

Agenda

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General Purposes Licensing Committee

Date: **Wednesday 15 June 2011**

Time: **6.00 pm**

Place: **Oxford Town Hall**

For any further information please contact:

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General Purposes Licensing Committee

Membership

Chair	Councillor Clark Brundin	North;
Vice-Chair	Councillor Colin Cook	Jericho and Osney;
	Councillor Jim Campbell	St.Margaret's;
	Councillor Mary Clarkson	Marston;
	Councillor Van Coulter	Barton and Sandhills;
	Councillor John Goddard	Wolvercote;
	Councillor Michael Gotch	Wolvercote;
	Councillor Bryan Keen	Cowley;
	Councillor Gwynneth Royce	St.Margaret's;
	Councillor David Williams	Iffley Fields;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Quorum for this meeting is 4.

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or prejudicial interests they may have in any of the following agenda items.

3 HACKNEY CARRIAGES AND PRIVATE HIRE LICENSING SUB-COMMITTEE MEMBERSHIP

Councillor Royce will introduce this item and speak to it.

4 UPDATE ON TAXI LICENSING ACTIVITY JANUARY 2011 - MARCH 2011

1 - 6

The Head of Environmental Development has submitted a report which informs the Committee of the progress made by the Taxi Licensing function between January 2011 and March 2011 and for the whole of the Council Year 2010/11.

The Committee is asked:

- (a) To note the contents of the report;
- (b) To make comments and recommendations regarding the future work of the Taxi Licensing function.

5 UPDATE ON REQUEST TO LICENCE A HORSE DRAWN CARRIAGE AS AN OMNIBUS

7 - 20

The Head of Environmental Development has submitted a report which provides the Committee with an update with regard to the request to licence horse drawn carriages as an omnibus, and the intended licence fee to be charged.

The Committee is asked:

- (a) To note the progress made with Oxfordshire County Council with regard to the proposed Horse Drawn Carriage Scheme;
- (b) To approve the level of fee determined to be reasonable for the guide, driver and proprietor of a Horse Drawn Carriage;
- (c) To recommend Council to make the approved Byelaws;
- (d) To authorise the Head of Environmental Development and the Head of Law and Governance to carry out the statutory advertisement of the Byelaws.

6 CLOSED CIRCUIT TELEVISION IN LICENSED VEHICLES - UPDATE

21 - 34

The Head of Environmental Development has submitted a report which provides an update to the Committee as to the progression of the CCTV initiative following the decision to implement the scheme on 1 March 2011.

The Committee is asked:

- (a) To note the progression of the CCTV initiative and make any comments it sees fit to assist with the promotion of the scheme;
- (b) To note the legal requirements associated with the use of CCTV in licensed vehicles in particular with regard to the Human Rights Act 1998, Data Protection Act 1998, freedom of Information Act 2000 and this Authorities Policies and Procedures already in place with regard to the viewing and storage of recorded images.

7 HACKNEY CARRIAGE TARIFF - APPLICATION FOR INCREASE

35 - 38

The Head of Environmental Development has submitted a report the purpose of which is to determine whether an automatic increase to the Hackney Carriage Tariff of 20 pence per journey be applied upon the price of a litre of diesel fuel reaching £1.50.

The Committee is asked:

- (a) To approve that the Head of Environmental Development may, subject to the consideration of any objections received, amend the table of fares to introduce an automatic surcharge of 20 pence per journey be applied to all fares when the price of a litre of diesel fuel reaches £1.50 per litre at a predetermined lists of local fuel outlets;
- (b) To approve that upon the price of a litre of diesel fuel falling below the £1.50 threshold at any of the listed fuel outlets, that the surcharge be automatically revoked;
- (c) To approve that the Head of Environmental Development publish notice of the surcharge in accordance with Section 65(2) of the Local government (Miscellaneous Provisions) Act 1976;
- (d) To approve that the Head of Environmental Development consider any objections received in consultation with the chair of the Committee before the introduction of the surcharge.

8 PAVEMENT STALL SIZE

39 - 48

The Head of Environmental Development has submitted a report which details proposals for the design, layout and size of street trading pitches, with special reference to pitches that have the capability to overhang the 2mx1m cartilage.

The Committee is asked:

- (a) To grant delegated authority to the Head of Environmental Development to decide and authorise variations to stall sizes where it is reasonable and appropriate to do so, having regard to the location of the stall and the type of goods to be sold, up to a maximum size of 2.4m x 1.3 (8ft x 4ft);
- (b) To agree the prescriptive criteria for a street trading stall as set out in Appendix 3 of the report;
- (c) To approve that the Head of Environmental Development only be required to refer the decision to Committee for approval if representation are received from interested parties that a stall should not be increased in size or the conditions varied.

9 DESIGNATION OF STREET FOR STREET TRADING

49 - 56

The Head of Environmental Development has submitted a report which seeks approval to amend the Street Trading Policy in relation to the designation of street in Oxford City.

The Committee is asked:

- (a) To recommend Council retains the current designation of Prohibited and Consent Streets and designates the remainder of the streets within the Oxford City Council boundary as Consent Street for the purposes of the Street Trading Scheme, or:
- (b) To recommend Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme;
- (c) To remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways:
- (d) To authorise the Head of Environmental Development to carry out the required consultation as set out in paragraph 13 of the report;
- (e) To receive a further report to consider responses to the consultation before making a recommendation to Council.

10 AMENDMENT TO FEES AND CHARGES 2011/12

57 - 58

The Head of Environmental Development has submitted a report which seeks to amend the fee for a Weekly Street Trading Fee to rectify an error.

The Committee is asked to approve the amendment of the fee for a One Week Street Trading Consent to £155.

11 MINUTES

59 - 66

The Committee is asked to approve the minutes of the meetings held on 1 March 2011 and 19 May 2011.

12 DATES OF FUTURE MEETINGS

The Committee is asked to note that it will meet on the following dates at the Town Hall.

Wednesday 19 October 2011
Wednesday 22 February 2012

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

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To: General Purposes Licensing Committee

Date: 15 June 2010 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
January 2011 – March 2010

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between January 2011 and March 2011, and the 2010/11 Council year.

Report Approved by:
Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):
The Committee is recommended to:
(i) note the contents of the report, and
(ii) make comments and recommendations regarding the future work of the Taxi Licensing Function.

Introduction

1. This report informs Committee of progress made by the Taxi Licensing Function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between January 2011 – March 2011.
2. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.
3. The tables below provide data on licence applications received and processed during the period for January 2011 to March 2011 and the 2010/11 Council year.

Licences Issued	Total Jan 11 – Mar 11	Year
Hackney Carriage Driver	68	333
Private Hire Driver	150	631
Hackney Carriage Vehicle	25	101
Private Hire Vehicle	148	524
Private Hire Operator	8	20

Actions Undertaken	Total Jan 11 – Mar 11	Year
Licensing Hearings	16	30
Enforcement Actions	85	281
Number of Prosecutions	3	6
Complaints about Drivers / Vehicles	43	133

Applications Granted by the Licensing Authority

4. A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found. There have been 1017 driver, 680 vehicle, and 22 Operator licenses issued by the Head of Environmental Development under delegated authority during the period April 2010 – March 2011.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

5. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found then the application is determined at a Sub-Committee Hearing.
6. During January 2011 – March 2011, 16 Hearings were held to determine the fitness of 12 new driver applicants and 4 driver renewal applications. 2 new applicants were refused a license, 10 new applicants were granted a license. 4renewal applications were granted, 1 with a 1 month suspension.

Appeals

7. The Taxi Licensing Authority did not receive any applications for appeal regarding decisions made by the Committee.

Prosecutions

9. During the period January 2011 – March 2011, there were 3 Cautions for plying for hire and driving without the correct insurance in place. One prosecution took place at the Oxford Magistrates Court for the offences of plying for hire, and driving without the correct insurance. The prosecution was successful and resulted in the offender receiving a fine of £300 (and costs of £215 awarded against him) and his driving licence was endorsed with 6 penalty points.

Enforcement Activity

10. Between January 2011 and March 2011, the Licensing Team has issued:
 - 19 Verbal Warnings
 - 8 Written Warning
 - 4 Final Warnings
 - 9 (7 driver, 2 vehicle) Suspensions
 - 0 Cautions
 - 57 Advisory letters / Advice on the spot

The majority of warnings were issued due to breaches of driver / vehicle licence conditions. Other issues found were non-declaration of convictions, excessive penalty points on DVLA driving licences, use of mobile telephone whilst driving.

11. An “advisory” letter is to help educate licensed drivers who are new to the responsibilities of being a member of the taxi fraternity, or when there is some element of reasonable doubt between the version of events reported by the complainant and the licensed driver.
12. Due to the increased enforcement activities, and the need to find a quicker solution to remedying minor issues found during compliance checks, on the spot advice was given to drivers, and recorded on the drivers record at the office. Such advice related mostly to drivers not having their drivers badge on display, not having their record book in the vehicle, and minor matters relating to the condition of the vehicle.
13. A “warning” is given when the complaint and / or offence has been proved against the licensee, and is deemed to either be serious enough to warrant enforcement action of a higher level than an “advisory” letter, or the pattern of conduct by the licensee over any period of time has resulted in a “warning” being the next procedural level of action required.
14. Members should note that whilst the above may illustrate the procedures that the Taxi Licensing Team followed, new procedures are now in place following Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions, and should a matter come to light that gives rise to a higher level of concern to Officers, then the issue can be presented to the Licensing Sub-Committee for determination, that may result in the suspension or revocation of the licence.

