

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 28th October 2008

COUNCILLORS PRESENT: The Chair (Councillor Sareva), Councillors Christian, Cook (Vice Chair), Goddard, Keen, Lygo and Williams.

Councillor Turner substituted for Councillor Humberstone.

OFFICERS PRESENT: Lois Stock and Daniel Smith (Legal and Democratic Services), Jill Cramer and Phil Pirouet (Taxi Licensing)

ALSO IN ATTENDANCE: Alan Woodward (City of Oxford Licensed Taxi association – COLTA)

16. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Humberstone (Councillor Turner substituted).

17. DECLARATIONS OF INTEREST

None made.

18. MINUTES

Resolved to confirm as a correct record the minutes of the General Purposes Licensing Committee held on 3rd June 2008.

19. VEHICLE LICENSING SCRUTINY REVIEW

(a) Transfer of Vehicle Licences

The Head of Legal and Democratic Services submitted a report (previously circulated, now appended). Daniel Smith (Legal) presented this report to the Committee. He advised the Committee that the right to transfer a taxi licence was enshrined in legislation and that it would be unlawful to oppose it.

Resolved:-

(1) To note the Council resolutions of 30th June 2008;

(2) To note the legal advice concerning the transfer of hackney carriage vehicle licences;

- (3) Not to place any restriction on the transfer of hackney carriage vehicle licences.

(b) Eligibility of new applicants

The Head of Legal and Democratic Services submitted a report (previously circulated, now appended). Daniel Smith (Legal) presented the report to the Committee. He advised that a blanket, indefinite ban on the eligibility of new applicants was disproportionate and might be unlawful, but a limited restriction on eligibility for new hackney carriage vehicle licences would be possible. He suggested a restriction for 5 years, and reminded the Committee of the following points:-

- A limit on licence numbers in Oxford already existed;
- Previous experience of holding a hackney vehicle licence could be good evidence of an applicant's suitability to hold such a licence;
- Any restriction imposed should not be absolute, but should be worded in such a way as to allow the Council to take special circumstances into account.

Phil Pirouet (Taxi Licensing) reminded the Committee that a condition that anyone who had sold a licence in the previous 10 years was not eligible for entry into the draw was imposed when the last draw for a taxi licence was held, and this could continue, or be replaced by a new condition if desired. There had been 75 applicants for the last draw, and these had been limited by conditions that had been determined by the Committee. Councillor Goddard thought that the 10 year rule should be retained for either the sale or the transfer of a licence. Phil Pirouet pointed out that a transfer normally took place within a family, whereas the sale of a licence was usually outside the family group.

Resolved:-

- (1) To note the Council resolutions of 30th June 2008;
- (2) To note the legal advice concerning the possible restriction on eligibility for new hackney carriage vehicle licences;
- (3) That applicants who had previously held a hackney carriage licence but sold, surrendered or transferred it within the previous 10 years would not normally be eligible for the grant of a new licence.

(c) Hackney Carriage Demand Survey

The Head of Environmental Development submitted a report (previously circulated, now appended). Phil Pirouet presented this report to the Committee.

In answer to a question, Phil Pirouet indicated that the cost of installing CCTV, as a measure to increase driver safety, would be around £450 per vehicle. This was a separate issue to that of the unmet demand survey. Councillor Turner

agreed, and suggested that the issue of unmet demand be considered apart from the other issues, which should be the subjects of separate officer reports for a future meeting.

Resolved:-

(1) To note:-

- (a) The Council resolutions of 30th June 2008;
- (b) That all hackney carriages currently licensed are wheelchair accessible;
- (c) That officers already had in hand measures to improve the emissions from vehicles;
- (d) That officers were of the opinion that a hackney carriage unmet needs survey was not the correct route to obtain information on taxi marshals;

(2) To commission a hackney carriage demand survey, to be paid for using the current method, but to increase future taxi licence fees in order to pay for future surveys;

(3) To ask the officers to produce a report covering all the other issues for consideration at a future meeting of this Committee.

20. GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS AND CONDITIONS

The Head of Environmental Development submitted a report (previously circulated, now appended). Phil Pirouet presented this report to the Committee, and outlined the proposals contained within it.

Councillor Goddard felt that it was reasonable to expect all taxi drivers to have an adequate command of the English language, and that all drivers, not just new applicants, should be required to take and pass this test. Jill Cramer (Taxi Licensing) explained that she administered an English Language test along the lines previously agreed by the Committee, but that her section did not have either the staff or the resources to administer it to over 700 licensed drivers in Oxford.

Councillor Williams suggested that the Council investigated the use of the International English Language Test (IELT). This was a standard, internationally recognised test. It should be introduced for all new applicants as it was not reasonable or practical to introduce it retrospectively.

Resolved to:-

- (1) Change the Guidelines Relating to the Relevance of Convictions to read as follows:-

Drivers already licensed who are convicted of any single offence which results in a penalty of five or more points, or acquires nine or more penalty points may be interviewed and may be referred to the Licensing Committee; who can require the licence holder to take and pass the appropriate Driving Standards Agency driving test within two months of the receipt of the notification of the requirement from the Hackney Carriages and Private Hire Licensing Sub-Committee. Such a test to be at the driver's own expense.

Any driver who fails to take the test when requested or fails to pass it may be referred back to the Sub Committee which retains the power revoke or suspend the licence.

- (2) Add the following to the licensing conditions:-

Following a complaint or other licensing matter, or for any other reasonable cause, when in the opinion of the Head of Environmental development the inadequate standard of English, written or spoken, of the licence holder has been a cause or factor, the Head of Environmental Development may require that the licence holder takes and passes the standard English Test for initial applicants. Failure to pass the test may result in the licence holder being referred to the Hackney carriage and Private Hire Licensing Sub Committee.

- (3) Ask officers to investigate the most appropriate ways of testing the English language skills of applicants and to agree the method to be used with the Chair and Vice Chair of the Committee;
- (4) Confirm that the English Language test would be used for new applicants, and anyone referred to in resolution (2) above.

21. HACKNEY CARRIAGE TARIFF – APPLICATION FOR INCREASE

The Head of Environmental Development submitted a report (previously circulated, now appended). Phil Pirouet presented the report to the Committee and drew its attention to the proposals contained within it.

Resolved to agree:-

- (1) The Hackney Carriage Tariffs as outlined in Appendix 2 of the report;

- (2) That officers be asked, should the cost of diesel increase to £1.50 per litre, to convene a meeting of the General Purposes Licensing Committee in order to determine if a review of Hackney Carriage Tariffs was necessary;
- (3) Authorise the Head of Environmental Development (Taxi Licensing) to carry out the statutory process of consultation needed to vary Hackney Carriage fares.

22. METER SEALING FOLLOWING FARES INCREASES

The Head of Environmental Development submitted a report (previously circulated, now appended). Phil Pirouet presented the report to the Committee and drew its attention to the proposals contained within it.

Resolved that, in order to keep fees as low as possible, the cost of only one re-calibration and re-sealing per licensed vehicle in any 12 month period resulting from an increase in fares shall be included in the cost of the vehicle licence.

23. APPOINTMENT OF A NEW HACKNEY CARRIAGE RANK

The Head of Environmental Development submitted a report (previously circulated, now appended). Phil Pirouet presented the report to the Committee.

Resolved that, subject to consultation, a stand for two hackney carriages be appointed on the south side of Between Towns Road, Oxford, from a point 10.9 metres to the south of the east corner of 51 Between Towns Road, westwards for a distance of 12 metres.

24. DATE OF NEXT MEETINGS

Resolved to note the following dates:-

3rd February 2009
14th May 2009

The meeting started at 5.20pm and finished at 6.25pm