due to manpower constraints, especially at weekends.</p>
16	<p>Pedicabs should be fitted with a full set of operational lights including brake lights. These vehicles are extremely difficult to see at night.</p>
17	<p>These pedicabs should be banned altogether, seen lots of bad driving and quite a few crashes, cause congestion too</p>
18	<p>The safety of passengers is paramount ,and I've yet to see passengers being transported safely in one of these vehicles ,as the driving manner of most of the operator/driver s that I've seen is dangerous ,especially at night time</p>
19	<p>Must be a very safe means of transport that operate in a very small area of the city centre and be insured, licensed and regulated rigidly</p>

20	<p>The concerns I have with pedicabs is as follows:</p> <ol style="list-style-type: none"> <li>1. In my experience as a black cab driver for almost 9 years is that most of the passengers are drunk, shout , swear, gesticulate and hang out the sides of the pedicabs. A few years ago unfortunately someone died as a result of falling out of a pedicab.</li> <li>2. As far as I am aware the drivers are untested and could have very little knowledge of Edinburgh.</li> <li>3. There are no prices displayed or meters and therefore drivers can charge whatever they like putting the public and particularly tourists at risk of being ripped off.</li> <li>4. Pedicabs are not robust enough to give passengers proper protection in the event of a collision with another road vehicle.</li> <li>5. The infrastructure for pedicabs to operate safely should be improved. In Orlando pedicabs only operate off road on clearly marked designated tracks that are built into the pavements. This provides a safe separation from the road and pedestrians.</li> </ol>
21	<p>A payment system is needed. Passengers are quoted one price from one then another completely different price by another driver. They are also consistently excessive (e.g. £28 from grassmarket to Playhouse is only around £6 in a taxi). It is also not uncommon to see them out of their permitted area and/ or with no lights on at night.</p>
22	<p>there should be some kind of tariff on display as to how much is charged per person or per journey. Not just a price made up as prices differ from each rider. Also need to be more enforcement as they seem to run riot racing each other on the road while having passengers on board. Also no enforcement just now for them to stay in there designated areas.</p>
23	<p>I have encountered many pedicabs over the years, and although I realise that there are some that are abiding by the rules of the road and the law, I have also witnessed many breaches. Many of the vehicles have minimal or no lights. Many of the drivers use the pavements putting pedestrians and passengers in danger. I have seen pedicabs travelling the wrong way along one way streets.</p> <p>Being an Edinburgh resident, I feel that although this is a 'fun' experience for tourists to the city to have a try of, there is also an element of risk and a danger to other road users which needs to be addressed. I wholeheartedly agree with the proposed legislation and think it is well overdue!</p>
24	<p>Are these pedicab drivers insured? Are they liable to the rules of the road?</p> <p>Every year I see them parked up on pavements. I see them going through red lights and doing illegal turns. Do the drivers need licences? I have also seen them</p>

	<p>overloaded.</p> <p>I am interested in the limited area of operations. I have been offered a ride from Haymarket area to Shandon for £20. How are the fares set? Are the fares set?</p>
25	<p>On a Friday evening during the festival a few years ago,3 ladies had complained to me,or aired their opinions to me,that they had been charged £30 by a pedicab rider to go from George Square to the west end of George Street. Is there a fare structure for the pedicabs? I was told by someone that they are meant to be taking a much smaller amount than this. &amp; a black cab driver is liable to be invited to the cab office or licensing dept for charging more because he took the wrong route or taking a longer route because of severe congestion.</p> <p>Several years ago the FX4 &amp; Fairway taxis were legislated into the scrapyards by this idiotic EU legislation citing the rear doors were dangerous because they opened "the wrong way"</p>
26	<p>It is a relief that at last these operators have to provide the general public with some protection, the right to know who is driving them around, that the "vehicles have undergone some safety checks and that they have insurance (I'm sure a relief to many other car owners as well). There is still a way to go as far as fares but the days of making profits without safety and insurance outlay should be well and truly over.</p>
27	<p>These pedicabs are death traps and the drivers take their passengers on 'Joy Rides' swerving across the roads to give their passengers a thrill ride. The lighting on some is atrocious and sometimes it is hard to see them until you are nearly on top of them. Cheap Bicycle lights from the Pound shop are ineffective and the drivers don't care that the batteries are low or have run out. The pricing for passengers is made up on the spot with no set structure or limit. Some are ripping off tourists who don't know any better. The main point is that these vehicles are dangerous and driven dangerously and unprofessionally . A tragic accident waiting to happen. Who tests these pedicabs for fitness? So will it take another death on these rickshaws before the Council acts? You decide.</p>
28	<p>Rickshaws are a great way to help people around the city. For the years I have been a rickshaw driver, the customers just love them. The friendships between the drivers and the owners is exceptional</p> <p>Everything that you are proposing is already being implemented and this is just rubber stamping Exercise.</p> <p>You need to consider widening the area we operate in. And maybe like they do in private hire, we can drop people there and not pick from there unless they are coming into the area of operation.</p> <p>All in all, the council would benefit by seating doing with all the stakeholders so we can have a more substantive discussion. You will love what we have to share. And we would love to hear your views.</p>
29	<p>There is no way to install 3 point seatbelts on pedicabs. This rule was imposed by Glasgow council and amounted to a ban on pedicabs. We would then be the only Northern European capital city without pedicabs. On a practical note, in 13 years of operating pedicabs I never had one overturn, so a roll cage is a solution to a problem that isn't there.</p>

	<p>A pedicab is geared to 15mph and they only operate in 20mph zones, a speed at which a two point lap belt is sufficient.</p> <p>The zone should be extended to the meadows and tollcross, as this would allow pedicabs to reach the main festival venues, as they were until 2013.</p> <p>There are no longer more than 35 pedicabs operating in Edinburgh. During 2016/17, there were only more than 30 operating on a few weekends.</p>
30	<ol style="list-style-type: none"> <li>1. (2.7) Installing the mirror is pointless. Rickshaw is too wide.</li> <li>2. (2.9) There is no way to install three point seat belt for every passenger in this type of rickshaw.</li> <li>3. (2.10) There is impossible to put the roll cage to the rickshaw.</li> <li>4. (2.16) Waterproof seat for passengers isn't a good idea. During the raining shift it will collect water.</li> <li>5. (2.17) Cycle Maximus rickshaws are designed for 1-3 passengers. I don't see a reason to take max 2 people in one time.</li> </ol>
31	<p>3 point seatbelts are unworkable due to the width restrictions of the rickshaw and the variety of person width, so an excessively large person would literally be sitting on the seat-belt points making them pointless. stopping the zone at Lotian road is not the best place to draw the line as there is a popular casino just a stones throw away in Fountain park which drivers should be able to take customers. There is also a popular hotel complex just before the casino. these are so close to town that getting a taxi is pointless, but a rickshaw would give people a fun ride home.</p> <p>I'd like to see how you could implement a roll cage that would also ensure the safety of a driver. Also how would a solid and heavy roll cage impact on the usability of a rickshaw, surely the additional weight would make it nearly impossible to go up many of the hills in the center.</p> <p>I do agree that there should be improvements for safety on a rickshaw, but not at the expense of usability as too much extra weight would prevent the rickshaw from actually moving with extra people in it.</p>
32	<p>Q7 - Pedicab owners should be required to show the vehicles are fit for use. Drivers should not be required to demonstrate this prior to obtaining a licence, though they should be able to demonstrate an understanding of the key safety features, identify poor inferior brakes, unsafe tyres, etc.</p> <p>Seatbelts &amp; Roll Cages - lap belts should already be fitted to all pedicabs. 3 point seat belts may be possible, but given the low speed of the vehicles this seems unnecessary, particular in the context of the local busses not having such a requirement. While any accident is unwanted, to my knowledge there have been only 2 major incidents in Edinburgh since pedicabs began operating in the city. 1st, a scarf caught in the axle, this issue has been addressed, and 2nd after a passenger exited a moving vehicle - an unfortunate incident more attributable to the hard pavement than an inherently unsafe mode of transport.</p>

Some general comments relating to proposed policy conditions:

1.6 Prior to a licence being granted the intended pedicab must be inspected by a suitably qualified technician. -- What constitutes a 'suitably qualified technician'? Who will employ them? Certainly pedicabs need to meet standards and be safe. Riders should have some responsibility for ensuring this, but if pedicabs are rented ultimate responsibility for upkeep should lie with vehicle owner/rental company. Riders renting pedicabs may be on different bikes every day.

1.10 The pedicab can only operate within the area detailed in the attached map appendix:

Personally I see no merit in restricting operation area. If the pedicab is considered safe, and is being driven by a suitably experienced rider following highway code then they should be allowed to operate anywhere in city of Edinburgh council jurisdiction. Limiting the licence to Lothian Road would prevent lifts to Haymarket Train station, for example. If speed relative to other vehicles is an issue ban pedicabs from areas where speed limit exceeds 30mph. This would give freedom of most city centre but keep them away from major roads. Ultimately cabs will rarely venture from city centre as business will keep them local. However major events at Murrayfield, for example, may benefit from Rickshaws as they promote green transport in the city and potentially add an extra experience to a great day out. Equally clients may wish to arrange specific one off rides elsewhere in the city (weddings, parties, tours, etc.) which would be restricted by this rule.

2.6 The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.

-- This feels a poorly written clause. Firstly a pedicab doesn't have a steering wheel but rather a handle bar and the impact on stability will be entirely dependent on the speed and load in the pedicab. Having one large passenger in one side of the pedicab affects balance; drivers should be aware of this. Taking a corner too fast would not be advised, just as it would not be advised in a car, bus or taxi, but restricting lock would limit manoeuvrability in tight spaces at slow speed.

2.17 Each pedicab shall be licensed to carry a driver and no more than 2 passengers at any one time.

What is the reason for this? Pedicabs have been operating with a generally good safety record for many years while permitting up to 3 passengers.

3.13 A written receipt will be given to each paying passenger and a copy kept by the operator. -- This would be impractical. Receipts could be mandated on request of passenger, but issuing for all would be time consuming and difficult in wet weather. To my knowledge such individual receipts are not required of taxi drivers.

3.17 The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers. -- This seems difficult to abide by. Most

	<p>trade is picked up from bars etc., and preventing pedicabs waiting in such areas would be impractical. So long as conditions described in 3.16 are met then waiting for business should be permitted.</p> <p>In conclusion, I fear these regulations may push some operators out of business and rob Edinburgh of an exciting, exotic, green alternative to taxis. The city should be celebrating the success of the trade, and supporting those crazy enough to head out in poor weather to ride heavy bikes up steep hills for the sake of a tourists enjoyment.</p>
33	<p>The restriction to two passengers only will seriously affect my ability to earn a living wage. The pedicabs we currently drive are designed to carry three passengers; and have done so, safely, for years. As we generally price a journey based on the number of bodies in the pedicab, a limit of two people will reduce the number of potential customers. Our pedicabs have proven that they are capable of taking the weight of three bodies plus the driver.</p> <p>I'm in favour of promoting safety and safe road use, however, in the year and a half I have been pedicabbing there have been no issues that I'm aware of in regards to public safety. Because pedicabs are such heavy contraptions, with no engine, we very rarely travel at speed. Roll cages would be safer but in terms of reasonable practicality are they justifiable? Installation would be difficult and it would increase the weight of the pedicab, making life more difficult for the driver. I have no recollection of a case where a roll cage would be useful from experience.</p> <p>We already have a seatbelt available for customers to use. As previously stated we do not travel at great speeds and a three-point seat belt may be overkill. When customers are given the option of using a seatbelt they virtually never opt for it. This could render a three-point seatbelt an unnecessary precaution.</p> <p>I work mainly in the old town and the current pedicab zone does not allow for exit via Guthrie St. or Candlemaker Row. A common lift is from the Cowgate to the east end of George St. and the current most viable route is to cycle up Victoria St. The pedicab itself weighs in excess of 100kg, my self weight is around 90kg and the rickshaw can carry potentially 220kg in customer weight. That's over 400kg potentially per lift cycling up the steep gradient of Victoria St. where less severe slopes exist it would be appreciated if we could use Guthrie to get to the east section of the new town. Generally we work at night when the traffic is less severe if traffic obstruction is the main argument to deny us this route. The mound is not a pleasant section of town to include in pedicab routes.</p> <p>Closing off the west section of the Edinburgh zone would also significantly impact my income. Big events at Murrayfield make for the best time to be a pedicab driver, when we get lifts at Haymarket. Not to mention the number of lifts to Haymarket train station. Generally these roads are not that busy at night and when Shandwick Place is closed to motorised vehicles during the big events we do not obstruct traffic.</p>