15. Between January 2011 and March 2011, 9 taped interviews under Police & Criminal Evidence Act were carried out, either for the suspected offence of plying for hire, or other suspected criminal offences following information supplied by Thames Valley Police.
16. Resulting from the above PACE interviews were:
 - 4 prosecutions are pending for; driving a private hire vehicle without a licence, providing a false statement to an Authorised Officer, driving whilst uninsured, and driving without a valid Certificate of Compliance (these relate to one individual)
 - 5 formal cautions issued for plying for hire,
 - 5 formal cautions issued for driving whilst uninsured
17. Due to the overhaul of the Taxi Licensing function and the introduction of new policies and procedures, and the increased enforcement activities, no test purchase operations were carried out between January 2011 and March 2011.

Nightsafe

18. The NightSafe initiative contributes to the taxi licensing objectives. This includes intelligence sharing and has led to the Taxi Licensing Enforcement Officers being able to view late night taxi activity in a number of locations by arrangement with the CCTV Manager. This benefits the enforcement of licensed drivers and vehicles as it can reveal unprofessional conduct by the licensed trade in the City at night, and can act as a check or deterrent.
19. Meetings with the CCTV Manager have taken place, and dates have been set for the Taxi Enforcement Officer to attend their premises. CCTV footage of suspected drivers plying for hire has been passed over to the Enforcement Officers to investigate.

Future Work

20. Further to the meeting of the General Purposes Licensing Committee on 1st March 2011, the overhaul of the Taxi Licensing function has now been completed and resulted in:
 - An appointment system put in place to deal with all new applicants and existing applicants
 - A “one-stop-shop” facility for all licensing enquiries
 - An “in-house” payments made through the Paris system
 - An electronic method of storing and uploading applications to the LALPAC system

- A full overhaul and vast reduction in the number of paper files maintained, with the aim of being virtually “paper-free” by February 2012
 - A comprehensive set of procedures for dealing with all complaints and enforcement actions following Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions.
 - A comprehensive set of procedures for carrying out all work related to the Taxi Licensing function have been created and will meet all of the criteria expected should they be audited.
 - A “bespoke” Excel programme for detailing all enforcement actions and service requests has been designed internally, linking LALPAC directly to the electronically stored individual records.
21. A report will be provided to the General Purposes Licensing Committee in January 2012 seeking approval to initiate 3 year drivers licences, and it is proposed to allow for a period of 36 months phasing this initiative in, prior to it becoming compulsory.
 22. Minor revisions are planned to the Policy on the Relevance of Offences, Cautions and Convictions, and amendments to the conditions and regulations and criteria applicable to drivers will be put forward; and the conditions relating to CCTV in licensed vehicles will require approval. All of these changes will be brought to the Committee for approval in January 2012, in order to be able to proceed as expected from 1st April 2012. Members continued involvement in this process is welcomed.
 23. The Taxi Licensing website has been fully overhauled and is now seen as an example of best practice by Local Authorities. The website will continue to evolve as and when new matters arise.
 24. In addressing the current and future needs of residents, visitors and businesses in Oxford, the relationship between Members, the Trade, and the Licensing Team has been very successful, and will be further promoted over the coming months, with assistance from the Institute of Licensing.
 25. In order to ensure that the Licensing Authority has as much information available to it, in order to drive the service forward and help build a world class city, the Licensing Team has begun to carry out a benchmarking exercise with other Licensing Authorities to acquire knowledge of and better understand future initiatives that can be adopted in Oxford. Early comparisons show that Oxford is a leading licensing authority.
 26. Officers, in discussion with other Licensing Authorities, have given consideration to the implementation of a “Fixed Penalty Notice” to be issued by the Licensing Enforcement Officers when carrying out their duties, to drivers and proprietors found to be in breach of any of the conditions or regulations of their respective licence. Such “Fixed Penalty Notices” may be seen as a strong deterrent to drivers and proprietors

who fail to adhere to the conditions and regulations by which the licence was originally granted, and would hopefully lead to licence holders following best practice more consistently. Further research is being carried out regarding this matter, with a report to be presented to the Committee in January 2012, ready for implementing on 1st April 2012. The fee to be charge for the FPN's was agreed at the Committee meeting on 1st March 2011.

27. The draft Taxi Licensing Policy is still under construction, and it has been considered prudent to allow some time for the new procedures within the function to bed in before producing the Policy itself, in order to address any issues that arise from the modernisation of the function, and allow scope to put measures in place within a “catch all” framework.
28. The Licensing Team Leader, with the support of the Head of Environmental Development, and the Chair and Vice-Chair of the General Purposes Licensing Committee has taken a highly proactive approach to the modern and efficient ways of Licensing through engagement with the Institute of Licensing. Oxford will be playing host to a number of one day training courses, aimed at assisting staff, Members, other Licensing Authorities, licence holders, and external agencies aimed at promoting Licensing and best practice. This will result in a significant rise in the profile of Oxford City Council, and provide a network of specialist contacts within this field. The next training session planned will be on Taxi Licensing scheduled for Autumn 2011.
29. Members are to receive “bespoke” training in licensing matters from Ely Place Chambers. This follows on from the Licensing Team’s tie in with the Institute of Licensing. It should be noted that such training is in keeping with the City Council’s vision of being an efficient and modern service provider, and shows initiative in investing in its Members. The training includes Taxi Licensing, Street Trading, Street Cafes, Sex Establishments, Sexual Entertainment Venues, Charitable and House-to-House Collections, as well as Sub-Committee training.
30. The Team Leaders for both Licensing and Miscellaneous Licensing are proposing to provide the Committee with an Update Report for all other areas of Licensing at future Committee meetings, if Members so wish. Members will be aware that both of the Team Leaders actively seek their views and guidance in ways to develop the Licensing functions, and the intention is to commence joint initiatives with Members involvement, in order to best serve those who live in, work in and visit the City.

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Background papers:

Version: 1.0

To: General Purposes Licensing Committee

Date: 15th June 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Request to Licence a Horse Drawn Carriage as an Omnibus

Summary and Recommendations

Purpose of report: To provide the Committee with an update with regard to the request to licence Horse Drawn Carriage as an Omnibus, and the intended licence fees to be charged.

Report Approved by:

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- i) note the progress made with Oxfordshire County Council with regard to the proposed Horse Drawn Carriage scheme,**
- ii) approve the level of fee determined to be reasonable for the guide, driver and proprietor of a Horse Drawn Carriage,**
- iii) recommend Council now make the approved byelaws, and**
- iv) authorise the Head of Environmental Development and the Head of Law and Governance carry out the statutory advertisement of the byelaws.**

Introduction

1. On the 1st March 2011, The Head of Environmental Development submitted a report to the General Purposes Licensing Committee which detailed how the proposed scheme to licence a Horse Drawn Carriage as an omnibus was progressing, following the Committee's decision on 13th October 2010 to request that Officers carry out further research in to such a scheme.

2. At the meeting on 1st March 2011, the Committee agreed:
 - (a) To implement the proposed conditions for the:
 - Proprietor of a Horse Drawn Carriage
 - Driver of a Horse Drawn Carriage
 - Guide of a Horse Drawn Carriage
 - Route Provisionally Agreed with Oxfordshire County Council
 - Byelaws
 - (b) To request the Head of Environmental Development submit a further report to the next meeting of the General Purposes Licensing Committee, providing details as to the progression of this scheme following further discussions with Oxfordshire County Council;
 - (c) To request the Head of Environmental Development give consideration to a reasonable fee to be charged to hold a licence as a proprietor of a Horse Drawn Carriage, a driver of a Horse Drawn Carriage and a guide of a Horse Drawn Carriage;

Background

3. A report was heard previously by this Committee on the 13th October 2010, following a request to operate a Horse Drawn Carriage to provide rides/tours on a fixed route in Oxford. The company is Kevin Merry Carriages.
4. It is possible for the Council to licence a Horse Drawn Carriage as an Omnibus under the provisions of the Town Police Clauses Act 1847 to operate on a fixed route, and to make byelaws under section 6 of the Town Police Clauses Act 1889 to regulate their operation. Under the Road Traffic Act 1930 and the Transport Act 1985 these provisions remain in force for non-motorised vehicles.

Oxfordshire County Council

5. Following discussions with Oxfordshire County Council, it has been agreed that the location for the “stand” for the carriage to wait for customers will be Broad Street. There is already a byelaw in place for the stand which has not been in use since 2000.
6. Concern had been expressed that the County Council had placed disabled parking on top of the stand, but it has been confirmed that this is not the case. If at some point it becomes apparent that the stand

needs repainting because of traffic enforcement carried out by the County, it will be their financial responsibility to re-instate the stand.

