

To: General Purposes Licensing Committee

Date: 13th October 2010 Item

Report of: Head of Environmental Development

Title of Report: Request to Licence a Horse Drawn Carriage

Summary and Recommendations

Purpose of report: To consider a request to licence a horse drawn carriage as an Omnibus

Report Approved by:

Finance: (Verbal Report at Meeting)

Legal: Daniel Smith

Policy Framework: Improve the local environment, economy and quality of life

Recommendation(s):

i) to determine whether consideration be given to the licensing of horse drawn carriage omnibuses, and

Subject to this decision :-

i) to request that the Head of Environmental Development submit a further report to the General Purposes Licensing Committee to give further consideration to the licensing of horse drawn carriage omnibuses

Background

1. A request has been received to operate a horse drawn carriage to provide rides/tours on a fixed route in Oxford. The company is Kevin Merry Carriages and they have written a detailed proposal which is **Appendix One**. There are a number of issues the Committee need to consider when deciding if they want to licence such a vehicle.

Legal Considerations

2. The Town Police Clauses Act 1847 allows a local authority to licence vehicles as a Hackney Carriage, section 37 of that Act and section 16 of the Transport Act 1985 allows an authority to limit the number of licenses it issues. This authority currently licence 107 hackney carriages.
3. If the committee are minded to licence horse drawn vehicles it is possible for the Council to licence them as Omnibuses under the provisions of the Town Police Clauses Act 1899 and to make bye laws under section 6 of the same act to regulate their operation. Under the Road Traffic Act 1930 these provisions remain in force for non-motorised vehicles. A horse drawn vehicle could be licensed as an omnibus to operate on a fixed route. Kevin Merry Carriages have provided two possible routes at **Appendix Two**.
4. Before a licence could be granted any route would have to be investigated further in consultation with the County Council and the police as well as keeping the welfare of the horses in mind.

Financial Considerations

5. The bye laws which would be needed to cover the operation would have to cover the welfare of the animals, including a veterinary certificate, the provision of a suitably qualified driver and an attendant in addition to the usual safety and disciplinary rules. In 2000 a similar request was made and officers spent a considerable time in drawing up the relevant bye laws but as the 'application' did not continue the bye laws were not adopted.
6. To adopt a bye law Law & Governance estimates that the cost in officer's time could be as much as £7,000 plus the cost of actually adopting the bye law, which would be several thousand pounds more. The Committee should be aware that as there is currently no budget in place for officers time and legal costs that will be incurred to licence a Horse Drawn Carriage. There is no budget available for this scheme. A bid for a budget would have to be put forward, or the Committee may decide that the company who have made the request would have to pay for any costs incurred to have the bye laws put in place. Any bye laws that may be put in place would not be exclusively for one operator. Though the number of licenses granted would have to be governed by the horse stand space available, which has to be agreed by the County Council.
7. When a location stand has been agreed after consultation with the County Council a bye law will need to be made to establish the stand. This will incur further cost which will have to be budgeted for (this is in addition to the cost of adopting the bye law for the vehicle to be licensed as a Omnibus).
8. If the Committee wish to proceed with licensing a horse drawn carriage then the fees must also be considered. A licence would have to be in place for the carriage, driver and possibly for the attendant. Any fees

should be in line with other licensing functions in that it should be self financing. The cost of drawing up the bye laws must also be considered.

9. When setting the fee the Committee must consider if the full cost should be paid for by the first licence fee or over a number of years. If it is decided to recover the costs over a number of years the Committee should bear in mind that after 1 year the business may fail and the full costs will not be recovered. If it is decided that the full cost should be recovered in the first year this could make the fee too high to make a business viable.

Further Considerations

10. It will be necessary to agree locations for the carriage to pick up and set down passengers and the route the carriage would take. Officers would have to consult with the County Council on any location of a pickup/drop off point. At the moment Broad Street would seem the most logical road to use as there is no through traffic, it is a wide road that could accommodate the carriage and the stand could be close to the Tourist Information Centre.
11. A slow moving horse drawn carriage has the potential to cause congestion if used regularly on Higher speed main traffic routes. This will need to be taken into account when agreeing a route.
12. As well as the safety of the public, the welfare of the horse is of paramount importance and it will be necessary to construct bye-laws which will provide adequate safeguards. The Public Health team leader in Environmental Development has been consulted on the proposals that are at appendix one and considered that the welfare provision for the horses appear very good. Before a licence was issued an officer would then check where the horses are boarded when not working and insure that the provisions are of an adequate standard.