34	As a former pedicabber It is clear the council has an agenda here. Safety concerns are generally valid (most of which are currently observed by pedicabs) but many of those listed are designed to put cabs out of operation. A laden pedicab is incapable of tipping and a roll cage is completely unnecessary.
35	Para 3.12 should be amended and a recognised fare table should be applied.
36	The regulations that the pedicabs all carry identification plates and that individual drivers all wear identity badges is most important.
37	While question 11 sets out a lot of rules I disagree with some of them. I think markings and lights to ensure visibility of the vehicle and protection from other drivers is more important than forcing seat belts or roll cages which are entirely unnecessary.
38	<p>As a pedicab driver myself I should declare a vested interest, but as someone who will be the one affected by these proposed changes versus everyone else who might not even notice I feel I should be someone who comments.</p> <p>The proposed changes appear to put a greater onus on the pedicab drivers with regard to vehicle suitability and roadworthiness, with the standard/condition of a pedicab being part of the licensing of a driver. How is this to be achieved with the drivers renting pedicabs, what control would they have over the condition of the pedicabs, as they also rent various pedicabs depending on availability and maintenance. Surely the companies which own and maintain the pedicabs, should as part of their business be responsible for roadworthiness of the vehicles they rent out? On a side note it would also be arguably easier to set up and enforce regular inspections and vehicle standards with a person/body that owed the vehicles in question? Versus the somewhat transient and migratory body of pedicab drivers.</p> <p>Regarding the proposed roll cage, how would this work and is there an ongoing consultation on the design and costing of this proposed change? I note that a roll cage on a pedicab would be an entirely novel design feature to my knowledge. The additional information in Q9 states that roll cages are necessary for reasonable passenger safety, what is the basis for this assertion, as to my knowledge I am not aware of any instances of pedicabs tipping over and causing injury to the passengers which I assume would be the primary function of a roll cage.</p> <p>Reduction of allowed passengers from 3 plus driver to 2 plus driver, what is the background to this proposition, as there is no additional information I am unable to properly comment. I am uncertain to the possible safety benefits though I might have to start going to the gym again if this takes place.</p> <p>The giving of receipts would have to be clarified as optional or not this strikes me as being unwanted/unnecessary in the majority of cases. And is optional with other forms of public transport.</p> <p>Expanding of the trading zone would be welcomed as the zone as is seems somewhat arbitrary and doesn't appear to take in to account some of the one-way systems and generally the need to be able to get around the city with or without passengers.</p> <p>A check of the tyres, visibility and other aspects of the pedicabs seems sensible and while already part of the day-to-day operation of pedicabs could be better.</p>

	<p>Addition of wingmirror/s also seems sensible as currently you must physically look behind, and the cab of the pedicab can obscure the rear view with smaller riders. Greater enforcement on following the highway code would generally increase road safety and hopefully reduce individual infractions as well, as with the departure of one of the main pedicab business owners, there has been a change wrt attention to detail, maintenance and enforcement of the pedicab driver contracts.</p>
39	<p>The drivers park on pavements, blocking blind and disabled pedestrians. Take little heed when asked to move on by the police. Cycle away but return within minutes. Allow drunken passengers to endanger themselves whilst in their care. Cause vehicles to swerve to avoid collisions.</p>
40	<p>I used to work on the rickshaws and also wrote a book based upon my experiences 'the rickshaw chronicles: tales on three wheels'  'It is proposed that pedicab drivers should be licensed as street traders in their own right and that the Council should no longer issue employee licences for this type of activity.' While it is true that pedicab drivers are self employed for tax reasons due to the commission based nature of the work, as with similar industries (such as Deliveroo) they are still effectively employees because once they are tied to the rickshaw company and are reliant upon them to provide maintenance. To transfer licenses and the responsibility for maintenance onto the individual would not work in practice because drivers do not have access to rickshaws independently of the owner and therefore cannot perform maintenance work themselves.</p> <p>Therefore the emphasis upon maintenance, training and safety associated with the status of employer should remain with the owner and operator of each rickshaw company.</p> <p>Zoning:</p> <p>While most drivers would welcome the slight extension of the zone to include the meadows; preventing pedicabs travelling any further west than Lothian road would kill off the trade. When I was working on the rickshaws approximately 50% of my earnings would be from people heading to hotels or hostels located in the Haymarket area. This restriction would also force drivers into using much steeper routes to cross from old town to new town or vice versa.</p> <p>'Each pedicab shall be licensed to carry a driver and no more than 2 passengers at any one time' In Edinburgh the fare is agreed up front with passengers on a per person basis. Therefore reducing the number of allowed passengers to two from three is effectively cutting the rickshaw drivers potential earnings by a third (or more on busy nights when there are large groups wanting a lift).</p> <p>'a roll cage fitted for the protection of passengers travelling in the pedicab.' This is highly impractical; these are non motorised vehicles travelling at slow speeds. In my experience they are also very stable vehicles and all drivers receive training before being allowed out onto</p>

the streets. Roll cages would add a significant amount of weight to the rickshaw. Whoever proposed this should pedal a rickshaw up Victoria Street and see whether they still agree with the new policy. People are injured every week by motor vehicles in this city whereas only two serious accidents have occurred in nearly twenty years of rickshaws operating in Edinburgh and subsequent measures have been enacted to prevent this happening again.

'The steering wheel when turned to full lock will not affect the stability of the pedicab when turning' this statement reflects the lack of knowledge about rickshaws possessed by the authors of these conditions; rickshaws have handle bars and for safety reasons they must be allowed to turn the full 270 degree rotation that they do at present. At slow speeds this allows rickshaws to be very manoeuvrable, they are effectively able to turn on a penny. I would recommend that the committee organise a trip with a rickshaw to gain a better understanding of them.

'There is no environmental impact arising from the contents of this report.' I believe this to be a false statement. The thousands of rickshaw journeys each year are zero carbon emissions; if these were replaced with taxi journeys or bus journeys there would be a net increase in CO2 and air pollution emissions.

'Any costs from implementing policy changes and research will be contained within the current ring-fenced income generated from licensing fees. There are no costs to the Council's revenue budget'this statement simply isn't true. Some of the measures in the consultation such as zone restrictions and reducing permitted customer numbers from three to one would severely impact the financial wellbeing of the individuals concerned. This then could force them to claim benefits rather than be self sufficient and if there are no riders then there will be a loss of income from street trader licensing.

'A written receipt will be given to each paying passenger and a copy kept by the operator' Unlike a taxi where you are effectively inside this really isn't practical particularly if it rains. Also in my experience I have only had a customer request a receipt on one occasion in over four years, 99.9% of customers will not want a receipt. This should be re-worded to state 'A receipt book must be carried by each driver to permit a receipt to be produced on request of any paying passenger'.

'The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers.' This is vague and too open to interpretation by those enforcing these rules; currently there are informal ranks on George Street and Grassmarket which have worked very well. Pedicabs also gain trade by talking to people and it is unclear whether this will apply even when a customer has hailed a pedicab and they are discussing a fare. I feel that this either needs re-writing or deleting from the proposals. Designation of ranks, including temporary ranks for during the Edinburgh Festival designed in consultation with actual riders could go some way to alleviating this grey area. The consultation is also unclear on the meaning of pedestrianised zones, if rickshaws were excluded from the cowgate after 10pm it would effectively kill off

	<p>the trade.</p> <p>'The licence holder shall hold a valid Public Liability insurance policy to the value of £5 million and the certificate of insurance will and available for inspection by any authorised officer of the City of Edinburgh Council at any time during trading hours and at any other reasonable time' This is simply not economical for your average rider earning maybe £150 - £250 a week before tax and therefore should remain the responsibility of the rickshaw owner and operator.</p> <p>Although pedicabs are all about fun those that work on them take the safety and welfare of their passengers very seriously; personally I have helped countless visitors to this city find their way back to the safety of their friend's home or hotel in the early hours of the morning. When otherwise they would have spent the night on the street where they are vulnerable to the elements and others. I have been first on the scene to give first aid, I have mediated arguments before they came to fisticuffs and I have been there to be a witness for the police when others have started a brawl. Every single rickshaw driver will have similar stories and the vast majority use this trade to fund self improvement through study, social enterprise or even just so they can spend more of their time volunteering than your average job would allow. Off the back of rickshaving people have pedalled their way to raise funds which launched books, film careers, global adventures (<a href="http://differentpartsofeverywhere.com/book/no-wrong-turns/">http://differentpartsofeverywhere.com/book/no-wrong-turns/</a>), social enterprises and businesses.</p> <p>Although I some of what is mentioned in the consultation is welcome; I am deeply concerned that other proposals outlined in this consultation as highlighted above will punish these hardworking individuals and kill off the unique experience of getting a rickshaw tour of Edinburgh.</p>
41	<p>I have seen pedicabs outside the areas described so I would question the policing of the current areas</p>
42	<p>The proposal fails to provide any evidence for why changes are necessary. In particular the standards outlined in section 2 'Conditions of Fitness for use as a Pedicabs' would require considerable modification to the existing design, seems to imply that there are concerns over the safety standards of the current fleet of pedicabs.</p> <p>From what I understand the safety record of the pedicabs is impeccable, with only one serious incident in 2003 when a young woman's scarf was caught in a wheel. In response all pedicabs are now required to have full mudguards and covers for their spokes. Another incident in which a soldier jumped from a moving rickshaw and suffered a fatal head injury in 2010 was judged not to be the fault of the driver, and would not have been preventable by imposing any of the measures put forward in this proposal. Even if we interpret the 2010 incident uncharitably as being in some way caused by the pedicab, rather than by the actions of the deceased, then this amounts to just 2 incidents in nearly 20 years of operation. By any standard this must represent the highest record of safety of any form of transport.</p>

	<p>There is also no rationale given for number of passengers to be limited to 2, rather than the current 3. Nor is there any rationale for why receipts must be issued. Perhaps it should be required that operators must have the means to issue a receipt on request, but compelling them to do so by law seems needless.</p> <p>As for making an already restrictive zone smaller, there is again no evidence given as to why the area to the West of Lothian Road (up to Haymarket) is of particular concern. There are a number of establishments, hotels, bars and of course a major train station which would not be accessible by pedicabs if this new zone is enforced.</p> <p>Overall I think that this proposal has outlined suggestions which are not grounded in any evidence and thus cannot be taken seriously. The burden of proof is on those who wish to make changes that they are necessary, and I suspect that the simple answer is that they do not have any proof to speak of.</p>
43	<p>As a "other comment" I would like to attach a message from one of the driver who made a few, in my opinion, very well made points.</p> <p>I am writing to you as an ex-rickshaw driver and an author of the book 'The Rickshaw Chronicles: Tales on Three Wheels'. I worked as a rickshaw driver for 4 1/2 years and could not have funded my masters degree and subsequent training toward my current career as an ecologist without this kind of work; it allowed me to compress my hours and therefore earnings into the weekends. freeing up time in the week for studying. You could say I pedalled my way to a distinction.</p> <p>I am writing to you as some of the proposed measures detailed in the live consultation (<a href="https://consultationhub.edinburgh.gov.uk/.../pedicab.../">https://consultationhub.edinburgh.gov.uk/.../pedicab.../</a>) would effectively amount to a ban. This would needlessly put at risk 70 jobs and income for several local businesses involved in the maintenance of these pedicabs. It would also be a major loss to Edinburgh culture as thousands of people each year enjoy taking tours of the city or the fun of being treated like a VIP between the pub and the club without incident.</p> <p>In the consultation they mention safety concerns but do not mention any specifics except for an incident in 2003 which is why all pedicabs now have full mudguards and another in 2010 in which a passenger jumped from a moving pedicab despite the rider giving a verbal warning not to do so.</p> <p>To my knowledge, no other serious incidents have occurred in the near twenty year operating history of pedicabs in the city. Whereas people are injured every single week by motor vehicles in this city. All pedicabs are already fitted with seat belts and in my experience drivers receive extensive training before being allowed out on the streets. Under the current system any rider deemed to be irresponsible by their employer is suspended or has their licence taken away. A mechanic also operates within each company to maintain the rickshaws and provide mechanical assistance during each shift that pedicabs operate. That said I do not oppose the council wanting to make inspections of these vehicles on a regular basis provided</p>

the criteria used is relevant to the vehicles in question and takes account of the excellent safety record under the current system.