Welfare of Animals

7. The Public Health Team Leader in Environmental Development has been consulted on the welfare of the horses. The horses will be stabled at Kidlington and will be transported by horse-box each day to the Abingdon Road near Redbridge Park & Ride. The horses will then drive the carriage to Broad Street.
8. There are a number of provisions in the proposed byelaws that relate to the welfare of the horses. With the adoption of these provisions, and the legislative framework of the Animal Welfare Act 2006, the Public Health Team Leader did not believe that any further measures were required to ensure the welfare of the horses.

Financial Implications

9. The Licensing Authority is permitted to set fees to cover the costs of the administration of the licensing function under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S70.
10. When determining fees and charges, calculations are made based on the gross cost to the service of the Officer carrying out the Horse Drawn Carriage function, and the time taken to carry out the necessary work in facilitating and processing any application, and the time and material costs involved in issuing a licence and associated materials (i.e. badges and licence plates) (reference Institute of Licensing Course: Fees & Charges, Oxford 11 May 2011).
11. Fees for carriages may also include the costs associated with Officers needing to inspect the carriage to ensure that is considered appropriate for use by the public. Any observations made by the Officers inspecting the carriage should be referred to the proprietor, and the proprietor carry out the necessary remedial work before the carriage is permitted to take passengers. It is proposed that the carriage be inspected at intervals of 6 months, or sooner should the need arise.
12. There are additional costs to be borne by the applicants, and these include an Enhanced Criminal Records Bureau Disclosure and Medical Certificate for the driver and an Enhanced Criminal Records Bureau Disclosure for the guide.
13. Having calculated the fees in accordance with the formula in Paragraph 10 above and with consideration to the need to carry out enforcement activity as described in Paragraph 11 above, the proposed licence fees are:
 - Guide of a Horse Drawn Carriage £100.00
 - Driver of a Horse Drawn Carriage £100.00

- Proprietor of a Horse Drawn Carriage £250.00
14. At the time of writing this report, the current charges applicable for the additional elements of this scheme are:
- Enhanced Criminal Records Bureau Disclosure £43.00
 - Badge / Replacement Badge £10.00
 - Plate / Replacement Plate £25.00
15. Any other costs associated with the applicants meeting the criteria agreed by the Committee on 1st March 2011 will be payable by the applicant directly to the relevant service provider (i.e. Medical Certificate).
16. At the Committee meeting held on 13th October 2010, the owner of the carriage company stated that he would be prepared to cover the costs of the byelaws. It is therefore proposed that this cost be charged to Mr Merry, and that the matter be dealt with by the Head of Law & Governance and the Head of Finance to seek a reasonable manner in which this cost can be collected.

Legal Implications

17. At the meeting on 1st March 2011, Committee approved the draft byelaws. The draft byelaws have now also received provisional approval from the Secretary of State for Transport (**Appendix 1**) with some minor amendments. The Secretary of State approved draft is attached (**Appendix 2**). Full Council must now make the byelaws before statutory advertisement and final confirmation by the Secretary of State.

Recommendations

18. The Committee is recommended to:
- i) Note the progression made with Oxfordshire County Council with regard to the proposed Horse Drawn Carriage scheme
 - ii) Approve the level of fee determined to be reasonable for the guide, driver and proprietor of a Horse Drawn Carriage.
 - iii) Recommend Council now make the approved byelaws.
 - iv) Authorise Head of Environmental Development and Head of Law and Governance to carry out the statutory advertisement of the byelaws

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Background papers:

Version number: 1

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Our Ref: BAT 2/12/01

23 May 2011

Dear Mr Smith,

HORSE-DRAWN OMNIBUS BYELAWS

Thank you for your e-mail of 23 May enclosing for provisional approval draft byelaws relating to horse-drawn omnibuses in Oxford.

The draft byelaws are acceptable.

Subject to the consideration of any objections we might receive, we shall be prepared to submit the byelaws for confirmation on behalf of the Secretary of State for Transport if, having been made by the Council and sealed, they are then advertised and submitted in accordance with the procedure prescribed in section 236 of the Local Government Act 1972.

Yours sincerely,

Miss P A Brown

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DRAFT

OXFORD CITY COUNCIL

BYELAWS

Made under section 6 of the Town Police Clauses Act 1889, as incorporated with the Public Health Act 1875, by the Oxford City Council with respect to Omnibuses in the City of Oxford.

Interpretation

1. Throughout these byelaws :-

“the Council” means the Oxford City Council,

“the district” means the City of Oxford,

“veterinary surgeon” means a Member or Fellow of the Royal College of Veterinary Surgeons, and

“vehicle licence” means a licence issued under section 37 of the Town Police Clauses Act 1847 and any conditions attached to the grant of such a licence in accordance with section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976.”

Provisions regulating the manner in which the number of each omnibus corresponding with the number of its licence shall be displayed.

2. (a) The proprietor of an omnibus shall cause the number of the licence granted to him in respect of that omnibus to be legibly painted or marked on a plate, of a design and type supplied by the Council, which is prominently displayed at the rear of the vehicle.

(b) A proprietor, driver or conductor of an omnibus shall not :-

(a) wilfully or negligently cause or suffer any such number to be concealed from public view while the vehicle is plying or standing for hire by or used to carry passengers;
or

(b) cause or permit the vehicle to ply or stand for hire or be used to carry passengers with any such plate so defaced that any figure or material particular is illegible.

Provisions securing the fitness of the omnibus and the harness of the animals drawing the same.

3. The proprietor of an omnibus shall cause the omnibus and all of its fittings and equipment to be kept in a clean and safe condition, well maintained and in every way fit for public service.
4. A proprietor or driver of an omnibus shall cause every part of the harness of any animal hitched up to the omnibus to be kept in good order so that the animal is properly and securely attached to the vehicle and under control at all times.

Provisions regulating the conduct of the proprietors, drivers and conductors of omnibuses plying within the district in their several employments, and determining whether such drivers and conductors shall wear any and what badges.

5. The proprietor, driver or conductor of an omnibus shall not carry or permit to be carried in such omnibus any greater number of passengers than the number of passengers which it is licensed to carry.
6. A driver or conductor of an omnibus shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the omnibus, and of any animal used to draw it.
7. A driver or conductor of an omnibus shall not smoke at any time when the omnibus is being used to convey passengers.
8. A driver or conductor of an omnibus shall at all times when the omnibus is plying or standing for hire by or used to carry passengers wear the badge provided by the Council in such a position and manner as to be plainly visible.
9. A driver or conductor of an omnibus shall not, at any time when the omnibus is plying or standing for hire by or used to carry passengers, operate a radio or other sound-reproducing equipment other than for the purposes of sending or receiving messages in connection with the operation of the vehicle.

10. A driver of an omnibus when plying for hire or carrying passengers shall proceed without delay between the points determined by the vehicle licence issued in respect of that omnibus, and only via any of the stands determined by the said vehicle licence.
11. The proprietor, driver or conductor of an omnibus shall not, in any street within the district, feed or allow to be fed any animal harnessed or otherwise attached to the omnibus, except with food contained in a proper bag or container suspended from the head of the animal or from any centre pole of the vehicle, or which is being held and delivered with the hand of the person feeding the animal.

Provisions regulating the number and securing the fitness of the animals to be allowed to draw an omnibus, and for the removal therefrom of unfit animals.

12. The proprietor or driver of an omnibus shall not cause or permit the same to be drawn by more than two animals at any one time, and shall ensure that the two animals are of the same species.
13. A proprietor or driver of an omnibus shall not cause or permit the animal to be used to draw the omnibus unless, within the preceding twelve months, a certificate of fitness, in a form supplied by the Council, has been issued in respect of that animal following an examination by a veterinary surgeon specialising in large animal practice.
14. A proprietor or driver of an omnibus shall not, at any time when the omnibus is plying or standing for hire or being used to carry passengers, drive or allow to be driven or harness or allow to be harnessed to the omnibus any animal in such condition as to expose any person being conveyed or being in such omnibus, or any person traversing any street, to risk of injury.
15. A proprietor or driver of an omnibus shall not cause or permit an animal to draw any omnibus or to be harnessed or otherwise attached to such an omnibus for more than six hours in any one day. And, if the animal is harnessed to an omnibus for a period of three consecutive hours, the proprietor or driver shall ensure that the animal is rested for a period of not less than one hour, during which time the animal must be fed and watered.
16. A proprietor or driver of an omnibus shall not cause or permit any animal which has

previously been used to draw an omnibus for a total of not more than six hours, on any one day, to be used at any other time during the remainder of that day for any other purpose in connection with that or any other omnibus.

17. A proprietor or driver of an omnibus shall ensure that while an animal is being rested in accordance with byelaw 15 above, that the animal shall not remain harnessed, or otherwise attached to an omnibus, or used for any other purpose in connection with an omnibus.

18. (a) The proprietor or driver of an omnibus shall, on being so instructed by an authorised officer of the Council, immediately cease to use, for the purpose of drawing an omnibus, any animal which that officer, after consultation with a veterinary surgeon, specialising in large animal practice, considers to be unfit for that purpose.

