

Department for
Transport

**Licensing Motorcycles as
Private Hire Vehicles**

**A guidance note from the
Department for Transport**

July 2012

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1. The Department for Transport recognises that questions about whether and how to license motorcycles as private hire vehicles (PHVs) have implications nationally. We are therefore publishing guidance to assist licensing authorities who are considering this issue.
2. In drawing up the guidance, we recognise that there is a balance to be struck between the flexibility provided by motorcycle PHVs and the safety risks associated with these vehicles.
3. The Department is also mindful of the important judgment in the case of *Leeds City Council v Chauffeur Bikes Ltd* – mentioned below.
4. Leaving aside the Leeds judgment for the moment, the Department's starting point is to take account of the main thrust of the taxi/PHV Best Practice Guidance which urges licensing authorities to accept for licensing as wide a range of vehicles as possible and to ensure that any constraints or restrictions are in place for a very good reason.
5. The Department would want to be convinced that there was strong evidence and compelling reasons if we were to provide guidance which advised licensing authorities not to accept motorcycles as PHVs. After all, such guidance, if accepted by licensing authorities, would mean putting a number of established operators out of business.
6. We do not consider that there is a compelling case for ruling out motorcycles as PHVs on safety grounds.
7. It is in the nature of this sort of niche market that passengers will weigh up the risks involved and act accordingly. Many people would never choose to use motorcycle PHVs because of the risks they perceive whereas others regard riding pillion as a convenient and practical form of transport.
8. The Department's key point is that the risks associated with riding as a pillion passenger on a motorcycle are not sufficiently high as to provide guidance which rules them out of the licensing system altogether.
9. However, there is an important High Court judgment on this issue – *Leeds City Council v Chauffeur Bikes Ltd*¹ – which we must mention in this regard and which local licensing authorities should consider before determining a local policy on whether or not to license motorcycles as PHVs.
10. The High Court held that a motorcycle could be in a safe condition for a motorcycle but it could still, for safety reasons, be judged to be unsuitable in

¹ *Chauffeur Bikes Ltd v Leeds City Council* [2006] R.T.R. 7

type, size or design for use as a private hire vehicle. On that basis, the Court decided that the motorcycle in question could rightly be held to be unsuitable and unsafe for private hire use.

11. The Department forms the opinion that this case does not automatically rule out the licensing of motorcycles as PHVs. Whilst licensing authorities clearly must follow the principles established by the High Court in this judgment, we would urge them to consider applications in the light of their available powers to ensure adequate standards are met and the sorts of risks identified by the Court are mitigated.

12. The following sections outline the standards and conditions which the Department considers to represent Best Practice when licensing motorcycles as PHVs.

Applications – pre-requisites before granting a licence

A1 - Vehicles

(i) When assessing applications for a vehicle licence in respect of a motorcycle, licensing authorities should bear in mind that motorcycles must be approved for road use and comply with the Road Vehicles (Construction and Use) Regulations 1986 S.I. 1986 No 1078, as amended, and the Road Vehicles Lighting Regulations 1989 S.I. 1989 No 1796 as amended.

(ii) Licensing authorities should ensure that the vehicle is suitable for the role of carrying passengers. As with conventional cars presented for PHV licensing, the Department envisages that a range of motorcycles would be suitable for licensing. Larger more powerful motor-vehicles (e.g. over 750cc or equivalent) are more stable which is particularly useful when carrying pillion passengers. However, there may be occasions when the licensing authority judges that a lighter vehicle is appropriate. Licensing authorities should satisfy themselves that any vehicle presented to them would be capable of carrying a pillion passenger in reasonable safety and comfort.

(iii) Handrails and a seat back are features which might contribute to a more comfortable riding experience, but the Department recommends that these elements are best left to the discretion of vehicle owners who will want to decide on a commercial basis whether to incorporate them.

(iv) It is likely that passengers using motorcycle PHVs will have some luggage with them and the vehicle must be capable of storing this luggage. The passenger should never be expected to hold any luggage whilst riding pillion. Generally, motorcycles will have guidelines from the manufacturer about the amount of luggage which can be stored on the vehicle and licensing authorities will want to ensure that this is sufficiently reasonable for the likely demand.

(v) The motorcycle should have footrests suitable for pillion passengers. Standard footrests are likely to be suitable for the majority of passengers.

(vi) The vehicle must have hire and reward insurance. Additional fittings or modifications to the vehicle for its use as a PHV such as backrests, luggage racks, containers or driver information systems must be declared and must comply with motorcycle and components' manufacturers' recommendations for such additional equipment. The owner must declare that any modifications comply with the Construction and Use Regulations referred to in A1(i) above.

(vii) Anti-lock brakes (ABS) can reduce the stopping distance and improve stability during braking in wet weather. The Department recommends that ABS should be fitted to any motorcycles which are licensed as PHVs.

A2 - Riders

(i) When assessing applications for a driver licence from an individual who declares an intention to ride motorcycle PHVs, a licensing authority must, of course, ensure that they comply with the requirements in section 51 of the Local Government (Miscellaneous Provisions) Act 1976 or section 13 of the Private Hire Vehicles (London) Act 1998.

(ii) And, in order to be granted a licence, the applicant must hold a current valid full motorcycle driving licence issued by the DVLA, for the type of vehicle being used.

(iii) Motorcycle accident rates decrease steeply as riders become more experienced so, in addition to these requirements, it is crucial that a licensing authority satisfies itself that the applicant is suitably competent at, and experienced in, riding a motorcycle to an appropriate standard, including taking passengers and carrying luggage.