With specific reference to the details of the consultation, I have listed the items below which concern me:

•'It is proposed that pedicab drivers should be licensed as street traders in their own right and that the Council should no longer issue employee licences for this type of activity.' While it is true that pedicab drivers are self employed for tax reasons due to the commission based nature of the work, as with similar industries (such as Deliveroo) they are still effectively employees because once they are tied to the rickshaw company and are reliant upon them to provide maintenance. To transfer licenses and the responsibility for maintenance onto the individual would not work in practice because drivers do not have access to rickshaws independently of the owner and therefore cannot perform maintenance work themselves. Therefore the emphasis upon maintenance, training and safety associated with the status of employer should remain with the owner and operator of each rickshaw company.

Zoning: While most drivers would welcome the slight extension of the zone to include the meadows; preventing pedicabs travelling any further west than Lothian road would kill off the trade. When I was working on the rickshaws approximately 50% of my earnings would be from people heading to hotels or hostels located in the Haymarket area. This restriction would also force drivers into using much steeper routes to cross from old town to new town or vice versa.

•'Each pedicab shall be licensed to carry a driver and no more than 2 passengers at any one time' In Edinburgh the fare is agreed up front with passengers on a per person basis. Therefore reducing the number of allowed passengers to two from three is effectively cutting the rickshaw drivers potential earnings by a third (or more on busy nights when there are large groups wanting a lift).

•'a roll cage fitted for the protection of passengers travelling in the pedicab.' This is highly impractical; these are non motorised vehicles travelling at slow speeds. In my experience they are also very stable vehicles and all drivers receive training before being allowed out onto the streets. Roll cages would add a significant amount of weight to the rickshaw. Whoever proposed this should pedal a rickshaw up Victoria Street and see whether they still agree with the new policy.

•'The steering wheel when turned to full lock will not affect the stability of the pedicab when turning' this statement reflects the lack of knowledge about rickshaws that the authors of these conditions; rickshaws have handle bars and for safety reasons they must be allowed to turn the full 270 degree rotation that they do at present. At slow speeds this allows rickshaws to be very manoeuvrable, they are effectively able to turn on a penny.

•'There is no environmental impact arising from the contents of this report.' I believe this to be a false statement. The thousands of rickshaw journeys each

year are zero carbon emissions; if these were replaced with taxi journeys or bus journeys there would be a net increase in CO2 and air pollution emissions.

- 'Any costs from implementing policy changes and research will be contained within

the current ring-fenced income generated from licensing fees. There are no costs

to the Council's revenue budget' this statement simply isn't true. Some of the measures in the consultation such as zone restrictions and reducing permitted customer numbers from three to one would severely impact the financial wellbeing of the individuals concerned. This then could force them to claim benefits rather than be self sufficient and if there are no riders then there will be a loss of income from street trader licensing.

- 'A written receipt will be given to each paying passenger and a copy kept by the operator' Unlike a taxi where you are effectively inside this really isn't practical particularly if it rains. Also in my experience I have only had a customer request a receipt on one occasion, 99.9% of customers will not want a receipt. This should be re-worded to state 'A receipt book must be carried by each driver to permit a receipt to be produced on request of any paying passenger'.

- 'The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers.' This is vague and too open to interpretation by those enforcing these rules; currently there are informal ranks on George Street and Grassmarket which have worked very well. Pedicabs also gain trade by talking to people and it is unclear whether this will apply even when a customer has hailed a pedicab and they are discussing a fare. I feel that this either needs re-writing or deleting from the proposals. Designation of ranks, including temporary ranks for during the Edinburgh Festival designed in consultation with actual riders could go some way to alleviating this grey area.

- 'The licence holder shall hold a valid Public Liability insurance policy to the value of £5 million and the certificate of insurance will and available for inspection by any authorised officer of the City of Edinburgh Council at any time during trading hours and at any other reasonable time' This is simply not economical for your average rider earning maybe £150 - £250 a week before tax and therefore should remain the responsibility of the rickshaw owner and operator.

Although pedicabs are all about fun those that work on them take the safety and welfare of their passengers very seriously; personally I have helped countless visitors to this city find their way back to the safety of their friend's home or hotel in the early hours of the morning. When otherwise they would have spent the night on the street where they are vulnerable to the elements and others. I have been first on the scene to give first aid, I have mediated arguments before they came to fisticuffs and I have been there to be a witness for the police when others have started a brawl. Every single rickshaw driver will have similar stories and the vast majority use this trade to fund self improvement through study, social

	<p>enterprise or even just so they can spend more of their time volunteering than your average job would allow. Off the back of rickshaws people have pedalled their way to raise funds which launched books, film careers, global adventures (<a href="http://differentpartsof everywhere.com/book/no-wrong-turns/">http://differentpartsof everywhere.com/book/no-wrong-turns/</a>), social enterprises and businesses.</p> <p>Although I some of what is mentioned in the consultation is welcome; I am deeply concerned that other proposals outlined in this consultation as highlighted above will punish these hardworking individuals and kill off the unique experience of getting a rickshaw tour of Edinburgh.</p> <p>I thank you for taking the time to read my email and look forward to your response.</p>
44	<p>There should be a time of operation limit to restrict the noise pollution to residents of this mode of transport particularly on cobbles.</p>
45	<p>whilst you say they should issue a receipt they don't. they should have £10million pl they should provide proof they account for takings with HMRC and should like taxi drivers have a knowledge of the area and talk English.</p> <p>I would rather you cancelled them totally as they are a menace to pedestrians and road traffic</p>
46	<p>They should be safe to travel in &amp; the operater should be vetted, the pedicab should have a yearly inspection &amp; be plated &amp; they should be banned from pavements &amp; walkways .</p> <p>They are nothing more than a gimic that comes out to cherry pick at certain times &amp; should have a fare structure &amp; also pay operating fees like every other form of transport in the city if you can call them trnsport</p>
47	<p>I find the idea of seat belts and roll cages for pedicabs ludicrous in the light of the fantastic safety record. On that basis compulsory wearing of seat belts should be introduced on buses and trams within the city, which have a far worse safety record.</p> <p>I also object strongly to making the drivers responsible for the condition of the vehicles they hire for only a couple of days. The analogy would again with car hire where it is the owners' responsibility.</p> <p>The present area within which pedicabs can operate is arbitrary especially along the southern boundary and should extend to the Meadows and be bounded by Bruntsfield Links to the south west and St Leonard's to the east.</p>
48	<p>The council could do a lot to help here by maintaining the roads so pedicabs don't have to avoid potholes.</p> <p>An app to calculate fares would be handy.</p> <p>Meters aren't necessary but fares should be displayed if they aren't already.</p>

49	<p>If you make them add belts, no one will wear them anyway, like in taxis.</p> <p>Is there any evidence that people have been injured in pedicabs because of the 'lack of safety equipment' it's kinda bullshit to add expense to what is essentially a no emission transport service too.</p> <p>Maybe you should tax the crap out of diesel cabs or ban them from the city centre? Rather than go after the positive alternative.</p>
50	<p>I think every operattsgould have to go on modules for safety and driver awareness</p>
51	<p>Currently, many pedal cabs operate at night with either no or inadequate lighting. I have regularly observed the use of inexpensive clip on battery powered led lights. The regulations should require permanent lighting systems powered by hub dynamo and powerful led lights, with the capacity to remain lit when stopped. Such modern lighting systems are widely available for bikes.</p>
52	<p>To be quite honest, I think these pedicabs should be removed from the streets of Edinburgh. They block the roads, slow vehicle traffic and quite frankly are dangerous. There has already been one death involving these pedicabs. I seem to remember that the subject about restricting pedicab use and tightening the regulations they come under was brought to the fore when the death occurred but as time went past the subject went quiet. This may be due to the lack of staff to deal with the issue in licensing. Good to see it's on the agenda again, let's get them off the streets please.</p> <p>Good luck☐</p>
53	<p>I am an Ambulance driver and these folk are dangerous pests. They serve in front of ambulances at night, u turn in front of us, refuse to move out of the way. Park blocking access in groups. I would ban them.</p>
54	<p>To propose the addition of a roll cage and a 3 point seat belt is almost an impossible task for pedicabbers. This would in turn kill the business and make the streets of Edinburgh less attractive for tourists who love to travel in these. Hence destroying a part of Edinburgh's culture.</p>
55	<p>Point 14. Your likert scale is missing "agree" as a positive answer option.. Think it'll scew the results as any positive response is now a "agree strongly" where it might just be an agree.</p>
56	<p>I fear that taxi drivers will aggressively want lots of bureaucracy put on pedicabs. I don't think pedicab riders should be targeted whatsoever and instead more should be done to target the bullying behaviour of black cab drivers on Edinburgh's streets who regularly pass cyclists and pedicabs with so called punishment passes whereby they give them only inches of room.</p>
57	<p>I think the operation of Rickshaws is excellent as it is. People love using the Rickshaws and it would be better if the area of operations could be extended. The owners of the Rickshaws are competent and do exceptionally good job in providing well maintained Rickshaws</p>