(b) Where a proprietor or a driver of an omnibus has been instructed to stop using a particular animal for the purpose of drawing an omnibus, no such proprietor or driver shall cause or permit that animal to be used again for that purpose until a certificate of fitness has been issued by a veterinary surgeon, specialising in large animal practice, in a form supplied by the Council.

Provisions for securing the safe custody and return of private property

19. The driver or conductor of an omnibus shall, before departing from any point fixed by the vehicle licence issued in respect of that omnibus, carefully search the omnibus for any property which may have been accidentally left therein.

20. Any proprietor, driver or conductor of an omnibus shall, if any property accidentally left therein by any person who may have been conveyed in the omnibus be found by or handed to him, take it as soon as possible and in any event within 24 hours, if not claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of a police constable on his giving a receipt for it.

Provisions for the exhibition on some conspicuous part of every omnibus of a statement in legible letters and figures of the fares to be demanded and received from the persons using an omnibus.

21. (a) The proprietor of an omnibus shall cause a statement of the fares payable by passengers to be exhibited conspicuously inside the vehicle, in clear legible letters and figures.
- (b) The proprietor, driver or conductor of an omnibus bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time when the vehicle is plying or standing for hire by or used to carry passengers.

Provisions preventing importuning and the blowing of or playing upon horns or other musical instruments, or the ringing of bells, by any person travelling on or using an omnibus.

22. The owner, driver or conductor of an omnibus shall not, at any time when the omnibus is plying or standing for hire by or used to carry passengers, by touting, calling out or otherwise, importune any person to use or to be carried for hire in such omnibus, to the annoyance of any such person or of any other person, and shall not make use of the services of any other person for the purpose.
23. A driver, conductor or any person travelling on or using an omnibus shall not blow or play upon any horn or other musical instrument or ring any bell.

Penalties

24. Any person who offends against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after the date of conviction.

**THE COMMON SEAL OF THE)
OXFORD CITY COUNCIL was)
hereunto affixed by order of the)
Council in the presence of :-)**

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the day of 2011.

Signed by authority of the Secretary of State,

To: General Purposes Licensing Committee

Date: 15th June 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Closed Circuit Television in Licensed Vehicles - Update

Summary and Recommendations

Purpose of report: To provide an update to Committee as to the progression of the CCTV initiative, following the decision to implement the scheme on 1st March 2011.

Report Approved by: Head of Environmental Development

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Improving local environment, economy and quality of life and public safety.

Recommendation(s):

- i) To note the progression of the CCTV initiative, and make any comments it sees fit to assist with the promotion the scheme;
- ii) To note the legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to Human Rights Act 1998, Data Protection Act 1998, Freedom of Information Act 2000 and this Authorities Polices and Procedures already in place with regard to the viewing and storage of recorded images.

Introduction

1. At it's meeting on 1st March 2011, the General Purposes Licensing Committee agreed to the implementation of CCTV in all licensed vehicles as detailed in the report submitted on that date, and requested that:
 - The Head of Environmental Development to submit a report informing Members as to the progression of the CCTV initiative following further Trade meetings; and that
 - The Head of Environmental Development submit a report informing Members of any legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to data protection, human rights, and the Authorities storage of recorded footage obtained.

2. The General Purposes Licensing Committee also requested at its meeting on 1st March 2011, that
 - The Head of Environmental Development submit further reports to the General Purposes Committee in October 2011 and January 2012, with regard to the finalisation of the CCTV initiative in order to meet with the implementation date of 6th April 2012.

Progression of the CCTV Initiative

3. At a meeting held on 28th March 2011 between the Licensing Officers, the Private Hire Operators, the Private Hire Drivers Association and the City of Oxford Licensed Taxi Association (COLTA), and representatives of Regent Range Limited (the Trades preferred CCTV supplier) and Air Services (the Trades preferred authorised CCTV fitter and servicer), the following issues were addressed:
 - The estimated purchase price of a CCTV system that met with the Minimum Standard Requirements as adopted by this Authority would be approximately £400.00 + V.A.T. Prices provided by the Trade Members preferred supplier indicate that most systems (including one camera) will cost less than this anticipated price. Vehicles requiring two cameras will cost slightly more than the £400.00 estimated cost.
 - The estimated fitting cost of the CCTV system and camera(s) would be approximately £100.00 + V.A.T.
 - Vehicle proprietors were instructed to make contact with either COLTA or their Private Hire Trade representative in order to place an order for their CCTV unit and to book an appointment for the unit to be fitted.
 - The Minimum Standard Specification for CCTV, conditions relating to CCTV fitted in Hackney Carriages, and Private Hire vehicle that seat more than 5 passengers had been made available on the Council's website, and would be included in the Hackney Carriage and Private Hire Vehicle Licensing application packs.
 - That one Hackney Carriage and one Private Hire Vehicle had already had CCTV units fitted in order to demonstrate the system.
 - When formulating any licence conditions relating to the use of CCTV systems in licensed vehicles, some flexibility in the wording of the conditions would be prudent whilst the scheme is implemented. It was suggested that 2 working days would be an acceptable timeframe for any fault to be rectified. However a Regent Range spokesperson stated that it is extremely rare for the systems to develop a fault, and that when they do, the system emits an audible alarm. The most common fault is due to an error with the hard-drive, which is a simple issue to remedy, and units can be fitted with an alternative hard-drive on the same day.

- It was also confirmed that Officers would only wish to view the relevant section of CCTV footage linked to a complaint received or enforcement action undertaken. There was no suggestion that Officers would request that all CCTV footage be made available.
- The operation of the CCTV systems would be checked when the vehicle attended it's 6 month MOT and when ad-hoc compliance checks were carried out by Authorised Officers. Training will be provided by Regent Range Limited to Officers and mechanics.
- The representatives from Air Services stated that they could supply a "Maintenance Contract" to all proprietors to cover any servicing and technical needs.
- A demonstration of a fitted CCTV unit was then shown to all present, and the benefits to the driver and passenger were recognised by all present.
- No further concerns were raised, and all present agreed to press ahead with ensuring that the initiative could come in to force on 6th April 2011.

Human Rights Act 1998

4. The Human Rights Act 1998 affords individuals the right to privacy. However, this is a qualified right and providing it complies with other legislation, may be restricted on certain grounds including; public safety or the prevention of crime and disorder. The level of interference with privacy must be proportionate to the level of risk to safety, disorder etc. The degree of privacy reasonably expected in a taxi cab is much lower than that expected in eg. ones own home. In order to comply with legal requirements any CCTV system would need to be compliant with the Data Protection Act 1998.

Data Protection Act 1998

5. Since 24th December 2001 all commercial CCTV which records data in areas to which the public have mostly unrestricted access must register their system(s) with the Information Commissioner.
6. Under the terms of Data Protection legislation, individuals have access to personal data about themselves, for which an administrative fee (£10.00) is charged for processing the request. The person making the request is only shown information relevant to that particular search and which contains personal data of her or him self only, unless all other individuals who may be identified from the same information have consented to the disclosure.
7. In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased). Under

these circumstances an additional fee shall be payable.

8. The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided. In addition, the data controller is entitled to refuse a request if the CCTV footage is likely to become, part of a 'live' criminal investigation.
9. The Data Protection Act (1998) is designed to prevent the misuse of personal information. Legal obligations are placed on anybody who handles this type of information, namely:
 - The need to recognise a request from an individual to prevent processing likely to cause substantial and unwarranted damage or distress (s10 DPA); and
 - To prevent automated decision-taking in relation to the individual (s12 DPA)

Storage of CCTV Images

10. The majority of the public at large have become accustomed to camera surveillance. Concerns expressed arise mainly over matters appertaining to the storage of information, i.e. what happens to the material that is obtained.
11. In processing personal information there must be total respect for the privacy of the individual. That right to respect can be forfeited, but if CCTV schemes are to command public confidence, then privacy concerns of the law-abiding citizen must be paramount.
12. To take into account future legislative change, the eight principles of the Data Protection Act, 1984, are to be adhered to; namely to:
 - Obtain and process personal data fairly and lawfully.
 - Hold the data only for the purposes specified.
 - Use the data only for the purposes, and disclose only to the people, shown within these policies and procedures.
 - Only hold data that is adequate, relevant and not excessive in relation to the purpose for which the data is held.
 - Ensure personal data is accurate and, where necessary, kept up to date.
 - Hold data for no longer than is necessary.
 - Allow individuals access to information held about them and, where appropriate, correct it or erase it.
 - Take security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction or information.
13. In order to support the requirements of these policies and procedures, in particular, legislation surrounding the recording and storage of sound and image data, the Council has registered its use of CCTV with the

Data Protection Registrar for the purpose of “crime prevention, crime detection and public safety and for the prosecution of offenders”; and with the Information Commissioners Office for the CCTV throughout the City.