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Appendix One :- Kevin Merry Carriages written proposal
Appendix Two :- Proposed Routes
Version number: 1

Appendix One

Proposal to: Oxford City Council

On behalf of: Kevin Merry Carriages

Date: 25th May 2010

Introduction:

We are seeking permission from the City Council members to allow us to trade in the city centre. Our business is Kevin Merry Carriages, we have been running a successful horse and carriage business for over 10 years, during which time we have provided a range of carriages for hundreds of weddings, funerals, country rides and summer balls.

We have seen across many beautiful cities of the world that carriage rides offer the tourist a novel and pleasurable way to see the city's sights in style. We believe that there is the opportunity in Oxford to provide our tourists and members of the public with a similar, stylish, environmentally friendly Oxford experience. Particularly because, in days gone by, travel by carriage was a very popular mode of transport, we feel that this will help Oxford's tourists "connect" with the city's rich history.

Health & Safety

We recognise that having large animals in a city centre with many pedestrians, will inevitably lead to health & safety concerns. Friesian horses are, by nature, compliant creatures and have been bred for over 300 years specifically to pull carriages. Kevin's horses have been under his guidance and instruction for many years. He has over 30 years experience of working with horses, including the breaking in of horses for some of the most highly regarded racing stables in the world. This is a practice that requires patience, a high level of skill and, most importantly, a finely tuned sense of empathy with horses. During the course of Kevin's 10 year history of running his horse and carriage business, he has never experienced a horse getting out of control. However, in the highly unlikely occurrence of such an event, Kevin would be able to draw upon his vast experience to control the situation swiftly and safely. Our horses are very experienced with traffic, the recently introduced 20 mph speed limit within the city will make carriage travel even safer and as an extra precaution, Kevin has even fitted disc brakes to the wheels of the carriages.

With regards to insurance, all required insurance is in place to transport members of the public together with public liability insurance with the N.F.U.

Finally, we would reserve the right to refuse anyone who we believe to be under the influence of alcohol or drugs, indeed anyone who we believe would compromise the welfare of the horses and safety of the driver, assistant and general public.

Horse Welfare

The welfare of our horses is of great importance to us, as is all animal welfare. Kevin Merry Carriages donates a portion of its profits to a charity set up specifically to assist in rehabilitation of maltreated horses. Because of our concerns over the proper treatment of our horses, we would propose the following considerations;

That we would ensure sufficient water is available for the horses to drink throughout the day. The provision of hay would not be necessary as our horses feed early morning and in the evening.

The horse's working day would not extend 7.5 hrs per day. We envisage that the proposed route would take approximately 30 minutes to complete. The horses would be perfectly capable, without being under duress, of managing 4 consecutive routes. This 2 hour period would be followed by a 30 minute rest during which we would provide our horses with water and loosen the girth belts to give maximum comfort.

Transport to and from site

In order to transport the horses and carriage into Oxford, we would use one of our horse boxes and our flat bed transporter for the carriage. These would be parked at a pre-determined location in North Oxford (within the ring road) and from there we would ride the carriage into town. There would be a second vehicle parked in close proximity to our ideal "pitch" to store water and refreshments for the team.

Location

We would ensure that we were mindful of other trader's business areas and would not want to encroach on their "territory" or carry out our business in such a way as would have a negative impact on them. Broad Street is a popular destination for tourists providing access to Balliol and Trinity Colleges as well as close proximity to the Sheldonian theatre and the Bodlean Library. The passage of traffic is limited, making it one of the quieter streets and therefore an obvious ideal location to offer our service. The ideal pitch would be on the opposite side to the main row of shops. This being the quieter side of the street, it would also have less impact on pedestrians. The site would also have the added advantage of being opposite the tourist office.

Waste Collection

We would ensure that any droppings between rides would be collected and disposed of immediately. However, most horses tend to go whilst moving. It would be impractical to keep stopping & starting tending to the droppings, so

we would ensure that at the end of the day, we would collect any droppings made by the horses, to ensure that the streets were left clean.