58	<p>I really like the idea of expanding the area of operations. First of all this would give the customers, who are mostly tourists, the opportunity to see more of Edinburgh in one of the most exciting vehicles that can be seen at Edinburgh roads. Secondly drivers will potentially be able to make more money, thus slightly fueling the city's economy.</p> <p>Regarding roll cages, three point seat belts and the maximum of 2 people per rickshaw is just silly. Since 1996 when the rickshaws were introduced in Edinburgh there are barely any accidents, which proves that rickshaws could be the most safe way of transportation in the whole city. Moreover no one ever tells customers to ride with 3 people per rickshaw. However it is an option that they most often willingly pick, due to it being more fun and practical (Just think about a young couple with a child who want to enjoy a sunny day of Edinburgh's Fringe Festival from the back of a Rickshaw).</p> <p>Overall, I think it is great that the council is taking interest in pedicabs. However most of the changes proposed above will most likely worsen the rickshaw situation in Edinburgh. Complicating this already safe experience for customers, with unnecessary features, will make it less fun for them. This can also make the work harder for the drivers, and believe me the job is hard enough already!</p> <p>In the worst case scenario these changes can in the long-term lead to disappearance of pedicabs from Edinburgh. This will leave many people without a job and will mean a removal of an important tourist attraction from Edinburgh. I guess no one wants that, especially because by now rickshaws are a part of this city's history, culture, tourism, nightlife and much more.</p> <p>Finally I would just like to encourage the decision makers within the council to think about all stakeholders to pedicabs. Please make choices that will create a win-win situation for all. A good example of that is increasing the area of operation.</p> <p>To whomever reads this, have a great day and please continue to make Edinburgh a more friendly, sustainable, fantastic city!</p>
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59	<p>Item 2.10 - This maintains that a roll cage is needed to protect passengers. There has never been an incident of a loaded pedicab rolling in such a way that this rollcage would have been useful. Also the lack of guidance over how strong these "roll cages" should be suggests that this is a "catch-all" clause designed to increase the cost of partaking in this activity, rather than something based on actual facts and data.</p> <p>Item 2.7 - Mirrors are not helpful or needed as the pedicab driver has clear lines of sight over his shoulder and over his passengers. The extent to which a mirror would have to extend would be inappropriate and actually a danger to others. Again this is a condition designed to create barriers of entry, not to increase safety.</p> <p>Item 2.9- All pedicabs have been fitted with seatbelts (lap harnesses) already and when used correctly provide adequate protection for those in the cab. A Three point harness is unnecessary.</p> <p>Item 3.10 - No more than 2 passengers. Most pedicabs are rated for 3 passengers and customers can decide if there is not enough space for more than 2. As a pedicab driver it was rare that passengers would get into the pedicab if they did not feel there was space.</p> <p>Item 3.13 - "A written receipt will be given to each paying passenger and a copy kept by the operator." Lack of detail or information on what the receipt should show shows that this would not be beneficial to either the rider nor the operator. Taxi's do not HAVE to provide a receipt. It should be optional</p> <p>Repeated multiple times: "suitably qualified technician" - No mention of who this would be or their qualifications - would a bike mechanic be enough?</p>
60	<p>I do not understand the need for a new "pedicab policy". The presence of pedicabs on the streets, on week ends do not represent a threat to the members of public nor other road users, it is actually calming down the traffic, it's ecological and part of the city's heritage. Although being only a rare user of pedicabs, I always found myself safe when being taken on one of them. Yann</p>
61	<p>Get them off the road all together - they are expensive, a waste of time, space and slow.</p>
62	<p>A maximum fare should also be put into effect. I have heard horror stories of the amounts these people are asking for even for the shortest of journeys. I would also encourage a limit on the amount of pedicabs to be allowed a licence. Stopping them from congregating on the pavement at busy junctions also as this does not just affect pedestrian flow but also impedes vision to motorists. I do not know if they have a visible licence plate but this should be standard along with proper public liability insurance.</p>
63	<p>Will the changes be fee-sable and cost effective and practicable in terms of safety in regards to the health and safety at work act 1974. Or is the roll cage going to be too expensive for the operator? Has a pedicab ever rolled and injured</p>

	<p>somebody? Was the injury referred to the health and safety executive? I have googled accidents on pedicabs and i cannot see any accidents where a pedicab has rolled. I am not saying it wont happen but the likely hood seems to be very slim.</p>
<p>64</p>	<p>As a pedicab driver of 17 years who has never had an accident, I can assure you that passenger safety is our primary concern. The pedicabs in Edinburgh have an excellent safety record compared with other forms of transport such as buses, cars or taxis who operate in Edinburgh and while we are continually looking to improve safety, the suggestions in the proposal are inappropriate.</p> <p>For example, fitting a roll cage to a vehicle which travels at speeds of between 3mph and 15mph, whilst taxis and buses capable of traveling at speeds of 70mph have none.</p> <p>The pedicabs are all fitted with a seatbelt for passenger safety, 3 point seat belts are unnecessary given the speeds involved are similar to running rather than motorised transport. It seems absurd to insist on 3 point seat belts in non motorised transport whilst buses and trams have none.</p> <p>The suggestion of fitting a rear view mirror has clearly been made by someone who has not driven a pedicab, the visibility is far superior to driving a car, it is possible to turn to see behind, there are no blind spots. It would be far better to consult the pedicab operators for suggestions of ways to improve safety.</p> <p>However, as Edinburgh Council made the decision to introduce more 20 mph speed restrictions in the city, I believe this to be step forward in safety in the city, as it is well documented that reducing speed improves safety.</p> <p>The proposal to extend the zone is welcome. At present the zone strongly discriminates against Edinburgh residents. The current zone allows tourists staying in hotels within the zone to travel home but the Edinburgh residents who wish to travel home are often unable to complete their journey. As a matter of safety any passenger who starts their journey should be allowed to complete their journey as an alternative to having to disembark at the edge of the zone, often late at night. I am often asked by passengers wishing to travel outside the zone why I have to stop and aside from the arbitrary zone set by the council I can offer no reason, there is no visible difference between in the zone and out of the zone. Safety is often suggested as the reason for the zone but there is no change in road conditions from into and outside the zone and in the case of the Meadows it is even a cycle path with no motorised traffic. As an absolute minimum any cycle path or 20mph/30mph zone in Edinburgh should be permitted for pedicabs to use.</p> <p>Whilst I am pleased the council is looking for ways to improve the pedicab trade I would prefer if the operators are consulted before writing the proposal so that suitable safety improvements can be suggested and unnecessary changes can be ruled out. The suggestions that have been made for pedicabs in this proposal are inappropriate and inconsistent with regulations for motorised vehicles which travel at far higher speeds.</p>

65

I am a current rickshaw (pedicab) driver in Edinburgh. It is my only source of income through which i support my family. I am deeply concerned that some of these proposals are very hard to comply with and would in effect ban the rickshaws from operating. It would not only make it very difficult to do business but also cut my earnings considerably. Please consider the fact that these proposals could negatively effect a lot of people and the families they support.

I have some comments on the proposals listed below.

#### Section 2.2

The background section states that there are 120 pedicabs operating within the city centre and 70 licensed drivers. Not only does this imply that 50 drivers are operating without licenses, which is patently untrue, it grossly overestimates the true number of total pedicabs. Even in the peak of operations, when the company B-Spokes had a large fleet, the absolute maximum out on a busy night would be 60 or so pedicabs. Nowadays the fleets are depleted and it is a less popular job. The total number out on any weekend now can be as low as 10 and no higher than 35-40 on the busiest weekends.

#### Sections 2.4, 2.6 and 2.7

These sections mention the 'safety concerns' of Edinburgh City Council and previously of Glasgow City Council. In light of the safety record I highlight above I would like to ask upon what evidence these 'concerns' are founded? If the current design and operation of pedicabs has resulted in just 2 incidents in 22 years I wonder what improvements could be made which have not already been addressed? The proposal references the adding of 'roll cages' which, to my knowledge, are not a standard feature of pedicabs in other cities. The proposal also fails to make clear how these roll cages are to be fitted to the existing fleet, or whether they have sourced a compatible model. If they plan to make such features a necessity they should be able to demonstrate that this can be achieved feasibly and that doing so will not compromise the integrity of the existing frame through the additional stress placed on it.

#### Section 2.8

This section seems to contradict the previous 3 in that it states

"In the absence of any current concerns about safety of pedicabs it is proposed not to pursue commissioning a further report".

If there is an absence of concerns about the safety of pedicabs, why are there proposals to change the design and operation?

The following points refer to the documents: Proposed policy and conditions on the licensing and regulation of Pedicabs

### Section 1.6

This section states that pedicabs must pass an inspection by a 'suitably qualified technician', but does not describe what would constitute a suitable qualification for the technician to hold and so we do not know how this rule can be enforced.

### Section 2.9

This section refers to the addition of a 3-point seatbelt. All pedicabs already come fitted with a seatbelt and there is no indication or evidence offered that the current seatbelts are not adequate or have ever failed previously.

### Section 2.10

The addition of a roll-cage is again referred to without any reference as to how this will make the pedicab safer, or the practicality of fitting one or cost of doing so.

### Section 2.17

This section proposes that pedicabs would only be licensed to carry 2 passengers instead of the current 3. There is no rationale given for why this change should be made, or any evidence that there is a problem with the current standard of 3 passengers. Again, I would expect such proposals to be based on evidence.

### Section 3.13

This section states that written receipts must be provided for every fare. There is no explanation for why this is being required, and in my experience I have only once or twice been asked for a receipt. Perhaps it should be amended to say that pedicabbers must have the means to provide a receipt upon request, but I see no need to provide receipts that are not requested in the first place.

### Section 3.21

This section states that each operator must hold public liability insurance to the value of £5million. As it stands pedicabs are insured under the owners who rent out the bikes to individuals. There is no estimate given for the cost of each driver individually taking out insurance.

### General cost implications

There are several changes suggested by the proposal which would involve a cost including:

- 1) Passing the inspection of the pedicab for road worthiness
- 2) The move to individual street trader licenses for each pedicab driver
- 3) The adapting of all pedicabs to meet standards such as roll-cages
- 4) The public liability insurance required by each individual driver

	<p>There is no indication of the cost of any of these steps given in the proposals which makes it unclear for individuals going forward what the financial penalty of accepting these reforms might be. We require transparency in order to make an informed decision within the context of this consultation</p>
66	<p>I have been in contact with the makers of the Rickshaw used in Edinburgh, they were not asked to comment on this consultation.</p> <p>1.8 and 1.14 are conflicting any changes to the structure of the Rickshaw in the present state would risk insurance being unattainable. The latter the level of insurance is a requirement of a street trader licence.</p> <p>It is tough to grasp that Rickshaws that have been in operation in Edinburgh since 1996 possibly in different versions are now going to be unable to conduct licensed activity.</p> <p>So at the moment in the present state the Rickshaws are fit for licensed activity that is clear. Though the structure of them can't be changed until Edinburgh Council gives the go ahead?</p> <p>Roll Cage; What constitutes a Roll cage on a non motorised cycle., roll bar, roll cage for passengers, Rider?</p> <p>The change in centre of gravity and weight could make them have a higher centre of gravity and weigh more. So possibly leading to slower and harder to control rickshaws, and possibly un-insurable.</p> <p>Clearly it would be easier for the owners operators and riders to meet with G Hunter and members of the way to go forward.</p> <p>Timescales for these points to be put in place. Seat belts and roll cage as stated above would change the structure of the pedicab and hence make it un-insurable.</p> <p>Are these points over prescriptive? Clearly public safety is paramount. Though the legal position of seat belts being worn on non motorised cycles? Rider or the passengers responsibility? Do taxi's have Roll cages?</p> <p>At the moment the Rickshaws do have lap seat belts. It is advised for the passengers to wear them.</p> <p>At present the Rickshaws are insured to carry up to 3 passengers and then hence then licensed as they have operated for decades in Edinburgh. The restriction is more to the weight that they can carry. Being in the region of 250kg being roughly 3 x 13 stone passengers. I would be happy for this to be enforced especially any Rider carrying over 3 passengers should have their license suspended.</p> <p>A Rickshaw has been through a VOSA MSVA. A single vehicle Approval, it passed and has a certificate. Hence a way of answering 7. of the survey. A</p>

	<p>motor was attached for the test then removed, the main point was testing the points highlighted in 7. above and clearly passed. Without the motor it wouldn't fit the requirements to be tested. Showing it isn't the tricycles fault that the standards for testing non motorised tricycles don't exist.</p> <p>The first step clearly would for the Rickshaws to be inspected in present licensed state.</p> <p>As stated any changes to the pedicab/Rickshaw require the clearance of Edinburgh City Council first?</p> <p>Any changes would have to be worked in on a reasonable timescale through a continued service being provided.</p> <p>That the Rickshaws are insured is the main for Street trader licensing.</p> <p>The core path plan under the Scottish land reform Act means non motorised cycles can access pedestrian areas. Clearly pedestrians have right of way.</p> <p>Please keep me informed of any meetings so representation can be submitted prior and attendance on the day for discussion.</p> <p>I would like to request a meeting with G Hunter and any other suitable Council officials regarding a workable timescale and to explain approach and fee structure.</p> <p>Thanks</p> <p>Kind regards</p> <p>Owen O'Neill</p>
67	<p>Hello,</p> <p>I am writing with the experience of being a current pedicab cyclist within Edinburgh, and have been continuously for over three years.</p> <p>Firstly, I'd like to commend the council for making this a public consultation, and for inviting me by email to take part, even if the attached link didn't take me to the survey like it said it did.</p> <p>There are, however, some issues I have with the proposed updated conditions. These are as follows:</p> <p>"1.8 In order to pass inspection, the pedicab must have:</p> <p>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; and</p> <p>b) a roll cage fitted for the protection of passengers travelling in the pedicab."</p>

In my three plus years doing this job, I have yet to encounter an issue that would be solved by these proposals. Neither have I ever considered - or heard from anyone else - colleague or passenger - that something in align with these proposals would be of benefit. Nor have I encountered pedicabs in other cities I have travelled to (Glasgow, London, Dublin) requiring such measures. I would therefore kindly request on which information these proposals have been based, as without such information there would surely be no need for these regulations.