14. To comply with the Data Protection Act 1998 there must be clear and visible signage on each vehicle so that customers know that a system is in the vehicle. Signage shall be placed on the windows of both rear doors and will be clearly visible both outside and inside the vehicle. There shall also be a clearly visible sign placed on the dashboard of the vehicle. In the case of vehicles that have more than two rows of rear seats there will also be signs on the rear quarter windows. Specifically for Hackney Carriages, there shall be additional signage placed on the partition between the passengers and drivers. The sign shall have the image of a CCTV camera as well as a microphone to show that the system also records audio. An image of such signage drafted by the Trade’s preferred supplier is attached as **Appendix One**, however further development of this signage is required before a final version is agreed by all parties.
15. The sign also states that the driver of the vehicle has no control of the operation of the system and provides the contact details of this Authority should any passenger need to contact the Licensing Office. The Freedom of Information Act 2000 permits passengers to make a request to obtain CCTV footage of themselves, however, there are strict guidelines to follow as the driver and any other passengers would be recorded on the footage, which should be considered if any such request is made.

Viewing of CCTV Images

16. All images are viewed and recorded in the Bravo Victor Suite at St Aldate’s Police Station. Any necessary amendments to the Information Commissioners register will be carried out by the Corporate Secretariat Manager and the ICT Client Manager.
17. All CCTV images are encrypted and will only be downloaded by Authorised Officers and Police Officers. Such actions are permitted, only when intelligence has been provided that would lead the Officer to believe that acquiring the CCTV footage would assist in resolving an enforcement action either at local level, or in a Court of Law. Evidential procedures which are already in place at Oxford City Council and Thames Valley Police that must be followed in order that an image may be admissible if required in any court proceedings. Attached as **Appendix Two** is the proposed “Taxi Download Request Form”, and attached as **Appendix Three** is the proposed “Witness Statement” to be used when relaying the findings of an investigation when the use of CCTV footage has been required.

Freedom of Information Act 2000

18. The Freedom of Information Act (2000) provides a right of access to any recorded information held by public authorities, subject to a number of

exemptions. Legal obligations are placed on public authorities to follow certain procedures when responding to requests for information.

Financial Considerations

19. There are no financial considerations contained within the content of this report that apply to the Authority.

Legal Considerations

20. Any legal considerations with regard to compliance with Data Protection, Human Rights, Freedom of Information and the storage and viewing of recorded material, are detailed in this report, and therefore are already accounted for through Policies and Procedures in place within this Authority.

Recommendations

21. The Committee is recommended to:
 - i) Note the progression of the CCTV initiative, and make any comments it sees fit to assist with the promotion of the scheme; and
 - ii) To note the legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to Human Rights Act 1998, Data Protection Act 1998, Freedom of Information Act 2000 and the Authorities Policies and Procedures already in place with regard to the viewing and storage of recorded images.

Name and contact details of author: Julian Alison
Licensing Team Leader
Tel: 01865 25(2381)
Email: jalison@oxford.gov.uk

Background papers:

Version number:



WARNING



**VIDEO IMAGES and AUDIO SOUND
ARE RECORDED IN THIS VEHICLE AT ALL TIMES**

For passenger and driver safety CCTV and Audio Recordings is operating in this vehicle.

The driver has no control or access over the operation of this systems which is managed

by

OXFORD CITY COUNCIL

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TAXI CAMERA DOWNLOAD REQUEST
Please complete as much detail as possible

Date of contact:

Date of incident:

Time of incident:

Plate No:

Registration no. of vehicle:

Colour:

Make:

Model:

Type:

Name of driver:

Phone number:

Name of proprietor:

Phone number:

Company:

Make and model of camera:

Rank and names of police
officer:

Collar number:

Other police contact:

Police station:

Direct phone number:

Crime reference number:

Date of download:

Officer downloading:

File name:

Notes:

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CONFIDENTIAL

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN: | | |

Statement of:

Age if under 18: (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____ Date: _____

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by Oxford City Council as a Licensing Officer with responsibility for a wide range of licensable activities including the licensing of hackney carriages and private hire vehicles, their drivers and private hire operators. As a part of my duties, I have access to secure CCTV recordings made in suitably equipped vehicles, of which licensed Vehicle a motor car, registration number , is one such vehicle.

The proprietor of vehicle is and the driver at the date of incident was

On Mr. attended the Licensing Team's offices at Ramsay House and I downloaded a video clip from the CCTV installation in Vehicle to a laptop computer in my possession.

The video clip is as follows:

Table with 3 columns: Time Commenced, Date, Size. Multiple empty rows for recording details.

Signature: _____ Signature witnessed by: _____



CONFIDENTIAL

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

On I copied this clip to a DVD disc which I now exhibit as

The data downloaded from the vehicle's CCTV camera system and the laptop computer, remain in my possession.

Signature: Signature witnessed by:



WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

For Licensing Authority Only

Witness contact details

URN: | | |

Home Address: Ramsay House, 10 St Ebbes Street, Oxford

Post Code : OX1 1PT

Home Telephone No:

Work Telephone No: 01865

Mobile / Pager No:

Email address: licensing@oxford.gov.uk

Preferred means of contact (specify details): E-MAIL

Best time of contact (specify details): Monday – Friday 08.30 – 16.30

Gender: Date and Place of Birth:

Former name: Ethnicity Code: Religion / Belief:

DATES OF WITNESS NON-AVAILABILITY: VARIOUS COMMITMENTS- PLEASE CHECK

Witness Care

- a) Is the witness willing and likely to attend court? Yes No
b) What can be done to ensure attendance?
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes No
d) Does the witness have any particular needs? Yes No
If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
b) I have been given the Victim Personal Statement leaflet Yes No
c) I have been given the leaflet 'Giving a witness statement to the police - what happens next?' Yes No
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice): Yes No N/A
e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable e.g. child care proceedings, CICA: Yes No N/A
g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: PRINT NAME

Signature of parent / guardian / appropriate adult: PRINT NAME

Address and telephone number if different from above:

Statement taken by: Station:

Time and place statement taken:

Signature: Signature witnessed by:

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To: General Purposes Licensing Sub Committee
Date: 15th June 2011 **Item No:**
Report of: Head of Environmental Development
Title of Report: Hackney Carriage Tariff – Application for Increase

Summary and Recommendations

Purpose of report: To determine whether an automatic increase to the Hackney Carriage Tariff of 20 pence per journey be applied upon the price of a litre of diesel fuel reaching £1.50.

Report Approved by: Head of Environmental Development

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

- i) The Committee is requested to approve that the Head of Environmental Development may, subject to the consideration of any objections received, amend the table of fares to introduce an automatic surcharge of 20 pence per journey be applied to all fares when the price of a litre of diesel fuel reaches £1.50 per litre at a predetermined list of local fuel outlets; and
- ii) That upon the price of a litre of diesel fuel falling below the £1.50 threshold at any of the listed fuel outlets, that the surcharge be automatically revoked.
- iii) That the Head of Environmental Development publish notice of the surcharge in accordance with Section 65 (2) of the Local Government (Miscellaneous Provisions) Act 1976.
- iv) That the Head of Environmental Development consider any objections received in consultation with the Chair of the Committee before introduction of the surcharge.

Introduction

1. At a meeting of the General Purposes Licensing Committee on 28th October 2008, the Committee resolved to agree 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 the Hackney Carriage Tariffs was necessary.

2. With the current rise in the cost of both petrol and diesel, the City of Oxford Licensed Taxi Association (COLTA) has requested that this matter be referred back to the General Purposes Licensing Committee, in order to gain approval for a 20 pence surcharge per journey be automatically applied to the Hackney Carriage Tariff upon the price of a litre of diesel fuel rising to £1.50.

Background

3. At the General Purposes Licensing Committee on 28th October 2008, COLTA proposed that “an automatic trigger system be adopted, where the surcharge could be applied by use of the taximeters “extras” button, a surcharge of 20 pence per journey could be applied to all fares.
4. COLTA proposed that the system could be triggered when the £1.50 per litre of diesel limit was reached by all of the fuel stations on a predetermined list (London Road, Headington; Garsington Road, Cowley; Oxpens Service Station).
5. Should the limit be reached and the surcharge levied, an official notice issued by Oxford City Council would be displayed on the Hackney Carriages.
6. Should the price of a litre of diesel fuel fall below £1.50 at one or more of the fuel stations on a predetermined list, then the 20 pence surcharge per journey will be revoked, until such time as the price of fuel reaches the £1.50 per litre “automatic trigger”.

Legal Considerations

7. There are no financial considerations for the Authority regarding the content of this report.

Financial Considerations

8. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides a power to the Authority to fix fares and charges subject to a requirement to give notice of the proposed charges and consider any objections.

Recommendations

9. The Committee is recommended to:
 - i) Approve that the Head of Environmental Development may, subject to the consideration of any objections received, amend the table of fares to introduce an automatic surcharge of 20 pence per journey to all fares when the price of a litre of diesel fuel reaches £1.50 per litre at a predetermined list of local fuel outlets; and
 - ii) That upon the price of a litre of diesel fuel falling below the £1.50 threshold at any of the listed fuel outlets, that the surcharge be automatically revoked.

- iii) That the Head of Environmental Development publish notice of the surcharge in accordance with Section 65 (2) of the Local Government (Miscellaneous Provisions) Act 1976.
- iv) That the Head of Environmental Development consider any objections received in consultation with the Chair of the Committee before introduction of the surcharge.

