

GENERAL PURPOSES LICENSING COMMITTEE

Wednesday 22 February 2012

COUNCILLORS PRESENT: Councillors Brundin (Chair), Campbell, Clarkson, Coulter, Goddard, Gotch and Keen.

OFFICERS PRESENT: Mathew Metcalfe (Democratic and Electoral Services), Julian Alison (Licensing Team Leader), Tony Payne (Licensing and Development Manager) and Daniel Smith (Law and Governance)

23. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Colin Cook, Gwynneth Royce and David Williams.

24. DECLARATIONS OF INTEREST

None declared.

25. UPDATE ON TAXI LICENSING ACTIVITY BETWEEN SEPTEMBER 2011 AND DECEMBER 2011

The Head of Environmental Development submitted a report (previously circulated, now appended) which informed the Committee of the progress made by the Taxi Licensing Function between September 2011 and December 2011.

Julian Alison introduced the report.

The Committee agreed to note the report.

26. LICENCE FEES 2012/13

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought the Committees agreement to the licence fees for 2012/13 where the Council had discretion over the level of fee charged.

Tony Payne introduced the report and a replacement set of fees and charges to correct information provided at paragraph 9 of the report.

The Committee agreed:

- (a) To note the licence fees set by statute;
- (b) To request the Head of Environmental Development to consult on the proposed fees as set out in paragraph 19 of the report, for new Street Trading Consents, that are required as a consequence of the extension of the scheme;

- (c) To agree the other licence fees for 2012/13 as set out in Appendix One and the further amended fees covering paragraph 9 of the report, subject to the Head of Environmental Development seeking clarification on the percentage increase of either 4% or 4.5% so as to bring these in line with the Licence Fees set by the Licensing and Gambling Acts Committee;
- (d) To receive a further report reviewing the Street Trading Policy to incorporate the extension of the scheme to the whole of the Oxford City Council area.

27. AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES - PROVISION TO EXEMPT "CHAUFFEUR" VEHICLES

The Head of Environmental Development submitted a report (previously circulated, now appended) which asked the Committee to determine whether to amend the provision for audio visual recording equipment to be fitted to "Chauffeur" style private hire vehicles.

Julian Alison introduced the report.

The Committee agreed to exempt from the requirement for audio and visual recording equipment to be fitted, Private Hire Vehicles that held an Exemption Notice.

28. AMENDMENTS TO THE POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought the approval of the Committee to the additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions related to the licensing and enforcement of Hackney Carriage and Private Hire Drivers and Operators.

Julian Alison introduced the report and informed the Committee that he had taken the proposals to a Trade meeting which supported the changes. He added that if the Committee approved the changes, all drivers, owners and operators would be informed and an article would also appear in the Trade Newsletter.

Councillor Campbell asked if all convictions even those that had been spent had to be listed. In response Julian Alison confirmed that this was the case.

The Committee agreed:

- (a) The additions and amendments to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions;
- (b) To delegate authority to the Head of Environmental Development to make the necessary textual changes to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions as detailed in the report.

29. AMENDMENTS TO TAXI LICENSING REGULATIONS AND GUIDELINES

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought approval from the Committee to the additions and amendments to the current Taxi Licensing Regulation, Guidelines and Criteria to the licensing of Hackney Carriage and Private hire Vehicles, Drivers and Operators.

Julian Alison introduced the report and informed the Committee of a letter received from the National Private Hire Association.

The Committee agreed:

- (a) To approve the additions and amendments to the regulations, guidelines and criteria relating to the Licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators as set out in the report and the additional amendments suggested by the National Private Hire Association (detailed below);

Information to licence holders of their right of appeal against conditions attached to a licence - added on Page 1 of the pack:

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

Loss of DVLA licence may lead to suspension or revocation of Operator licence - removed from Page 1 of the pack.

Total number of questions posed in Knowledge Test - amended to 30 on Page 2 of the pack.

The requirement for a New Applicant who does not also hold a Private Hire Driver Licence to undertake an Enhanced Criminal Records Bureau Check has been replaced with a Basic Disclosure - amended on page 2 and page 3 of the pack, to read:

Page 2: In order to meet the criteria 1 - 4, the applicant would need to provide full details of previous convictions by obtaining a Basic Criminal Records Bureau Disclosure (if not already a licensed driver with this Authority) which can be obtained by the applicant online at www.disclosurescotland.co.uk.

Page 3: The completed Basic Criminal Records Bureau Disclosure (must have been obtained no earlier than 28 days prior to your appointment with the Licensing Officer).

If you are not a licensed driver with this Authority, then every 3 years you will be required to also submit a completed Basic Criminal Records Bureau Disclosure when submitting your application to renew the Private Hire Operator licence.

Euro Emissions - removed from the pack.

Conditions relating to Private Hire Vehicles - removed from the pack.

Conditions relating to Private Hire Drivers - removed from the pack.

Information relating to documents permitted to be submitted for an Enhanced Criminal Records Bureau Check - removed from the pack.

Condition 5(b) - "reporting of accident" - removed from the pack.

Condition 6(c) - amended Page 4 of the pack to read - any sign or signage affixed to either the inside or outside of a Private Hire Vehicle for public display whatsoever that includes the words, "tax", "taxi", "Cab", "taxi-cab" or "for hire" whether or not as part of another word.

Condition 14 - amended Page 4 of the pack to read - The Operator shall maintain an adequate supply of door livery stickers, and provide such livery upon request to the owner of a licensed Private Hire Vehicle in his or her employ.

Condition 16 - amended Page 4 of the pack to read - The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent Private Hire Drivers in his or her employ from parking in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near taxi ranks) and being in attendance of the vehicle without a prior booking for that location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.

Window Tints - requirement to change standard tinted windows - amended Page 5 in line with VOSA criteria and the Audio & Visual Recording Equipment Scheme - Upon the fitting of Audio and Visual Recording Equipment to any Private Hire vehicle licensed from 1st April, there shall be no requirement for the need to replace the standard manufactured rear side windows or rear windscreen of the vehicle.

- (b) To delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines as detailed in the amended application pack for the Hackney Carriage and Private Hire Driver Licence;
- (c) To thank the Chair of the Committee and Officers for their work on reviewing the guidelines;
- (d) To request written confirmation from the National Private Hire Association of its acceptance of the changes to the Vehicle Operators Pack.

30. REQUEST FROM A PRIVATE HIRE OPERATOR TO AMEND THE CURRENT CONDITION TO THE PERMITTED COLOUR OF PRIVATE HIRE VEHICLES THAT SEAT 5 OR MORE PASSENGERS OR OF A NON-SALOON TYPE VEHICLE

The Head of Environmental Development has submitted a report (previously circulated, now appended) which sought the views of the Committee in response to a request to amend the current Taxi Licensing Regulations, Guidelines and Criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers or non-saloon type vehicles.

Julian Alison introduced the report.

The Committee agreed not to authorise any amendments to the current Taxi Licensing Regulations, Guidelines and Criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers or non-saloon type vehicles.

31. MINUTES

The Committee agreed to approve the minutes (previously circulated) of the meeting held on 19th October 2011.

32. DATES OF FUTURE MEETINGS

The Committee agreed to note that the next meeting would be on Monday 28th May 2012.

The meeting started at 5.00 pm and ended at 6.10 pm