"2.6 The steering wheel when turned to full lock will not affect the stability of the pedicab when turning."

I've yet to encounter a pedicab - or any other kind of cycling vehicle - with a steering wheel. Unless I have entirely misunderstood what is meant by a steering wheel here (i.e. a wheel that is used to steer the vehicle, such as how cars operate), then the lack of the most basic knowledge of what a pedicab actually is and how it works mechanically here would suggest an embarrassing lack of knowledge of this area, thus unfortunately somewhat devaluing the rest of the proposals. Pedicabs do not come with steering wheels just as cars do not come with handle bars.

"2.7 There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror will also be permitted."

Not sure why this would help and therefore be necessary. I have never felt the need for one, not have I ever heard any of my colleagues mention this. Bicycles do not require mirrors.

"2.9 Every pedicab licensed by the authority shall be fitted with 3 point seatbelts or lap belts which will be adequate to retain the passenger in the pedicab and must bear an EC or BSI mark.

2.10 Every pedicab licensed by the authority shall a roll cage fitted for the protection of passengers travelling in the pedicab."

See my response to 1.8 above for both 2.9 and 2.10.

"2.17 Each pedicab shall be licensed to carry a driver and no more than 2 passengers at any one time."

Similar to my response to 1.8, I have never encountered an issue, nor have I heard of any issues, regarding three passenger lifts. Although not a mechanic, the pedicabs seem to be able to cope with three passengers much the same as they cope with one or two. Again, I'd expect and kindly request which information you have that contradicts this.

There is the added point that this restriction could unnecessarily restrict pedicab operators from getting lifts, and therefore hitting their income.

"3.4 The licence holder shall at all times when trading wear the identity card

which is issued with the licence. In addition the licence must be displayed on the pedicab in a position approved by the City of Edinburgh Council, so that they may be read by any passenger, police or authorised officers of the City of Edinburgh Council"

I'd suggest this is impractical, and possibly dangerous if the preferred method is to have it displayed by lanyard, as it may get caught in the handle bars.

"3.10. The licence holder shall not carry more than two passengers at any one time, who must be safely restrained at all times while in the pedicab."

See my response to 2.17 above.

"3.13 A written receipt will be given to each paying passenger and a copy kept by the operator."

A strange proposal given that it is not required of taxi drivers. Also, this is something that I have only been requested for two or three times over my 38 months in this job, which I happily complied with on those occasions. Not sure how or who this would help.

"3.17 The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers."

Can this be rewritten as 'Pedicab operators shall take no reasonable measures to attract business...'? This is only harmful when done inappropriately or unsafely, and if observed should be dealt with individually, unless there is clear evidence that it is an endemic issue, something which I am not aware of. 3.16 covers this point more realistically.

"3.21 The licence holder shall hold a valid Public Liability insurance policy to the value of £5 million and the certificate of insurance will and available for inspection by any authorised officer of the City of Edinburgh Council at any time during trading hours and at any other reasonable time."

How would this improve upon the current system of only operators requiring to be registered for insurance? Is there any other reason to do this other than monetary gain for the council, at the expense of individual pedicab cyclists, not all of them may be able to comfortably afford this extra expenditure?

Overall, I think much - in fact most - of the proposals are sound and reasonable. However, as raised in my above objections, some do seem quite bizarre - at least without adequate explanations, which are not supplied.

If it counts for anything, I will add that there is no more suitable way of earning a living combined with being a student and a parent that I could expect to achieve in my current situation. And I know for sure that this job has provided a very helpful safety net for many other students and will hopefully continue to do so for many

years to come.

I will finish a comment on the area that pedicabs cyclists are allowed to operate in. Firstly, I most sincerely have never encountered recklessness from my colleagues that would separate their behaviour from other road users. Hence, I do not think this can be factored into REDUCING the size of the trading area.

Therefore, the proposal of limiting the area to no further west than Lothian Road does indeed seem to me to be an unnecessary and unhelpful measure that would have the sole consequence of significantly denting the income of pedicab cyclists. In fact, I'm not sure why the area is there at all, having never been given a reasonable or justifiable explanation for it. Again, it's not something that applies to taxi drivers in the manner it does to pedicab cyclists.

In terms of congestion, the most congested areas of the city is of course the city centre, where pedicab cyclists are allowed to operate and trade. Why then would this trade be restricted on less congested parts of the city (i.e. all other parts) on the basis of congestion? This clearly does not make sense.

Therefore, I propose that the area -  
if there must be one - firstly be extended to the south to cover The Meadows and south west to Home Street, Gilmore Place, Fountainbridge and Fountain Park - and secondly be used solely for where to trade FROM, rather than the current system of FROM AND TO, which would align it with how taxis operate.

Thank you very much for taking the time to read this, and I look forward to your response.

## Appendix 4 Pedicab Licensing – Written Response

Hi Gordon

I thought I'd email direct as the survey is a little limiting. Since we last spoke, Gavin is no longer involved with pedicabs anymore. I too am considering the same path. Last I heard, Owen has given up too.

Last year, I've had on average around 3 - 4 bikes out in town as I've focussed on my other businesses. The pedicabs for me continues to bleed funds where my other businesses pay for their upkeep with almost no return. The current environment is too challenging to improve the aspects I'd like to make it a reliable business.

When I first became involved in pedicabs in Edinburgh - there were around 25 bikes out each night - more than there are now before peaking at 80 and now it's about 15. Each driver could typically earn around 2-3 times minimum wage for a hard graft. And we had little issues with complaints about driver behaviour. There was a queue for drivers to take up this position and an undersupply of bikes. All the drivers followed the rules as they valued their jobs highly. Driver behaviour and quality was high.

Now there is a glut of bikes and drivers typically earn 1 to 2 times minimum wage. The rules are frequently broken and when a driver is sacked, there's another bike waiting for him because there exist operators who aren't fussed about whether the drivers follow the rules.

Most bikes in town now are of questionable quality, and perhaps annual inspections could address that. I've got a garage full of 30 and use 4...at most. The other operators still have most of their bikes out in town but driver and bike quality on the whole are pretty low. For the past few years, any attempts to improve this have been unsuccessful, as I have zero authority and very little persuasion over the other operators.

If there was an accident, you'd soon find the operator is no longer in the UK...they've literally told me they'd just go home when challenged about accidents and safety. (that's not supposed to be a dig at immigrants or anything political) Just highlighting the casual attitude to the UK safety obligations and the lack of fear for something going wrong.

Things that should be considered for pedicabs to thrive sustainably and safely

Bike quality:

2 independent sets of high quality brakes installed should one set ever fail. In the last 10 years there's been one brake failure on my fleet, but due to the other set being fine no accident occurred. I've heard plenty of stories about other brake failures. I've even witnessed first hand drivers being told to unmount faulty brakes and run with 'just the front' the front brake itself was very poor quality and shouldn't have been used.

That the cab body is mounted properly to the chassis with bolts and backup metal fixings. Today, a snap inspection would show a significant number held with backup cable ties and snapped bolts that never get replaced.

Seat Belts: All my cabs have lap seatbelts. I'm unaware of anybody ever managing to 'fall out' of a pedicab. The fatality that occurred was that the gentleman chose to stand up and jump out. Changing to a 3-point harness would require significant resources. It's arguable there maybe a small benefit in some

rare cases of impact. However such resources would be much better spent on high quality tires and braking systems. Pedicabs should only travel at 15mph and that goes up to 20mph if you have a disobedient driver.

Rollcage - nobody will do this. Pedicabs will become instantly extinct and I doubt they'd return. I doubt there's ever been an incident in the western world where a rollcage would have been of use due to the low speeds and high controllability of the pedicabs. If overall the council would rather pedicabs were gone - make that a requirement.

Responsibility:

This one is difficult, Typically, this is a young persons job and young people typically take more risks, sure it's easy to pin blame if they signed their name - but that won't stop incidents.

I don't think it would be good to make the drivers responsible for anything mechanical anymore than you would the general public for hiring a car. A driver should be duty bound to stop driving if theres an obvious fault but relying on the drivers for safety diagnosis or component condition will lead to more failures. Vehicles should not be available to be hired if they aren't in good working order, and that should be the responsibility of the operator to check that.

Behaviour: Very difficult, I've spent 10 years trying to get young drivers to behave in the street. I Do initial character assessments and try to weed out the unsensible risk takers. Young folks behaviour can be tamed if they value their job. Over the years that value has been erroded as pay has decreased and supply of the same job different boss has increased. As you remove responsibilty from the operator to implement good driving behaviour, it must be replaced with something else. Young people will not police themselves for the fear of losing their job.

Licence area:

Just to re-iterate my views on licence area

I understand theres a view that drivers can 'get up to no good' once outside the city centre as there's less eyes about.

as you shrink the area, you shrink drivers earning capacity. This makes it harder for the operator to pick the more conservative wholesome characters for doing the job, the type who tend not to get into trouble at school etc. Over the years, I've seen a slide away from academics doing this to fund their studies, to more of the folks who aren't as self disciplined. Having the best pool of drivers is the biggest influence you can have on safely provide the journeys as you're relying on the drivers not to take risks. A risk taker will always take risks wether eyes are around or not. The conservative character just doesnt want to take those risks. Currently The operators are taking anyone on as they're not picky. Myself - I'm not taking anyone on as i'm focussed on my shops because the rewards for efforts hiring good drivers look bleak and unstable.

As one of the most experienced drivers that exist, and an operator that's trained hundreds of drivers over the years - I've made a map that compromises eyes versus earnings.

You might look at that map and think, no way, far too big. In reality, it'd be easier for the operator to get drivers to actually abide by it.

Right now, half the drivers go anywhere - might as well not even be a map. It's the worst drivers that are benefitting from these restrictions. The 'good' drivers see this every night and either give up or join the winning way. Since the map has shrunk - the companies that follow the rules are gone or almost gone. The ones who flout the rules have flourished. I've sacked drivers for repeatedly going outside the area only to find them working for another operator the next week doing the same and giving me the finger. Currently there's little consequences for breaking any of the rules regarding pedicabs.

Perhaps we could have an expanded area on a temporary basis that only get's re-granted if I make a good enough case?

I've yet to have a succesful objection to a driver being granted a licence. If one operator has sacked a driver, he should be banned from all operators. The case of Atillio was the most recent where I sacked him after just a few weeks, he was back working for others who don't care so much about driver behaviour. he went on to take a semi-concious girl back to the pedicab garage even though he was told to go elsewhere... and I had to deal with her father coming for a visit looking for him... despite me sacking him ages ago.

Both the operators and the drivers need to lose out for breaking the rules. Going forward if most of the fire gets pinned to the driver - he just gets replaced by the next guy and the operator continues to push out bikes to anyone and things dont get better. There should be a mechanism where both the operator and the driver get punished for the drivers behaviour or the operator will never filter the drivers. In London, we had a situation of operators taking it in turns to monitor all the drivers that was somewhat successful until the number of unco-operative operators exploded.

Making the bikes technically safe and good condition is the easy thing for me. Currently getting drivers to behave is tricky when they don't have much motivation to do so.