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Background papers:

Version number:1

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To: General Purposes Licensing Committee

Date: 15 June 2011 Item No:

Report of: Head of Environmental Development

Title of Report: Pavement Stall Size

Summary and Recommendations

Purpose of report: Proposals for the design, layout and size of street trading pitches, with special reference to pitches that have the capability to overhang the 2m x 1m curtilage.

Report Approved by:

Finance: Paul Swaffield (Approved)

Legal: Daniel Smith (Approved)

Policy Framework: Vibrant, sustainable economy

Recommendations:

Committee is recommended to:

- (a) resolve to grant delegated authority to the Head of Environmental Development to decide and authorise variations to stall sizes where it is reasonable and appropriate to do so, having regard to the location of the stall and the type of goods to be sold, up to a maximum size of 2.4m x 1.3m (8ft x 4ft).**
- (b) agree the prescriptive criteria for a street trading stall as set out in Appendix III, and**
- (c) resolve to only require the Head of Environmental Development to refer the decision to the Committee for approval if representations are received from interested parties that a stall should not be increased in size or the conditions varied.**

Background

1. On the 29th March 2011 Licensing & Registration Sub Committee received a report to determine the renewal of a Street Trading Consent to Mr John Irvin trading at the top of St Ebbes Street (site 28). Mr Irvin was in breach of the new conditions (Appendix I) because of the over occupation of the pitch by the use of

freestanding displays and storage crates. Following discussion about pitch size and the appearance of stalls in general, Sub-Committee resolved to “ask officers to prepare a report containing proposals for the design, layout and size of street trading pitches, with special reference to pitches that had the capability to overhang the 2m x 1m curtilage, for the next meeting of the General Purposes Licensing Committee”.

.Current situation

2. Vehicles are individually approved and Street Trading Consents are specific to the unit concerned. Any changes to or replacement of the vehicle must be approved by the Head of Environmental Development. Trailers are treated as vehicles for the purposes of Street Trading Consents. Under the Street Trading Policy, adopted in 2010, stalls are restricted to 2m x 1m.
3. Since the implementation of the Street Trading Policy it has become evident that the current restriction on pavement stall size is proving difficult to meet for some traders. There appears to be an industry standard size; manufacturers have production runs of stalls sized 2.4 m x 1.3 m (8ft x 4ft). It is less expensive for traders to purchase a standard sized stall than have a 2 x 1m stall made to special order.
4. On examination it is clear that each stall is different in nature and it appears the permitted size of the stall may be too restrictive. In some cases a stall larger than 2m x 1m would be acceptable having regard to the location and the type of product being sold.
5. Some traders, especially those who sell jewellery, can easily manage to meet the 2m x 1m requirement as jewellery doesn't use much space. Those traders who sell bulkier items such as flowers depend on a slightly larger display. They state there is real commercial need to create a visual impact to attract customers to their display which in turn enhances the local environment.
6. It seems reasonable that a stall should have a degree of overhang to form a shelter from inclement weather but this should not be excessive. No articles for sale should protrude beyond the overhang and any display fixtures under this overhang need to be fixed securely to the stall structure to prevent expansion beyond the agreed pitch and for the safety of passers-by.
7. Containers of stock must be stored within the footprint of the agreed pitch and no articles should be placed on display above the 2.3m height restriction.

Design

8. The current criteria for a stall is open to interpretation (see photographs in Appendix II). In order to raise the standard of stalls it would be helpful to have a more prescriptive criteria (see Appendix III).

Financial Implications

9. There is potential adverse risk to future street trading income levels if the stall size dimensions result in traders deciding not to continue trading.

Legal Implications

10. There are no legal implications within the content of this report.

Recommendations

11. Committee is recommended to:

(a) resolve to grant delegated authority to the Head of Environmental Development to decide and authorise variations to stall sizes where it is reasonable and appropriate to do so, up to a maximum size of 2.4m x 1.3m (8ft x 4ft),

(b) agree the prescriptive criteria for a street trading stall as set out in Appendix III, and

(c) resolve to only require the Head of Environmental Development to refer the decision to the Committee for approval if representations are received from interested parties that a stall should not be increased in size or the conditions varied.

Name and contact details of author:

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01865 252887

Background papers:

Version number: 1

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
7. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
9. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.

10. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate.
11. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
12. The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2 metres x 1 metre.
13. The Consent Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
14. All hot food vans/trailers are required to carry a basic first aid kit. The Consent Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, that is accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
16. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
17. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Environmental Development of the name and address of that person. An administration fee will be payable.
18. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Environmental Development.
19. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Environmental Development. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
20. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

21. A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
22. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the City Environmental Health Officer before the Street Trading Consent is issued. Proof of cover must be produced to an officer of Oxford City Council as required.
23. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
24. Instalments are required quarterly, in advance. On or before the following dates 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.





Criteria for a Street Trading Stall in Oxford City

A traditional market style stall:

1. The stall must be purpose built.
2. The stall must be portable i.e. brought to site and erected every day.
3. The stall must have a steel or wooden frame.
4. The stall must have an overhanging apex roof with top cover in Oxford Blue livery.
5. The stall may have a matching skirt around the front edge of the display.
6. The stall must incorporate a table for the display of goods.
7. The stall dimensions shall not exceed 2.3 metres in height nor have a footprint of greater than 2.4m x 1.3m (8ft x 4ft).

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To: General Purposes Licensing Committee

Date: 15 June 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Designation of Streets for Street Trading

Summary and Recommendations

Purpose of report: To amend the Street Trading Policy in relation to the designation of streets in Oxford City.

Report Approved by:

Finance: Paul Swaffield (Approved)

Legal: Daniel Smith (Approved)

Policy Framework: Vibrant, sustainable economy

Recommendations:

Committee is recommended to:

- (a) resolve to recommend that Council retains the current designation of Prohibited and Consent Streets and designates the remainder of the streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme, OR**
- (b) resolve to recommend that Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme,**
- (c) remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways,**
- (d) authorise the Head of Environmental Development to carry out the required consultation as set out in paragraph 13 of this report, and**
- (e) receive a further report to consider responses to the consultation before making the recommendation to Council.**

Introduction

1. Oxford City Council introduced a Street Trading Consent Scheme in 1986 to regulate trading in the City centre and its suburbs. Under the scheme streets have been designated as either “Prohibited Streets” where street trading is prohibited altogether or “Consent Streets” where street trading is prohibited without the consent of the Council. "Street" includes any road, footway, beach, or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street. The number and location of pitches is regulated by the number of consents granted and each consent specifies the particular location within a street where trading is permitted.
2. Details of the current street designations are appended. All other streets in Oxford are undesignated. Undesignated streets could therefore potentially have lawful street trading without requiring the consent of the Council, the Council having no powers to control this activity. The trader may be committing other offences under the Highways Act 1980 by doing so, however.
3. The initial scheme regulated street trading primarily in the City centre. Over time the scheme has been extended beyond the City centre by designating streets in the Cowley Road and St Clements Street areas. In addition, Dawson Street, Little Clarendon Street, part of London Road and part of Banbury Road have been redesignated as Consent Streets.
4. The Street Trading Scheme was reviewed in 2010 by Committee which, resulted in the Council adopting the current Street Trading Policy following consultation. At the same time, Committee looked at the designation of streets and resolved;

“to change in principle, the Street Trading designation of streets in the City, and request a further report be submitted to the Committee outlining the proposed changes.”

Issues

5. There are some inconsistencies in the designation of streets under the current scheme which require resolving;
 - There are streets within the City centre area of designation that are not designated. For example Brewer Street is not designated, whereas Pembroke Street is a Prohibited Street. Similarly, Rose Lane is within the area but not designated.
 - The Westgate Centre and Clarendon Centre walkways and the Covered Market are Prohibited Streets although they are actively managed enclosed shopping locations where street trading has not been enforced.
 - Banbury Road (to junction of Bevington Road) is a Prohibited Street and Banbury Road (service road on Western side at Summertown) is a

Consent Street. This means that Street Trading would not be unlawful in the remainder of Banbury Road which is undesignated.

6. The unregulated sale of second hand cars by traders on public highways has become a problem in parts of the City. The so called “nuisance parking” is causing issues for local residents. The Clean Neighbourhoods and Environment Act 2005, which aims to deal with car dealers using the highway for business purposes has proved ineffective in dealing with this issue. Gaining evidence to prove that an offence is being committed by car dealers is very time consuming and ineffectual. As the vehicles take up no more room than a parked vehicle they are not considered to be causing an unnecessary obstruction contrary to the Highways Act 1980. The vehicles are usually advertised for sale where there is no waiting or loading restriction. Therefore neither the County Council nor the Police are willing to bring a prosecution for obstruction.

Proposals

7. It is proposed that the Council designates all streets in Oxford under the Street Trading Scheme. By bringing the whole City within the scheme, it will enable the Council to regulate all street trading. Two options are put forward:
8. **Option 1.** To retain the designation of Prohibited and Consent Streets and designate the remainder of the streets in Oxford as Consent Streets.

