

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 16th January 2008

COUNCILLORS PRESENT: The Vice-Chair (Councillor Sareva), Councillors Brundin, Clarkson, Keen, Royce, Williams and Young.

Councillors McManners and Sinclair attended as substitutes for Councillors Turner and Cook respectively.

OFFICERS PRESENT: Andrew Davies, William Reed and Daniel Smith (Legal and Democratic Services Business Unit), Phil Pirouet (Transport and Parking Business Unit) and Kevin Keating (Environmental Health Business Unit).

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from the Chair (Councillor Turner) and from Councillor Cook. Councillors McManners and Sinclair attended as their respective substitutes.

22. DECLARATIONS OF INTEREST

Councillor McManners declared a personal interest in the subject of Minute 31 (MEDICAL REPORTS) as a general practitioner.

23. MINUTES

Resolved that the minutes of the Committee's meeting held on 12th September 2007 be confirmed as a correct record.

24. STREET TRADING ENFORCEMENT SERVICE

The Head of Environmental Health submitted a report (previously circulated and now appended). The Head of Legal and Democratic Services submitted a minute extract (also previously circulated and now appended) of the Central South and West Area Committee that had considered the report on 11th December 2007.

Resolved:-

- (1) Not at this stage to agree to an increase in the number of street trading sites;

- (2) That the street trading fee be increased by £1,965 so that the total fee per year was £6,105, that the fee be varied each year in line with inflation, and that the income from street trading fees be used to fund street trading enforcement, it being noted that the increase now agreed would enable enforcement to be carried out on every day of the week;
- (3) Not to support a move towards an alternative method of allocating consent sites, it being noted that the Central South and West Area Committee had itself rejected allocation of consent sites by way of an annual draw but had asked that proposals be submitted for an amended street trading scheme which would allow the allocation of street trading sites on the basis of potential traders submitting competitive tenders;
- (4) to support the obtaining of a local Act of Parliament to strengthen the Council's powers in relation to unlawful street trading.

25. HOT FOOD TRADING SITES – CONSULTATION OUTCOME ON ADDITIONAL TRADING HOURS

The Head of Environmental Health submitted a report (previously circulated and now appended).

Resolved:-

- (1) that for a trial period of six months commencing on 1st February 2008 evening street trading by hot food street traders be extended to 4.00 am on Friday and Saturday nights, it being noted that the Committee had already agreed to increase the cost of the street trading fee by £300 per year for hot food street traders whose licences were extended to 4.00 am;
- (2) that appropriate enforcement action should be taken against street traders who continued to trade outside the hours provided for in their street trading consents.

26. RICKSHAW AND TAXI LICENSING SCRUTINY REVIEW

The Head of Legal and Democratic Services submitted a report (previously circulated and now appended) on behalf of the Rickshaw and Taxi Licensing Group. He also submitted a minute extract (previously circulated and now appended) of the Environment Scrutiny Committee of 12th November 2007 that had considered the report, and a supplementary report (previously circulated and now appended) of the Head of Legal and Democratic Services that had been asked for by the Environment Scrutiny Committee.

Resolved:-

(1) On rickshaw licensing:-

- (a) to note that there was not an appropriate licensing system for rickshaws even if the Council decided to abandon quantity control of hackney carriage vehicle licences;
- (b) that the Committee place on record its support for the provision of rickshaw services in Oxford;
- (c) that the Council should lobby the Government and the Council's two MPs to introduce a national scheme (by way of new legislation or otherwise) for licensing rickshaws, and to ask the Head of Legal and Democratic Services to make representations in this regard;
- (d) that the Council should introduce a voluntary Code of Practice for rickshaw drivers and operators, and:-
 - (i) to ask the Transport and Parking Business Manager, in consultation with the Head of Legal and Democratic Services, to draw up Codes of Conduct for rickshaw drivers and rickshaw operators based upon the London codes set out in Appendices 4 and 5 of the Review Group's report;
 - (ii) that rickshaws should have a bell or some other suitable means fitted whereby an audible warning of approach could be given to other road users;
 - (iii) that rickshaw drivers should be expected to pass the level 3 cycle proficiency test before driving a rickshaw in Oxford;
 - (iv) that officers should consider how further to assist rickshaw drivers and operators that undertook to abide by the Codes of Practice (perhaps along the lines set out in paragraph 5.9 of the Review Group's report) and what the Council might do if rickshaw drivers and operators did not comply with or sign up to the Codes of Practice;