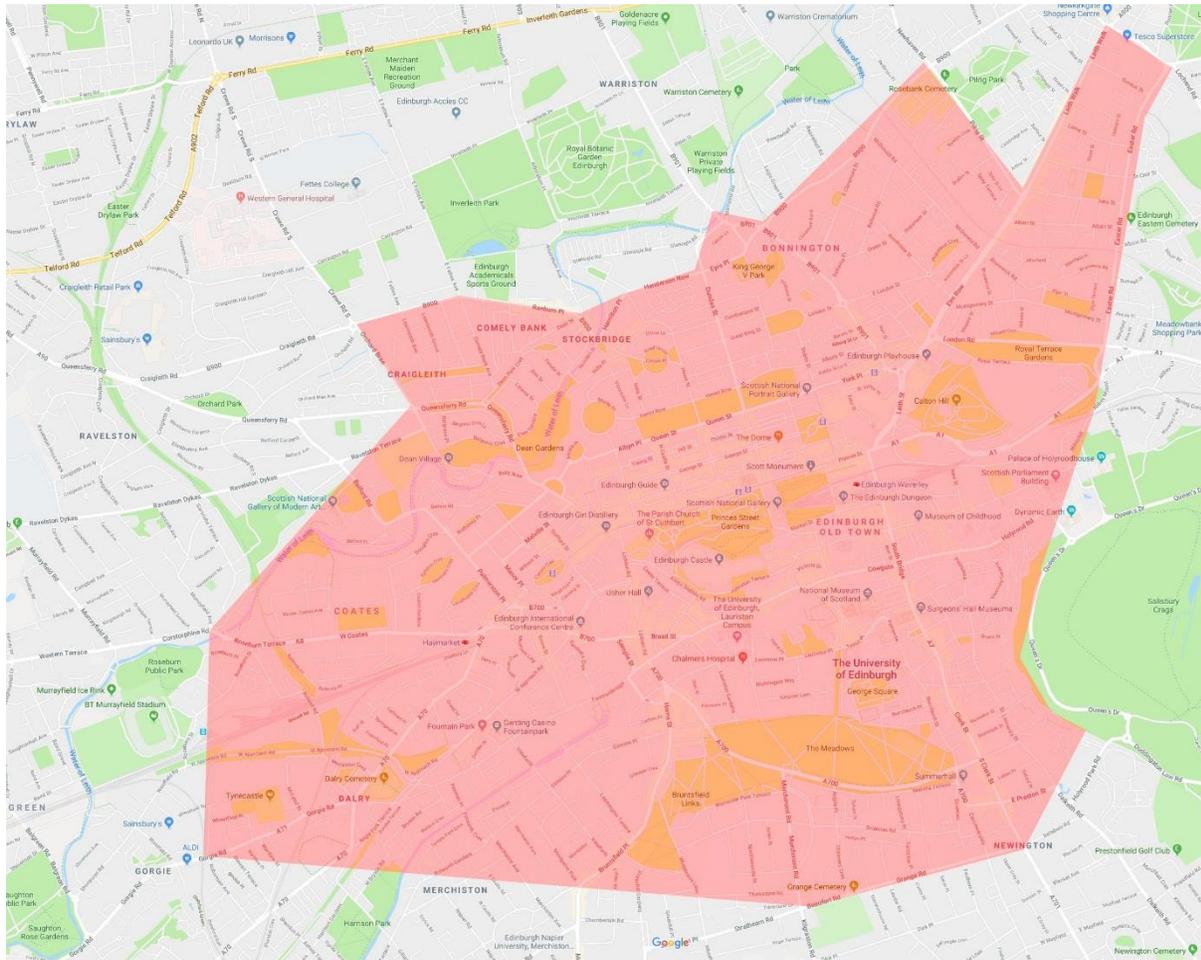
One last thing about driver behaviour, there's been a trend away from all drivers trying to work hard to provide an honest trade. an increase of 'scam' the tourist attitude. I've also sacked a few drivers for charging at the end of the journey instead of quoting upfront, again they just switch company and put up with a less good bike in exchange for more money per hour. When i challenge the operator, I get 'if he doesn't crash the bike, not my problem' The public view of pedicab drivers has diminished and would take a good couple of years to recover if these trends could be reversed. Not every driver is a bad egg, but 7 or 8 years ago a bad egg stood out.

I Have an affection for pedicabs - such a big part of me growing in the world. If it was purely business, I'd have sold up years ago. I'd like them to continue with the right set of rules. I'm more than will to spend efforts to get things back on track.

If the issues aren't addressed, they'll just end up like London and eventually be banned altogether. If you'd like another chat, I can be free when suits you.

Regards

Greig Aitken



Dear Mr Hunter,

I am writing concerning the public consultation on, and proposed changes to, the conditions of pedicab licensing and operating. I have also completed the survey but wanted to contribute some additional feedback from myself, as a pedicab driver, and my colleagues, for your consideration. Please be assured that the pedicab community is not opposed to all reforms proposed, only to those which, in our opinion, will make operating prohibitively difficult. Furthermore, we see an opportunity for the pedicab industry to work in partnership with Edinburgh City Council towards the aims of the Sustainable Edinburgh 2020 framework and thus propose a more collaborative relationship going forward.

I would first like to give you a bit of background on my own situation and relationship with the pedicab trade as I feel it is illustrative and representative of many current and former operators/drivers besides myself. I would then like to make some general comments on the pedicab trade and what we can offer Edinburgh, and finally to address issues with several clauses in the new proposal which I see as particularly problematic in their current form.

### **Personal background**

I am a clinical psychologist who has worked as a pedicab driver for 8 years. I still hold a license and work the occasional shift, though the majority of my time served was during my undergraduate and master's degrees. Throughout these years (2010-2018), pedicabbing has been a blessing to myself and many others. It has allowed me to work on a flexible basis throughout university and minimise the amount of student loans I took on and avoid the disenfranchisement faced by many young graduates with limited job opportunities and crippling debt. I have also been able to work voluntary and low-paid jobs in mental health and support-work in order to gain the experience necessary to progress in clinical psychology and contribute to the NHS. I know that without the flexibility of pedicabbing I would have been unable to volunteer for charities ,or work for low wages in such roles, without taking on additional debt.

Amongst my peers there are countless similar stories: so many of us are supporting ourselves through college and university and I've seen doctors, teachers, health-workers and ecologists all benefit from having pedicabbing to augment their studies and careers.

Besides those who have used pedicabbing as a stepping stone, there are those for whom it is their main form of work, and many support their families with their income from pedicabbing. In times of austerity and low employment, the autonomy, flexibility and means to generate income is of fundamental importance and to put this operation under threat without due consideration of the economic consequences for those who are dependent upon it would be irresponsible and could put the livelihoods of many in jeopardy.

Overall I would say that the pedicab trade is a real success story of sustainable, emancipatory entrepreneurship and that the drivers, as a group are an honest, hard-working and thoroughly decent bunch, and to lose their services from the streets of Edinburgh would be to the detriment of the city.

### **General comments on pedicabbing**

#### **1) A sustainable form of transport**

According to the Sustainable Edinburgh 2020 (SE2020) Framework proposed by Edinburgh City Council the vision for the city is that:

*"Edinburgh in 2020 will be a low carbon, resource efficient city, delivering a resilient local economy and vibrant flourishing communities in a rich natural setting."*

[http://www.edinburgh.gov.uk/info/20206/sustainable\\_development\\_and\\_fairtrade/841/sustainable\\_edinburgh\\_2020](http://www.edinburgh.gov.uk/info/20206/sustainable_development_and_fairtrade/841/sustainable_edinburgh_2020)

Pedicabs are completely in alignment with this vision, representing a sustainable, green alternative to the multitude of carbon-heavy forms of transport which can clog our city centre. To remove, or threaten, pedicabs through prohibitive legislature would be to undermine the very vision that the council has itself set out.

On the other hand, I see an opportunity for the pedicab industry and Edinburgh City Council to work together to achieve the vision outlined in the SE2020 Framework. For example, perhaps pedicabs could promote the campaign and display Edinburgh's credentials as an eco-friendly city through the advertising space that we have previously used for private sponsors. Utilising our presence as an eco-friendly mode of transport with a strong visual impact through our

mobile advertising space can only strengthen the core values of the SE2020 Framework.

## **2) Safety record**

According to the proposal, (section 2.2), pedicabs have operated in Edinburgh since 1996, for 22 years. Within those 22 years I would estimate the average number of pedicabs out per weekend at 30, the average mileage of each rider per weekend at 40 miles, and the average number of fares per driver to be 20 per weekend. I am willing to supply GPS measuring the mileage of shifts covering several years to validate these estimates.

These are conservative estimates but should reflect that in early years there were only a handful of drivers, whilst in recent years (particularly 2010-2015) there were up to 60 drivers out per weekend. Based on these estimates pedicabs have completed 1,372,800 miles in Edinburgh, and 686,400 fares.

To my knowledge there have only been two serious incidents related to pedicabs recorded within this period, which the proposal references (section 2.4). The case in 2001 undoubtedly highlighted a risk with the pedicabs and led to the mandatory covering of spokes and provision of mudguards by all operators which has meant such an incident has never been repeated, demonstrating the pedicab industry's willingness to respond to real safety concerns. The latter incident was incorrectly described in the proposal as a man 'falling from a pedicab'. In fact, the man was found to have jumped from a moving pedicab and neither the driver, nor vehicle, to be at any fault.

Even if we take the most uncharitable interpretation of the 2010 incident and consider it a 'rickshaw-caused' accident, then we have only 2 incidents in 22 years and over 1 million miles and over half a million fares on pedicabs.

The council has not presented any evidence that the pedicab industry has anything other than an excellent safety record, nor that any of the proposed changes regarding alternative seatbelt systems, roll-cages and decreased passenger limits would have done anything to prevent the two incidents referred to.

## **3) Operating zone**

Amongst the proposed changes is the possibility of changing the current zone in which pedicabs can currently trade (appendix 2). One suggestion is to reduce the zone from the western-most

point being Haymarket station, to ending at Lothian Road. This reduction would severely limit out trade, with a major train station and several major hotels, restaurants and bars being off-limits to us. As it stands we already suffer from the prohibitive zone illustrated in appendix 2. For example, the current zone does not include Chambers St, the site of our National Museum, and only half of George the 4<sup>th</sup> Bridge, and none of Lauriston Place- a key route for traveling East-West in the city and the site of several popular hotels. In August, when our entire city expands for the festival, our trading zone remains the same and prohibits us from taking people to and from key sites such as Bristo Square and George Square, where the hub of the festival is situated.

The proposal also mentions the possibility of expanding the zone further southwards, which would perhaps address some of the issues I mention. We urge the council not to limit us further by reducing our western limit to Lothian Road, and to allow us further remit to operate further South.

Not only would this move make us a more viable option for tourists, it will help to end the discrimination against locals which the current zone implicitly entails. With so many locals living around Toll Cross and the Meadows, our current restriction means we are far less likely to serve the local population than the visiting tourists who inhabit mainly the absolute centre of the city.

### **Specific clauses**

I would now like to address several issues I found in the proposal which I argue either misrepresent the reality of the situation, or which, if the associated proposals were enacted, would be so prohibitive as to effectively end pedicab operations in Edinburgh.

### **Section 2.2**

The background section states that there are 120 pedicabs operating within the city centre and 70 licensed drivers. Not only does this imply that 50 drivers are operating without licenses, which is patently untrue, it grossly overestimates the true number of total pedicabs. Even in the peak of operations, when the company B-Spokes had a large fleet, the absolute maximum out on a busy night would be 60 or so pedicabs. Nowadays the fleets are depleted and it is a less popular job. The total number out on any weekend now can be as low as 10 and no higher than 35-40 on the busiest weekends.

