



Council Report

For the Meeting of July 28, 2016

To: Council **Date:** July 21, 2016
From: Chris Coates, City Clerk
Subject: Pedicab Bylaw Amendments and Consultation Results

RECOMMENDATION

That Council give third reading to the attached Vehicles for Hire Bylaw Amendments.

EXECUTIVE SUMMARY

On June 23, 2016, Council gave two readings to the proposed Vehicle for Hire Bylaw, Amendment Bylaw (No. 16), attached as Appendix A.

As required in s. 59 of the *Community Charter*, Comments were solicited from the existing pedicab operator by email and to others through the City's website and social media, from July 4 – 18, 2016. 15 email responses were received, eleven not in favour of the proposed changes, three in favour and one unclear. One petition type submission was also submitted.

Council has directed the bylaw amendments contained in the proposed Vehicles for Hire Bylaw amendments. Consultation has indicated that while some respondents felt the increase in licences was unwarranted and potentially unsustainable, other respondents were looking forward to the possibility of operating their own pedicabs, the new business possibilities brought forward by new operators (e.g. serving different markets) and the potential improvements that could be observed if there were more competition. Council may wish to provide opportunities for additional pedicab operators, while preserving the current licences, by adopting the amendments to the Vehicles for Hire Bylaw.

PURPOSE

The purpose of this report is to provide Council with the results of the required consultation with businesses on the proposed changes to the pedicab regulations in the Vehicles for Hire Bylaw.

BACKGROUND

On May 26, 2016, Council passed the following motion:

1. Direct staff to bring forward amendments to the *Vehicles for Hire Bylaw* that would:
 - a) increase the total number of pedicab licences to 35,
 - b) limit the total number of pedicabs that a person can operate to 28,

- c) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - d) that the name of the company be clearly displayed on the pedicab, and
 - e) that the current licence holders can hold 28 pedicab licences, but the cap for any individual licence holder to hold or operate in the future would be 15 pedicab licences.
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

On June 23, 2016, Council gave two readings to the proposed Vehicle for Hire Bylaw, Amendment Bylaw (No. 16), attached as Appendix A.

As required in s. 59 of the *Community Charter*, Comments were solicited from the business community by email and through the City's website and social media, from July 4 - 18, 2016. Interested individuals were directed to the website where the proposed bylaw amendments were summarized and the bylaw amendments available for review. 15 Email responses were received. One petition type submission was submitted to the City prior to the review, however is included here in Appendix C due to its relevance to the proposed bylaw changes. One social media discussion is also included.

ISSUES & ANALYSIS

Consultation Results

The results of the consultation conducted from July 4-18, 2016 were as follows:

- 15 responses received
 - 11 not in favour of proposed changes
 - 3 in favour of proposed changes
 - 1 unclear position on proposed changes.

The overall concern shared by the responses not in favour of the proposed changes was the increase in the number of licences. Other concerns shared by all the respondents related to:

- The current management of 28 licences by one company,
- The strides done in recent years to increase performance standards and overall industry reputation,
- Potential other markets to serve, beyond cruise ship passengers,
- The demand and lack of demand, for additional pedicabs,
- Economic impacts to current drivers with an increase in operators,
- Impacts to customers with an increase in operators (e.g. competitive tactics), and
- Concern with the process of allocating licences by lottery and limiting the number of licences (cap).

The responses are included in their entirety in Appendix B.

A petition in the form of a 'Pedicab Operators' Statement' was provided to the City in early June. The petition was signed by pedicab operators (drivers) and expressed their concerns about the sustainability of the increase in licences and highlighted the importance of the practices of the current operators in giving the industry its positive reputation. The statement is included as Appendix C.

The City promoted the opportunity to provide comments on social media, and some discussion was generated. That discussion is included in Appendix D, and consists largely of discussion over the number of licences and the expertise of the pedicab operators as tour guides.

Some concern was expressed over the bylaw amendments that allow the current ownership and management relationship in place with Victoria Pedicab Company to continue, in what some consider a 'monopoly' arrangement. The current management agreement, where ownership is held by two separate companies and that the operations of the pedicabs by the one individual, are conducted consistent with current bylaw requirements.

Map

Some comments were received related to the map that limits the operating area for pedicabs. The map has not been updated in many years, and does not necessarily reflect current best practices. Transportation staff have provided initial input that the map may be revisited. If Council directs it, a revised map can be brought forward for adoption into the bylaw prior to the start of the 2017 summer pedicab season.

Lottery Process

Given that the bylaw amendments, if given third reading at the July 28 Council meeting, would not be considered for adoption until the next Council meeting on August 25, the lottery process will not be conducted until sometime later and from a practical perspective giving the timing, for the 2017 License year. The process would be broadly as follows:

1. Advertise the opportunity to apply for the additional licences
2. All application names are transferred into a randomized excel spreadsheet and assigned a randomized number
3. A number is drawn at random, and that applicant contacted
4. The applicant has 24 hours to respond to the opportunity to
5. The applicant may select one of the two groups of six licences or one of the six individual licences
6. The applicant's name is NOT removed from contention unless they have more than 15 licences
7. Steps 3-6 repeated until all 18 licences are allocated or no more applicants are left.

OPTIONS & IMPACTS

1. Give the bylaw third reading (***Recommended***)

Council has directed the bylaw amendments contained in the proposed Vehicles for Hire Bylaw amendment, attached. Consultation has indicated that while some respondents felt the increase in licences was unwarranted and potentially unsustainable, other respondents were looking forward to the possibility of operating their own pedicabs, the new business possibilities brought forward by new operators (e.g. serving different markets) and the potential improvements that could be observed if there were more competition. Council can allow more opportunity for additional pedicab operators by adopting the amendments.

2. Direct staff to conduct further work

The delay in the adoption of these bylaws and the lottery allocation process will result in the licences being available after the summer 2016 pedicab season. Given the delay, Council may wish to direct

further work be done to the bylaw, for example related to the map of operation and the removal of the licence cap.

CONCLUSIONS

The consultation conducted on the proposed pedicab bylaw amendments indicate that the majority of respondents felt that the increase in the number of pedicab licences was too great. Council has previously indicated a desire to increase the number of pedicabs, and as such may wish to consider giving third reading to the proposed Bylaw.

Respectfully submitted,



Emilie Gorman
Policy Analyst



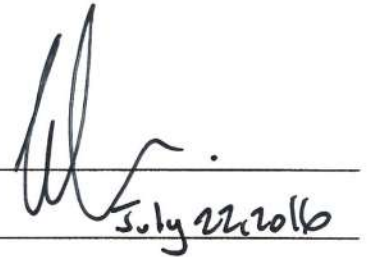
Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: _____


July 22, 2016

List of Attachments

- Appendix A: Proposed Vehicles for Hire Bylaw, Amendment Bylaw (No.16)
- Appendix B: Pedicab Consultation Submissions
- Appendix C: Pedicab Operators' Statement
- Appendix D: Pedicab Facebook Discussion