(2) On hackney carriage licensing:-

- (a) to note that the Council's Policy Framework included the maintenance of quantity control on numbers of hackney carriage vehicle licences and that only Council could vary the Policy Framework;
- (b) to note that on 4th January 2007 the Committee had:-

- (i) considered a report of independent consultants upon demand for the services of hackney carriages in Oxford;
 - (ii) noted that the consultants had sought the views of, among others, members of the public;
 - (iii) noted that the consultants survey had concluded that demand for the services of hackney carriages in Oxford would be met if one further hackney carriage vehicle licence was issued;
 - (iv) decided to issue one additional hackney carriage vehicle licence in order to meet the then current unmet demand;
 - (v) decided that in line with Government guidance a further survey into unmet demand would be carried out during 2009;
- (c) that the Council should not consult stakeholders and members of the public on hackney carriage vehicle licence number restrictions;
 - (d) not to reach a decision at this stage on Recommendations 4. and 5. of the Review Group;
- (3) To note that the Environment Scrutiny Committee intended to present the Review Group's report to Council.

27. SUSPENSION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES – DELEGATED POWERS

The Transport and Parking Business Manager submitted a report (previously circulated and now appended).

Resolved to approve the alteration to the Hackney Carriages and Private Hire Licensing Sub Committee's powers and duties as set out in the Appendix to the report (noting that the Monitoring Officer would change the Constitution to follow the law as he was empowered to do by Constitution Procedure Rule 2.5) allowing the Transport and Parking Business Manager to exercise the power under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend (but not to revoke) the licence of a hackney carriage or private hire driver with immediate effect in cases where he considered that immediate suspension was required in the interests of public safety.

28. PRIVATE HIRE VEHICLE CRITERIA – TINTED WINDOWS – ALTERATION TO CRITERIA

The Transport and Parking Business Manager submitted a report (previously circulated and now appended).

Resolved to vary the private hire vehicle criteria in order to enable to Transport and Parking Business Manager, at his discretion, to approve the exemption of certain vehicles from the requirements of the criteria in respect of the light transmission of any window.

29. EUROPEAN ECONOMIC ALLIANCE DRIVERS

The Transport and Parking Business Manager submitted a report (previously circulated and now appended).

Resolved to amend the conditions concerning new applicants for hackney carriage and private hire drivers licences to allow the proper assessment of applicants holding European Economic Alliance drivers licences so that Committee's criteria were as contained in Appendix 2 to the report.

30. HACKNEY CARRIAGE FARES – INCREASE APPLICATION

The Transport and Parking Business Manager submitted a report (previously circulated and now appended).

Resolved:-

- (1) To authorise the Head of Legal and Democratic Services to consult upon the variation to the existing hackney carriage tariff as set out in the table appended to the report;
- (2) Depending upon the outcome of the consultation, that the hackney carriage tariff variations be implemented.

31. MEDICAL REPORTS

The Transport and Parking Business Manager submitted a report (previously circulated and now appended).

Resolved to approve an amendment to the Council's conditions relating to the medical examination of applicants for private hire and Hackney carriage drivers licences in the manner described in the report.

32. DATE OF NEXT MEETING

Resolved to note that the next meeting of the Committee would be held on 15th May 2008 for the principal purpose of re-appointing the Committee's Sub-Committee for the 2008/09 Council Year.

The meeting commenced at approximately 10.00 am and closed at 11.50 am.