### **Sections 2.4, 2.6 and 2.7**

These sections mention the ‘safety concerns’ of Edinburgh City Council and previously of Glasgow City Council. In light of the safety record I highlight above I would like to ask upon what evidence these ‘concerns’ are founded? If the current design and operation of pedicabs has resulted in just 2 incidents in 22 years I wonder what improvements could be made which have not already been addressed? The proposal references the adding of ‘roll cages’ which, to my knowledge, are not a standard feature of pedicabs in other cities. The proposal also fails to make clear how these roll cages are to be fitted to the existing fleet, or whether they have sourced a compatible model. Furthermore, in other countries such as Australia roll cages have actually been banned due to the increased risk they pose to passengers (see link below). If the council plan to make such features a necessity on our pedicabs they should be able to demonstrate that this can be achieved feasibly and that doing so will not compromise the integrity of the existing frame through the additional stress placed on it, or place passengers at additional risk.

<https://www.sa.gov.au/topics/driving-and-transport/vehicles/vehicle-standards-and-modifications/chassis-and-body-modifications>

### **Section 2.8**

This section seems to contradict the previous 3 in that it states

“In the absence of any current concerns about safety of pedicabs it is proposed not to pursue commissioning a further report”.

If there is an absence of concerns about the safety of pedicabs, why are there proposals to change the design and operation?

*The following points refer to the document: ‘Proposed policy and conditions on the licensing and regulation of Pedicabs’*

### **Section 1.6**

This section states that pedicabs must pass an inspection by a ‘suitably qualified technician’, but does not describe what would constitute a suitable qualification for the technician to hold and so we do not know how this rule can be enforced. Furthermore, the pedicabs for the current main operator are already checked on a weekly basis for mechanical safety.

### **Section 2.9**

This section refers to the addition of a 3-point seatbelt. All pedicabs already come fitted with a seatbelt and there is no indication or evidence offered that the current seatbelts are not adequate or have ever failed previously.

### **Section 2.10**

The addition of a roll-cage is again referred to without any reference as to how this will make the pedicab safer, or the practicality of fitting one or cost of doing so.

### **Section 2.17**

This section proposes that pedicabs would only be licensed to carry 2 passengers instead of the current 3. There is no rationale given for why this change should be made, or any evidence that there is a problem with the current standard of 3 passengers.

### **Section 3.13**

This section states that written receipts must be provided for every fare. There is no explanation for why this is being required, and in my experience of 8 years I have only once or twice been asked for a receipt. Perhaps it should be amended to say that pedicabbers must have the means to provide a receipt upon request, but I see no need to provide receipts that are not requested in the first place.

### **Section 3.17**

This section states that pedicab operators must not ‘stand or loiter in the street for the purposes of attract (sic) potential customers’. This is an ambiguous rule – does this mean that pedicabs must be moving at all time, or is it possible to stop to pick up a fare? As it stands there are informal ranks in the Grassmarket and George St which have long existed and function well to stimulate the efficient flow of customers to and from the busiest establishments.

### **Section 3.21**

This section states that each operator must hold public liability insurance to the value of £5million. As it stands pedicabs are insured under the owners who rent out the bikes to individuals. There is no estimate given for the cost of each driver individually taking out insurance.

## **General cost implications**

There are several changes suggested by the proposal which would involve a cost including:

- 1) Passing the inspection of the pedicab for road worthiness
- 2) The move to individual street trader licenses for each pedicab driver
- 3) The adapting of all pedicabs to meet specifications such as roll-cages and 3-point seatbelts.
- 4) The public liability insurance required by each individual driver

There is no indication of the cost of any of these steps given in the proposals which makes it unclear for individuals going forward what the financial penalty of accepting these reforms might be. We require transparency in order to make an informed decision within the context of this consultation

### **Summary**

I hope that within this letter I have outlined why the pedicab industry is an overall good to the capital, offering employment to the drivers as well as a safe, sustainable and enjoyable form of transport for the customers and an opportunity to achieve the City Council's SE2020 vision of an eco-friendly Edinburgh. I recognise that the proposal is not to ban pedicabs outright, but I call on the council to reconsider the specific clauses that will make operation so prohibitively difficult as to effectively represent a ban.

With kind regards, Thomas Campbell

**From:** Nic Dore - Cycles Maximus™ [REDACTED]  
**Sent:** 02 March 2018 15:02  
**To:** Gordon Hunter  
**Subject:** Pedicab Consultation

Dear Gordon,

I'm writing in connection with the consultation on Pedicab licensing in Edinburgh. I realise the consultation submission deadline is today, unfortunately this is something I have only just been made aware of. I work for Cycles Maximus Ltd, one of the leading manufacturers of Pedicabs in the UK and around the world, we are based near Bath in Somerset. I believe many of the pedicabs in Edinburgh to be original mk1 Cycles Maximus models (we are now producing an updated version), our pedicabs are also very popular internationally and we have a strong following in Holland, France, Germany, Spain and the US. I'd like to offer our assistance and co-operation in your licensing review process. I've participated as a contributor to the consultation but also wonder if you have had a contribution of professional evidence? Please do let me know if I can help in any way, we support the need for licensing to make the operation of pedicabs safe and professional, especially in recognition of the need to reduce levels of inner city atmospheric pollution. One thing I think it may be useful to discuss is the need for a roll-cage. In our 20 years of manufacture I haven't heard of a single case of a pedicab rolling. They are surprisingly stable. It would also prohibit all of the existing Pedicabs from operating as I'm not aware of a manufacturer internationally who produces them with a roll-cage, and I'm not aware of a similar requirement in any of the major cities we have supplied to. All of this said, as a manufacturer we are very keen to stay at the forefront of pedicab innovation, thus if there became a clear need for enhanced design features such as this or individual seat belts in our new models it would be very useful to discuss.

Kind regards

Nic Dore  
Cycles Maximus

On Thu, Aug 2, 2018 at 3:46 PM, Tikki Tikki Pedicabs <[REDACTED]> wrote:

Dear Sir/Madam,

My name is Russell and I have owned and operated pedicab businesses in five countries. I am also the moderator of the pedicab forum, and I am currently running a pedicab company in Vancouver, Canada.

Recently I rented my pedicabs to some drivers who had previously worked in Edinburgh, and had been licensed to ride pedicabs by your Edinburgh City Council.

Vancouver is a very hilly city, and they explained to me that Edinburgh is even more hilly!

I was shocked and amazed to discover that the council has restricted the use of electric motors on the pedicabs in Edinburgh. Since pulling a pedicab requires a strength and determination most people don't have, I feel the draconian banning of an electric assist to the tricycle is both un-empathetic and leaves you open to lawsuits should the driver be injured trying to perform a job which you have licensed them to do.

Under EU law, a bicycle (or tricycle) is still classed as such, regardless of whether it has a 200w (or less power) motor assisting the driver. To restrict the use of a motor for no valid reason leaves pedicab drivers susceptible to severe knee and muscle injury. We have very strict laws that protect working horses, the same should apply to pedicab pullers, I hope you agree.

The drivers also told me 'the gossip' surrounding the industry in Edinburgh, in particular the way the drivers are intimidated by the licensing process in general. I am sure that you are aware that in the UK last year, tens of thousands of early deaths can be attributed to air pollution\* source <https://www.newscientist.com/round-up/air-pollution/>

And that 191 deaths were attributed to motor vehicles in Scotland in 2017 alone\* <https://www.scotsman.com/news/transport/death-toll-on-scotland-s-roads-soars-1-4475198>

The pedicab industry is annoying - I get it. But it is our industry, our green industry, and we want to be treated fairly.

As a supporter and advocate for the industry, I urge you to reconsider your rather 'Victorian' approach to pedicab licensing.

I have recommended that those drivers who rode for me from Edinburgh, seek professional medical examinations for their knees, and present their findings to your office via legal aid.

Please let me know to whom I need to speak should this email reach the wrong person.

Please also feel free to see the [licensing laws enforced by Vancouver city council here](#) for your reference.

Thank you kindly

Russell Fryer | Pedicabs and Outdoor Media

## Appendix 5 - Pedicab Licensing – Council Officer Responses

**From** Colin Baxter  
Regulatory Manager (Licensing &  
Trading Standards)  
**To** Gordon Hunter  
Licensing Administration  
**Our ref**  
**Date** 01 March 2018  
**Your ref**

Dear Sir

### **CONSULTATION – PEDICAB LICENSING – PROPOSED POLICY AND CONDITIONS**

I write in support of the proposed policy and conditions with regards to pedicab licensing.

Since the licensing of pedicabs was introduced by the Council there has been a great increase in their numbers and with that a great increase in the number of pedicab drivers.

It is the view of this team that pedicab drivers should be licensed as street traders in their own right thereby putting a greater onus on them to ensure that the pedicabs they are 'driving' meet the proposed conditions regarding the safety and 'roadworthiness'. The current requirement where pedicabs are required to meet the requirements of the relevant road safety legislation is thought to be inadequate for ensuring the safety of passengers and drivers.

A safety check prior to the pedicab being used is seen as essential coupled with a register of these checks and a record of any required repairs.

The proposed conditions will ensure that the pedicabs are fitted with seat/lap belts and with a requirement that they are used to ensure passenger safety.

Increased lighting requirements are again seen as an additional safety issue given that experience shows that the current lighting requirements can be very poor in some cases.

The proposed requirement for pedicabs to have an identifying plate is seen as being essential for not just enforcement but also for customers or any other individual to be able to report concerns regarding any particular pedicab or driver.

These comments are provided for your consideration. If you have any questions regarding this representation please contact Ken Fairgrieve on 0131 469 5431 or email [ken.fairgrieve@edinburgh.gov.uk](mailto:ken.fairgrieve@edinburgh.gov.uk).

**From:** Donald MacCallum

**Sent:** 03 May 2018 15:38

**Subject:** Pedicabs

As requested some of the incidents we have had in the past involving Pedicabs as follows:

Pedicab's found outside of the allocated area mainly, Dundee Street at the Casino area, Grove Street, Home Street and Bruntsfield Place top of the Meadows all with Passengers. We advise the passengers told not to pay the fare as out of their authorised area to trade. This is continually happening they have now resorted to cutting through Morrison Crescent on the footpath across the West Approach Road up to Dundee Street. Also cutting along the Canal at Fountainbridge to get near the Casino Dundee Street.

Parked up on Pedestrian crossings on White Zig Zag lines throughout the City mostly Grassmarket, West Port and George Street areas.

Parked up on Junctions causing a hazard to other road users and pedestrians, this is more prevalent during the Festival and the Edinburgh Military Tattoo. We have had numerous verbal complaints from Police Officers(PC Barbour) about them parking on Double yellow lines near to the junction of the High Street and George IV Bridge.

Parking pedicab on the pavement causing pedestrians to walk onto the road to pass them.

Ranking up in the Grassmarket up ten or more pedicabs, they have been asked to stay to the left hand side nearer the central area. Seen riding across the pedestrian crossing and entering the Grassmarket through the King Stables Road Exit and riding against the one way system towards the top. Parking their pedicab on the pavement near to the bars causing obstruction to pedestrians. Parking pedicabs at the entrance of the Grassmarket causing an obstruction.

Parking directly outside The Three Sisters entrance, causing an obstruction to the door staff and the public entering and exiting. We have had occasions to tell them to move to make way for Police and Ambulances trying to access the entrance.

On a few occasions telling them to move as they were obstructing emergency vehicles i.e.: Fire and Rescue in the Cowgate

Cycling through the No Entry in the Cowgate after 22.00 hours most nights mainly weekends. (lights on the No Entry signs not working correctly) claiming that they can because they are cyclists.

Cycling in pedestrian zones during restricted periods: Grassmarket, High Street and Rose Street, also riding in the opposite direction on one way street towards traffic mainly Rose Street and Grassmarket.

Not having adequate lighting on their pedicabs, have stopped some with no lights on at all. Also batteries going flat or lights not working at all.

None displaying their permits at all, yet to see any riders wearing one as they seem to keep them in their pedicab. (Thought this was part of their conditions.)

Many riders stating that they are cyclist's and not a vehicle and thinking the rules do not apply to them.