Pros

- Extends control of street trading to all streets in Oxford. The adopted Street Trading Policy makes it clear that there is a process of consultation to adhere to, before any new pitches are approved. The Policy also contains the criteria for deciding applications for Street Trading Consents.
- Maintains prohibition in streets where street trading of all kinds is considered inappropriate in all circumstances.
- Deals with the inconsistencies outlined in paragraph 5.
- Enables the regulation of the sale of second hand cars in all streets by making it unlawful without a Street Trading Consent.

Cons

- If the current distinctions are maintained this may create an expectation that all applications for street trading consents in Consent Streets are likely to be successful.
- Does not give the flexibility in allowing street trading to take place during special events in streets that may previously have been prohibited.

9. **Option 2.** To designate all streets in Oxford (including the City centre) as Consent Streets.

Pros

- Extends the control of street trading to all streets in Oxford. The adopted Street Trading Policy makes it clear that there is a process of consultation to adhere to, before any new pitches are approved. The Policy also contains the criteria for deciding applications for Street Trading Consents.
- There will be no time-consuming process to establish the classification for different streets or parts of streets as has previously occurred when the scheme has been modified.
- This gives flexibility in allowing street trading to take place during special events in streets that may previously have been prohibited.
- Deals with the inconsistencies outlined in paragraph 5.
- Enables the regulation of the sale of second hand cars on public highways by making it unlawful in any street without a Street Trading Consent.

Cons

- Does not allow for complete prohibition in all circumstances in certain streets. This approach may give rise to public disquiet that street trading may be approved at some point in the future.

Other Matters

10. Existing traders on privately owned land such as the hot food vans at Wickes Car Park, Botley Road and the John Allen Centre Car Park, Between Towns Road currently do not require a street trading licence to trade. If all streets become Consent Streets then these traders will require a street trading consent or they will be deemed to be illegally street trading.

Legal Implications

11. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'Consent Streets', 'Licence Streets' or 'Prohibited Streets'.
12. Should the Council decide to designate or change the designation of streets within its area, it must follow the procedure laid down in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
13. The procedure to be followed before the Council can formally change the designation of streets is as follows;

- The publication of a notice of intention to pass the resolution in a local newspaper and serve copies on the Chief Officer of Police and on the County Council as Highway Authority.
- A period of 28 days must elapse from the time of the initial publication of the notice to the time the Council passes the resolution confirming the proposed designation. This is to allow objections to be made, which must be considered before a resolution is passed.
- Once the resolution is passed, the Council must publish notice of the fact on 2 consecutive weeks in a local newspaper. The first publication date must be no later than 28 days before the date specified in the resolution as the date on which the designation comes into force.

Financial Implications

14. The Council collects licence fees for the Street Trading function. Fees are reviewed annually prior to the Council setting its budget. Predicted income from licence fees is included in the Council's budget.

Recommendations

15. Committee is recommended to:

(a) resolve to recommend that Council retains the current designation of Prohibited and Consent Streets and designates the remainder of the streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme, **OR**

(b) resolve to recommend that Council designates all streets within the Oxford City Council boundary as Consent Streets for the purposes of the Street Trading Scheme,

(c) remove the designation of the Covered Market Walkways, the Clarendon Centre Walkways and the Westgate Centre Walkways,

(d) authorise the Head of Environmental Development to carry out the required consultation as set out in paragraph 13 of this report, and

(e) receive a further report to consider responses to the consultation before making the recommendation to Council.

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Background papers:

Version number:

CURRENT Prohibited Streets within Oxford

No street trading of any form is allowed in the following streets.

Adelaide St
 Alfred St
 Alma Place
 Banbury Rd (*to junction with Bevington Rd*)
 Bartlemas Close
 Bartlemas Rd
 Bath St
 Bear Lane
 Beaumont St
 Beckett St
 Belvedere Rd
 Bevington Rd
 Blackhall Rd
 Blue Boar St
 Boulter St
 Brasenose Lane
 Brookside
 Bullingdon Rd
 Cardigan St
 Caroline St
 Cave St
 Chain Alley
 Chapel St
 Cheney Lane
 Cherwell St
 Circus St
 Cleveland Drive
 Clive Rd
 Cowley Place
 Cranham St
 Crown St
 Divinity Rd
 East Avenue
 Edmund Rd
 Frewin Court
 Friars Entry
 George St Mews
 Gypsy Lane
 Glebe St
 Gloucester St
 Grays Rd
 Great Clarendon St
 Havelock Rd

Headington Rd
 Hendred St
 Hollybush Row
 Holywell St
 Hythe Bridge St
 Iffley Rd (*from The Plain to Circus St*)
 James St
 Jeune St
 Jowett Walk
 Juxon St
 Keble Rd
 Kenilworth Avenue
 Kybald St
 Leopold St
 Little Clarendon St
 Littlehay Rd
 Logic Lane
 London Place
 Longwall St
 Magdalen Rd
 Magdalen St
 Magdalen St East
 Magpie Lane
 Manor Place
 Manor Rd
 Mansfield Rd
 Marston Rd
 Marston St
 Merton St
 Morrell Avenue
 Museum Rd
 New College Lane
 Observatory St
 Oriel St
 Osney Lane
 Oxford Rd (*from Swan PH to Marsh Rd incl service road to Temple Court Flats at 103/105 Oxford Rd*)
 Park End Place
 Park End St
 Parks Rd (*the south part up to Museum Rd*)
 Pembroke St
 Pensons Gardens
 Princes St

Pullens Lane
 Pusey St
 Queens Lane
 Radcliffe Square
 Randolph St
 Rectory Rd
 Red Lion Square
 Rewley Rd
 Richmond Rd
 Savile Rd
 Ship St
 Shoe Lane
 South Parks
 Southfield Rd
 St Bernard's Rd
 St Clement's St (*from The Plain to Dawson St*)
 St Clements St (*between Dawson St and London Place*)
 St Cross Rd
 St John's St
 St Thomas St
 Stockmore St
 Temple St
 The Clarendon Centre Walkways
 The Covered Market
 The Plain
 The Westgate Centre Walkways
 Tidmarsh Lane
 Turl St
 Tyndale Rd
 Union St
 Upper Fisher Row
 Valentia Rd
 Walton Crescent
 Walton St (*throughout its length*)
 Wellington Square
 Worcester Place
 Worcester St
 York Place

CURRENT Consent Streets within Oxford

Banbury Road (*service road on Western side at Summertown*)
Bonn Square
Broad Street
Castle Street
Catte Street
Cornmarket Street
Cowley Rd (*from The Plain to Howard St*)
Cripsey Road (*junction with Botley Road*)
Dawson Street
George Street
High Street
King Edward Street
London Road, Headington (*layby 69-77*)
Magdalen Bridge
Manzil Way
Market Street
New Inn Hall Street
New Road
Oriel Square
Oxpens Road
Pennyfarthing Place
Pembroke Square
Queen Street
St Aldates
St Ebbes Street
St Giles
St Michael's Street
Woodstock Road (*from St Giles to junction with Bevington Road and St Bernard's Road*)

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To: General Purposes Licensing Committee

Date: 15 June 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Amendment to Fees & Charges 2011/2012

Summary and Recommendations

Purpose of report: To amend the fee for a Weekly Street Trading Fee to rectify an error.

Report Approved by:

Finance: Paul Swaffield (Approved)

Legal: Daniel Smith (Approved)

Policy Framework: Vibrant, sustainable economy

Recommendation:

To approve the amendment of the fee for a One Week Street Trading Consent to £155.

Background

- 1 Some licensing fees are set by statute and some, including Street Trading fees, are discretionary and set by the licensing authority. General Purposes Licensing Committee has delegated authority to set the discretionary licensing fees and charges. On the 1st March 2011, the General Purposes Licensing Committee agreed the discretionary fees and charges for 2011/12.

Current situation

- 2 It has been noted that there was a typing error in the original report. The fee for a one week Street Trading Consent should have been recommended at £155 and not £135 as stated in the report.

Financial Implications

- 3 The financial implication will assist in meeting our budgetary income target.

Legal Implications

- 4 There are no legal implications within the content of this report.

Recommendation

- 5 To approve the amendment of the fee for a One Week Street Trading Consent to £155.

Name and contact details of author:

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Background papers:

Version number: 1

GENERAL PURPOSES LICENSING COMMITTEE

Thursday 19th May 2011

COUNCILLORS PRESENT FOR THE WHOLE OF THE MEETING: The Chair (Councillor Clark Brundin), the Vice-Chair (Councillor Colin Cook), Councillors Clark Brundin, Jim Campbell, Mary Clarkson, Van Coulter, John Goddard, Michael Gotch, Bryan Keen and Bryan Keen.

OFFICERS PRESENT FOR THE WHOLE OF THE MEETING: William Reed and Mathew Metcalfe (Law and Governance).

1. ELECTION OF CHAIR FOR THE 2011/12 COUNCIL YEAR

Councillor Clark Brundin was elected as Chair for the Council Year 2011/12

2. ELECTION OF VICE CHAIR FOR THE 2011/12 COUNCIL YEAR

Councillor Colin Cook was elected as Vice-Chair for the Council Year 2011/12

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Gwynneth Royce.