Routes and Schedules

The route would take approximately 30 minutes and would take passengers from the pick up point from Broad Street, tour a number of the major sites throughout the city centre and return the passengers to Broad Street. **We do not intend our service to pick up passengers from one point and drop off at another.**

We would look to operate a route no greater than 1 km radius from our desired location of Broad Street. To avoid the more heavily congested roads whilst ensuring that our passengers had the opportunity to pass the major attractions and colleges. We are aware that there are several streets in Oxford which are "restricted access" but as yet are unsure as to whether this applies to horses and carriage. Therefore, should our application be successful, we would take advice and instruction from the Council's highways department before finalising the specific route.

We would look to initially offer the carriage service on Sundays from May through to September. However, should the rides prove as popular as we expect, we have the capacity to extend our service to Saturdays and throughout the week if permissible.

As indicated in the Horse welfare section, we would not want the horses to work beyond approximately 7.5 hours daily, inclusive of rests. We would envisage that rides would be available from 10:00 am through to 5:30 pm. During very warm periods, should we be so lucky, the rides would run to avoid prolonged exposure to heat. In all circumstances, we would stop taking passengers at least 1 hour before lighting up time.

We would have 3 staff members present; Kevin as the driver and his assistant to accompany him on the ride. The assistant's duty would be to provide the passengers with information on the city's sights and colleges during the tour.

A 3rd staff member would be permanently stationed on Broad Street. Their duties would include any clearing up after the horses if necessary as well as publicising the carriage rides to passing tourists and general public.

Publicity

Leaflets would be produced and distributed to the tourist office on Broad Street as well as hotels, guest houses and B & B's throughout Oxford. In addition, we would look to place promotional literature with other attractions around the city including websites with links to our own.

Summary

We very much hope that you can see the value of our enterprise in attracting tourism to Oxford, adding to the city's cosmopolitan charm and allure. In fact, we hope that it becomes an Oxford attraction in its own right!

The comments we have made so far hopefully will show you that our proposal is a considered one. However, we would welcome from you any suggestions to help it become a successful one. And finally, we would be happy to take anyone from the council on a "dry run" of our horse and carriage tour of the city and colleges. Not only will you have a wonderful experience but will forever have the distinction of being the first people to have enjoyed what we hope will become a long tradition.

Further information on the services currently being offered by our company, together with additional images, can be found on our website. www.kevinmerry.co.uk

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Appendix Two

Proposed Routes for Kevin Merry Carriages

Route 1 avoiding bollards, estimated time 25 minutes

1. Starting from Broad Street, past Trinity, Sheldonian, turn left into
2. Parks Road past museum then left into
3. Keble Road turn left at bottom into
4. Blackwall Road left again into
5. Museum Road then right back into Parks Road turning left at traffic lights into
6. St. Cross Road leading into Longwall Street then left into
7. High Street, down to The Plain, around the roundabout back up High Street then right into
8. The Turl back into Broad Street

Route 2 with rising bollards and gates, estimated time 25 minutes

1. Starting from Broad Street right into
2. Cattle Street through into Radcliffe Square, round Camera back into Cattle, turn right into
3. Holywell Street down into Longwall turning left into High Street down to The Plain, back up
4. High Street, through the lights then left into
5. Merton Street, right at end into
6. Oriel Square through into either Oriel Street or King Edward Street, left onto
7. High Street then right into
8. Turl Street back into
9. Broad Street (a variation on this route could include Parks Road onto Banbury Road along St Giles, left into Broad Street)

Points to note

For safety reasons the horses are fitted with "Road Studs" these are rubber studs fitted to horses shoes to ensure that in wet weather the horse does not slip.

The second proposed route, as described above, covers road surfaces which are tarmac and cobbled. The carriage was originally designed at a time when town surfaces were largely cobbled and therefore we can assure passengers of an exceptionally smooth ride on all roads. The design, with comfort in mind for the passenger, also means that speed bumps can be driven over without the need to slow down noticeably. Which, in turn, means less impact on other road users.

Please also note that these are purely proposed routes and we would welcome any suggestions as to how the tour could be made more rewarding for the passenger or more practical for the City.