Had a few riders who have not had their permits on them and no cover letters either, the occasional one that refuses to show his permit but these are reported as soon as we can.

Illegal manoeuvres going through Red lights and u turns endangering themselves and road users.

We have overheard some conversations around the fares they charge, telling customers they can take them to the cash machines if they do not have enough cash on them,

Most serious incidents are reported to Ken Fairgrieve when we can for enforcement action, we are continually telling them to move from certain areas only for them to return as soon as we leave the area.

Hope this helps,

Kind Regards,

Donald

**Donald MacCallum | Senior Environmental Warden | Night Environmental Wardens | South East Locality | PLACE**

We had a few issues with Pedicabs on Friday night 22<sup>nd</sup> June into Saturday

At 23.35 in the Grassmarket near to Sneaky Petes I stopped a Pedicab due to not having a front light. There was 2 passengers in the pedicab both extremely drunk. I asked the pedicab rider for permit and he told me that he did not have his permit with him. I contacted the police via radio as the rider could not provide a permit and the police arrived and charged the male under section 7 of the Civic Government Scotland act. The rider's details are as follows. [REDACTED]. The rider states that he holds a permit but left it at home. This could not be verified at the time.

Second incident

2 pedicabs coming from West port to the direction of the Grassmarket both carrying 2 passengers each and they looked to be racing each other weaving in and out and also overtaking another pedicab at an unsafe speed . The passengers in the pedicabs were shouting and egging the riders on. We may have footage of this on the cctv camera. This was approximately 01.05 on 23<sup>rd</sup> June. I managed to stop the rider's ad take their details ad also told them I would be providing details to licensing. The first riders details are as follows [REDACTED] who had a permit and the second rider [REDACTED] ( did not have his permit but one of his colleagues brought him his permit after a few minutes).

I feel that the second incident was of a dangerous nature and somebody could have been badly hurt because of riding like this.

Should you need any further information please do not hesitate to contact me regarding this.

Kind regards

Ricky Barclay

**Ricky Barclay, Senior Environmental Warden, Environmental Wardens Specialist Night Team, Place, 329 High Street, Edinburgh EH1 1PN**

## 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.

## 2. Conditions relating to fitness of Pedicabs

- 2.1 The pedicab, a non-motorised type of pedal cycle, will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
- 2.2 The Pedicab shall comply with Pedal, Cycle (Construction and Use) Regulations 1983 7 2015, the Road Vehicles Lighting Regulations 1989 and any other legislation which affects the construction/lighting of the Pedicab / Pedal cycle.
- 2.3 The pedicab and all their fittings will be subject to a yearly inspection 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.
- 2.4 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.
- 2.5 The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors.
- 2.6 The handlebars when turned to full lock will not affect the stability of the pedicab when turning.
- 2.7 There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror will also be permitted.
- 2.8 The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility markings.
- 2.9 Every pedicab licensed by the authority shall be fitted with 3 point seatbelts or lap belts which will be adequate to retain the passenger in the pedicab and must bear an EC or BSI mark.
- 2.10 Tyres must comply with the following requirements:-
  - a) tread pattern clearly visible over the whole tread area;
  - b) properly inflated;
  - c) no exposed cords; and
  - d) the load ratings of all tyres must be suitable for a pedicab when fully loaded
- 2.11 Any canopy or roof, when fitted to the pedicab must remain in a fixed position, achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered, when conveying passengers.
- 2.12 The pedicab must be fitted with adequate guards or other fittings so as to prevent loose garments or other material being caught in the pedicabs chain, spokes or

other moving parts. No alterations shall be made to the pedicab without the prior approval of the Licensing Authority.

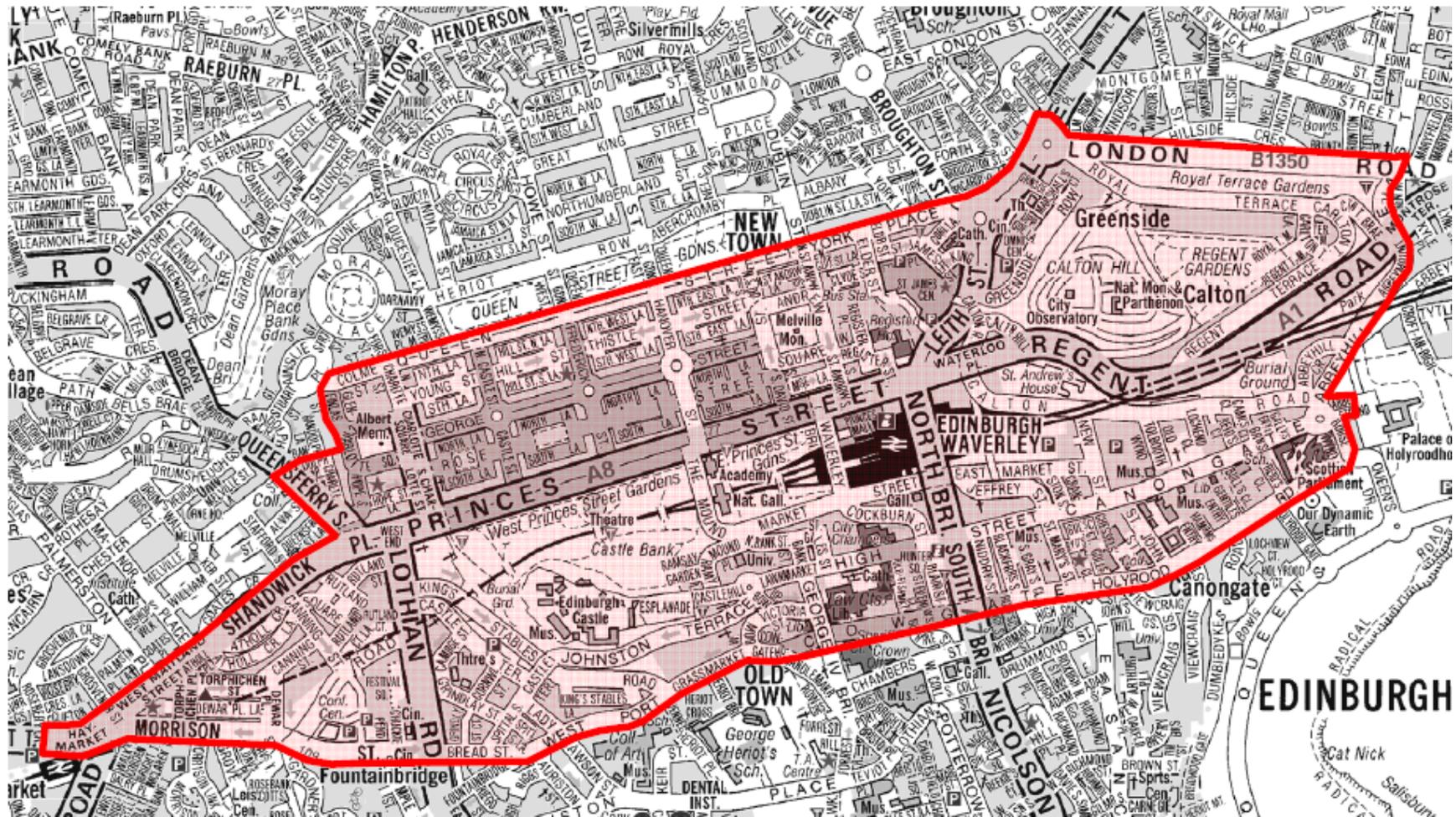
- 2.13 All pedicab shall be required to be fitted with an audible warning instrument i.e. bell.
- 2.14 The drivers' controls and the surrounding area of the controls must be so designed that the driver has adequate room. The driver must be able to easily reach and quickly operate the controls and give hand signals when required.
- 2.15 The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire resistant material to BS 5852 Part 1, 1979 or equivalent.
- 2.16 Each pedicab shall be licensed to carry a driver and no more than 3 passengers at any one time.
- 2.17 The position of the drivers' seat must not be such that it restricts access or egress to the passenger compartment.
- 2.18 Each pedicab shall be fitted with an identification plate supplied by the Licensing Authority, any plate or other identification which has been issued by the City of Edinburgh Council shall be clearly displayed on the front and rear of the pedicab at all times so that it may be easily visible to members of the public.
- 2.19 The licence plates remain the property of the City of Edinburgh Council at all times and must be returned to the City of Edinburgh Council as and when required by these conditions.

### **3. Conditions for Pedicab drivers**

- 3.1 The licence holder shall not be less than 18 years of age.
- 3.2 The licence holder will only operate within the area detailed in the attached map.
- 3.3 The licence holder shall not use, or permit the use of, the pedicab in any pedestrianised area as set out in the City of Edinburgh Council's policy on pedicabs from time to time or use any footways other than those that form part of a designated cycle way.
- 3.4 The licence holder shall at all times when trading wear the identity card which is issued with the licence. In addition the licence must be displayed on the pedicab in a position approved by the City of Edinburgh Council, so that they may be read by any passenger, police or authorised officers of the City of Edinburgh Council
- 3.5 The licence holder shall not lend to or allow any other person to use any licence or identity card issued by the City of Edinburgh Council.
- 3.6 The licence holder shall carry on business subject to any direction which the police or authorised officers of the City of Edinburgh Council may reasonably be required to give.
- 3.7 The licence holder shall ensure that the pedicab is properly maintained and complies with all relevant road traffic legislation including the Pedal Cycles (Construction and Use) Regulations 1983 & 2015 and the Road Vehicles Lighting Regulations 1989.
- 3.8 The licence holder shall ensure that, while the pedicab is in use, any plate or other identification which has been issued by the City of Edinburgh Council shall be clearly displayed on the front and rear of the pedicab at all times so that it may be easily visible to members of the public.
- 3.9 The licence holder shall on each occasion prior to commencing their shift ensure that all bodywork, upholstery and fittings is roadworthy, safe and serviceable.
- 3.10. The licence holder shall not carry more than three passengers at any one time, who must be safely restrained at all times while in the pedicab.
- 3.11 All children must occupy a seat and no person under the age of 16 shall ride unaccompanied without an adult.
- 3.12 Fares will be agreed with any passengers at the commencement of the journey and the licence holder will not charge or demand more monies at the end of that journey than the fare previously agreed upon at the start of the hire.
- 3.13 A receipt book must be carried by each driver to permit a receipt to be produced on request of any paying passenger'.

- 3.14 The licence holder should comply with the National and Local legislation and the Highway Code relating to the use of the Pedicab on the road, i.e. traffic signals, no entry signs and one way streets.
- 3.15 The licence holder shall only use the audible warning instrument (i.e. bell) to let other road users know they are there when necessary and for no other purpose. i.e. it shall not be used to attract potential customers.
- 3.16 The licence holder shall not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.
- 3.17 The licence holder and pedicab shall not stand or loiter in any street for the purposes of attract potential customers.
- 3.18 The licence holder shall not engage in any anti-social behaviour or race other Pedicabs or road users i.e. endangering themselves passengers or other road users.
- 3.19 The licence holder must inform the City of Edinburgh Council of any change of address prior to the change, where possible, but in any event no more than 7 (seven) days after that change.
- 3.20 The City of Edinburgh Council must be informed immediately should the pedicab plate be broken, lost or defaced. On no account must the pedicab operate without a pedicab plate being displayed.
- 3.21 The licence holder shall hold a valid Public Liability insurance policy to the value of £5 million and the certificate of insurance will and available for inspection by any authorised officer of the City of Edinburgh Council at any time during trading hours and at any other reasonable time.
- 3.22 Any Authorised Officer of the City of Edinburgh or Police Constable shall be permitted to inspect any vehicle, at any time and all reasonable directions and requirements of such officers or of the City of Edinburgh Council must be complied with.

## Appendix 7 - Map of existing Pedicab trading area



Appendix 8 - Map showing the proposed extension to existing Pedicab trading area.