(iv) As regards competence, the Department recommends that applicants for a motorcycle PHV driver's licence should, as a minimum, have successfully completed the Institute of Advanced Motorist or The Royal Society for the Prevention of Accidents (RoSPA) advanced rider schemes or another course which is demonstrably equivalent or superior. Successful completion of one of these courses is a good indicator of an individual's ability to ride safely and competently in terms of awareness, anticipation, vehicle handling and general roadcraft.

(v) The question of experience is a more subjective one and a licensing authority will want to enquire about an applicant's practical experience of riding motorcycles and taking pillion passengers. The Department recommends that applicants should have at least five years' experience of riding motorcycles. In addition to any self-declaration, the Department recommends that any operator considering taking a motorcycle rider onto his or her circuit should undertake their own practical assessment of the rider, including taking pillion passengers. Of course, there may well be occasions

when the owner/rider is also the operator. The Department does not want to discourage this practice, but it is crucial that the licensing authority can satisfy itself as comprehensively as possible about the applicant's actual riding experience, particularly as regards taking pillion passengers.

(vi) The Department does not consider that an age limit should be imposed for riders, but it is likely that experience requirements combined with potential insurance limitations would effectively rule out young riders.

(vii) The Department's Best Practice Guidance in respect of wider taxi and PHV licensing suggests that licensing authorities should satisfy themselves about an applicant's ability to communicate with passengers in English. This requirement is all the more important with motorcycle PHV riders where a rider might have to communicate safety instructions to passengers.

C1 - Vehicle licences

(i) The vehicle should be operated in accordance with the manufacturer's specifications in all respects.

(ii) The Department recommends that licensing authorities should test motorcycle PHVs twice per year, as permitted in the legislation.

(iii) The display of the disc, and any permitted signage, must not interfere with the safety or operation of the vehicle.

(iv) The vehicle should not be loaded beyond the manufacturer's recommendations.

(v) If luggage is carried, it must be made secure so as not to affect the stability of the vehicle or the visibility of the driver. Purpose-built containers (panniers) are likely to be the most suitable means of carrying luggage.

(vi) Luggage must not be carried by a passenger (passengers need their hands free to secure themselves to the motorcycle).

(vii) The vehicle should be able to accelerate and maintain a road speed appropriate to the traffic conditions in which it operates.

C2 - Driver licences

(i) The driver and the passenger must comply with the requirement to wear a safety helmet. The helmet must properly fit the individual user and be securely fastened, or it will be less effective and possibly dangerous. Operators should have a selection of helmets and determine at the time of booking which size helmet the rider should bring with them.

(ii) Whilst there is no legislation on protective clothing, it is strongly recommended that appropriate protective clothing is worn. The driver should wear protective clothing to guard them in the event of an accident. They should also offer protective clothing to passengers. The Department recommends that riders should, as a minimum, offer passengers gloves, a jacket and trousers. The clothing offered to passengers should ideally be CE marked to indicate compliance with recognised safety standards. Guidance about protective clothing can be found at <http://think.direct.gov.uk/motorcycles.html>

(iii) Communication between the rider and the passenger is an essential component of a safe journey. Accordingly, the Department recommends that the driver and passenger should be linked through the safety helmets via a driver/pillion intercom system. The rider should instruct the passenger on how to use the system.

(iv) It should be borne in mind that some passengers might never have ridden on a motorcycle. The driver should, at the point of pick-up, determine whether a passenger is experienced on a motorcycle. If not, the driver should deliver a short and basic briefing to passengers before commencing a journey, instructing them how to react to driving conditions such as cornering etc, and reminding them that they are choosing to accept that there are some risks involved in travelling by motorcycle that do not arise when travelling in cars. The driver should also remind passengers that they need to co-operate with the driver to assist in keeping the vehicle stable, for example, on corners.

(v) The driver should refuse to carry any passenger who cannot be carried safely e.g. because they cannot be properly equipped with appropriate helmet and safety clothing, appear to be under the influence of alcohol or drugs, cannot reach the foot pegs or are not able to understand the safety instructions.

(vi) The driver should ride safely at all times giving due regard to the safety of his/her passenger environmental factors, traffic conditions and other road users.

C3 - Operator licences

(i) The operator's website (if any) should display an image of the PHV operator licence, and operators should provide a copy of the licence to passengers on request.

(ii) Operators should indicate how they propose to meet the requirement for drivers on their circuit to ensure that passengers have properly fitting and secured helmets and adequate protective clothing, including gloves, jackets and trousers.

(iii) Operators should advise passengers, at the time of booking, that they should wear sturdy boots which cover their ankles and they should alert the

hirer to maximum luggage dimensions and weights.

(iv) Operators should provide a written statement to the licensing authority setting out how they intend to assess any riders who want to join their operation.

(v) If helmets are to be shared between drivers or passengers, operators should indicate how they will ensure adequate hygiene and fitment between users. The Department recommends that operators should offer disposable helmet inserts/balaclavas for passengers to wear.

(vi) Operators must implement and ensure compliance with a health and safety policy.

(vii) Operators should ensure that suitable maintenance plans are in place for the motorcycles on their circuits and they should hold the service records for these vehicles.

(viii) If the pillion passenger cannot reach the footrests, travel should not be allowed to occur.

(ix) The Department considers that, due to the risks involved, and the fact that the rider is dependent on the passenger being sufficiently cooperative, operators should not accept bookings which involve carrying a passenger who is under 16 years of age.

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