4. DECLARATIONS OF INTEREST

None declared

5. POWERS AND DUTIES

The Committee agreed to note the powers and duties of the Committee.

6. APPOINTMENT OF SUB-COMMITTEES FOR 2011/12

The Head of Law and Governance submitted a report (previously circulated, now appended) which concerned the establishment of Sub-Committees for the 2011/12 Council Year to deal with the casework flowing from the Committee's own responsibilities.

The Committee agreed:

- (a) To establish a Hackney Carriages and Private Hire Licensing Sub-committee for the Council Year 2011/12, and agreed its powers and duties and to appoint members to it on the basis of political balance where possible and practical as follows:

Councillors Clark Brundin, Colin Cook and Bryan Keen.

- (b) To establish a Licensing and Registration Sub-Committee for the Council Year 2011/12 and agreed its powers and duties and to appoint members

to it on the basis of political balance where possible and practical as follows:

Councillors Clark Brundin, Colin Cook and Michael Gotch.

7. LICENSING TRAINING 2011/12

The Head of Law and Governance informed the Committee that training had been arranged for Friday 8th July 2011.

In response to comments on the training dates, William Reed, Democratic Services Manager agreed to speak with the Licensing Manager regarding possible alternative dates and methods of training.

8. DATE AND TIMES OF FUTURE MEETINGS

The Committee agreed to note the following dates of future meetings and to meet immediately following the Licensing and Gambling Acts Committee.

Wednesday 15th June 2011
Wednesday 19th October 2011
Wednesday 2nd February 2012

The meeting started at 4.36 pm and finished at 4.45 pm

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 1st March 2011

COUNCILLORS PRESENT FOR THE WHOLE OF THE MEETING: The Vice-Chair (Councillor Clark Brundin), Councillors Michael Gotch, Bryan Keen, Mark Lygo and David Williams.

OFFICERS PRESENT FOR THE WHOLE OF THE MEETING: Tony Payne, Julian Alison, Dawn Cox and Jill Cramer (Environmental Development), Mathew Metcalfe and Daniel Smith (Law and Governance).

36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Colin Cook (the Chair), and Nuala Young.

37. DECLARATIONS OF INTEREST

None declared.

38. UPDATE ON REQUEST TO LICENCE A HORSE DRAWN CARRIAGE AS AN OMNIBUS

The Head of Environmental Development submitted a report (previously circulated, now appended) which provided the Committee with an update regarding the request to licence a Horse Drawn Carriage as an Omnibus, following discussions with the Oxfordshire County Council as to the viability of roads and stands.

Jill Cramer introduced the report.

The Committee agreed:

- (a) To request the Head of Environmental Development submit a further report to the next meeting of the General Purposes Licensing Committee, providing details as to the progression of this scheme following further discussions with Oxfordshire County Council;
- (b) To request the Head of Environmental Development give consideration to a reasonable fee to be charged to hold a licence as a proprietor of a Horse Drawn Carriage, a driver of a Horse Drawn Carriage and a guide of a Horse Drawn Carriage;
- (c) To approve the draft byelaws and conditions (Proprietor Conditions, Driver Conditions and Guide Conditions), as detailed in appendices two, three and four of the report.

39. CLOSED CIRCUIT TELEVISION IN LICENSED VEHICLES

The Head of Environmental Development submitted a report (previously circulated, now appended) which detailed a proposal for CCTV to be fitted into licensed Hackney Carriages and Private Hire vehicles.

Julian Alison introduced the report.

Daniel Smith informed the Committee of a petition and e-mails received after the consultation had closed. He said that the petition, which was opposed to the introduction of CCTV in licensed vehicles for reasons of cost, privacy and that the scheme should be voluntary, consisted of approximately 100 signatures and that the e-mails, five in total also raised the same points. He said that the Committee had discretion on whether or not to take the petition and e-mails into consideration.

The Committee following a debate agreed:

- (a) To approve the implementation of CCTV as a mandatory regulation for all Hackney Carriages and Private Hire Vehicles licensed for the first time by Oxford City Council from 6th April 2012;
- (b) To approve the implementation of CCTV as a mandatory regulation for all Hackney Carriage and Private Hire vehicles licensed by Oxford City Council prior to 6th April 2012, allowing until 5th April 2015 for the equipment to be fitted to the vehicle;
- (c) To approve the reimbursement to the vehicle proprietor of a maximum of £100 towards the fitting costs of CCTV to the vehicle (upon proof of receipt of payment for the fitting of the CCTV equipment), such costs to be found from the Taxi Revenue Account, to any eligible proprietor who had been granted a licence for a Hackney Carriage or Private Hire vehicle between 6th April 2009 and 5th April 2012, restricted to no more that one payment per licenses vehicle;
- (d) To approve the Minimum Standard Specification as detailed in Appendix One to the report, with immediate effect*, for all vehicles to be fitted with CCTV either as a mandatory regulation, or if voluntarily fitted by a proprietor; (* this prevents anyone purchasing a system now and it not meeting the specification)
- (e) To approve the request from the Private Hire Trade members to the removal of the current requirement relating to “people carriers” or “vehicles permitted to carry 5 or more passengers” having to replace the manufactured rear window of the vehicle, if the vehicle is fitted with CCTV equipment meeting the minimum standard specification from 6th April 2012;
- (f) To approve to the request from COLTA relating to the showing of advertisement on a screen placed behind the driver, on the partition of the Hackney Carriage;

- (g) To request that the Guidelines relating to Hackney Carriage Advertisements as detailed in appendix two to the report, be incorporated within the criteria and regulations pertaining to Hackney Carriages licensed by Oxford City Council from 6th April 2012;
- (h) To request that the Hackney Carriage Internal Advertisement Criteria as detailed in appendix three to the report, and such information be incorporated within existing guidelines;
- (i) To request the Head of Environmental Development to submit a report to the next meeting of the General Purposes Licensing Committee informing Members as to the progression of the CCTV initiative following forthcoming Trade meetings;
- (j) To request the Head of Environmental Development submit a report to the next General Purposes Licensing Committee informing Members of any legal requirements associated with the use of CCTV in licensed vehicles, in particular with regard to data protection, human rights, and the Authorities storage of recorded footage obtained;
- (k) To request that the Head of Environmental Development submit a final report regarding the implementation of CCTV equipment in vehicles licensed by Oxford City Council, and submit as an appendix, the revisions to the guidelines, criteria, conditions and regulations relating to Hackney Carriages and Private Hire vehicles licensed by Oxford City Council;
- (l) To request the Head of Environmental Development to make any necessary amendments and additions relating to the regulations of Hackney Carriage and Private Hire vehicles licenses by Oxford City Council to accommodate for the implementation of the CCTV initiative and any further issues rising from the planned Trade meeting in March 2011, and submit such amendments and additions to the General Purposes Licensing committee scheduled to be held in October 2011;
- (m) To request the Head of Environmental Development to submit a brief update report on the implementation of CCTV to the next meeting of the Committee.

40. UPDATE ON TAXI LICENSING ACTIVITY – SEPTEMBER – DECEMBER 2010

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 and December 2010.

Julian Alison introduced the report.

The Committee agreed to note the report.

41. AMENDMENTS TO TAXI LICENSING REGULATIONS AND GUIDELINES

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought approval to the additions and amendments to the current Taxi Licensing regulations and guidelines.

Julian Alison introduced the report.

The Committee agreed:

- (a) To approve the additions and amendments to the regulations and guidelines criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drives and Operators;
- (b) To approve the additions and amendments to the Policy on the Relevance of Offences, Cautions and Convictions relating to licensing of Hackney Carriage and Private Hire Drivers and Operators;
- (c) To approve the amended Policy on the Relevance of Offences, Cautions and Convictions being incorporated into the forthcoming Taxi Licensing Policy, and in turn grant delegated authority to the Head of Environmental Development to immediately suspend a driver charged with any indecency offence, and that suspension be in force until the case was determined by either the Police or the Courts;
- (d) To recommend Council adopt the amended Policy on the Relevance of Offences, Cautions and Convictions.
- (e) To delegate authority to the Head of Environmental Development and the Head of Law and Governance to make any textual changes to the Regulations and Guidelines put forward in the report and to authorise the Head of Law and Governance to amend the Constitution accordingly.

42. ST. EBBES STREET TRADING SCHEME

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought approval to relocate street trading pitches from outside the front of the Westgate Centre/St. Ebbes Street.

Tony Payne introduced the report.

The Committee agreed to approve in principle the relocation of the three street trading pitches from outside the front of the Westgate Centre, subject to their being no financial costs to the Council.

43. LICENCE FEES 2011/12

The Head of Environmental Development submitted a report (previously circulated, now appended) which sought agreement to the license fees for 2011/12 where the Council had discretion over the level of fee charged.

Tony Payne introduced the report.

The Committee agreed:

(a) To note the license fees set by statute;

(b) To approve the license fees for 2011/12 as set out in the report.

44. MINUTES

The Committee agreed to approve the minutes (previously circulated) of the meeting held on 13th October 2010.

45. MATTERS ARISING FROM THE MINUTES

None.

The meeting started at 5.45 pm and finished at 7.05 pm

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