

To: General Purposes Licensing Committee

Date: 19 October 2011

Item No:

Report of: Head of Environmental Development

Title of Report: Horse Drawn Carriages - Consultation

Summary and Recommendations

Purpose of report: To recommend Committee to consider the responses to the consultation regarding Horse Drawn Carriages.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Committee is recommended to:

- a) consider the responses received during the consultation regarding Horse Drawn carriages; and
- b) determine whether to
 - (1)
 - i) Proceed with the implementation of the Horse Drawn Carriage scheme.
 - ii) Recommend Council to make the approved byelaws.
 - iii) Subject to the making of the approved byelaws by Council authorise the Head of Law and Governance and Head of Environment Development to carry out the necessary statutory procedures.

OR

(2) Not to proceed with implementation of the horse drawn carriage scheme.

Introduction

1. On 25th May 2010, a proposal to licence a Horse Drawn Carriage to carry out a journey on a designated route in the City Centre was received by the Licensing Authority, attached as **Appendix One**.

Background

2. Following receipt of this proposal, the Licensing Officers put the request to the General Purposes Licensing Committee on 13th October 2010, in order to obtain the Committee's view on whether further consideration should be given to the proposal. At this meeting the Committee were informed of the following:

- a) A Horse Drawn Carriage could not be licensed as a Hackney Carriage, but could be licensed as an Omnibus travelling along a fixed route. Such a route would need to be investigated with Oxfordshire County Council.
 - b) Byelaws would need to be adopted to establish a stand where the horse and carriage would be able to wait to pick up and drop off fare paying passengers, and to cover the operation, and would have to cover the welfare of the animals, including a veterinary certificate, the provision of a suitably qualified driver and an attendant in addition to the normal requirements for Health & Safety.
 - c) As no budget currently existed to carry out this proposal, the applicant must accept that he would be liable to pay for the costs incurred by the Licensing Authority carrying out the necessary work to investigate his proposal.
 - d) Fees would need to be set to licence a guide, driver and proprietor.
3. The Committee gave support in principle to the licensing of Horse Drawn Carriages, and requested that a further report be submitted in March 2011 following discussions with the Oxfordshire County Council as to the viability of roads and stands.
4. At the next meeting on 1st March 2011, the Committee was informed of the following:
- a) The conditions applicable to the licensing of a guide, driver and proprietor of a Horse Drawn Carriage (attached as **Appendix Two**), and in order to promote public safety the guide and driver should undertake a Criminal Records Bureau Disclosure, and that the driver has attained a Road Certificate as described in the Department of Transport Code of Practice for Horse Dawn Vehicles.
 - b) The proposed designated route following consultation with Oxfordshire County Council, including the proposal that the rickshaw stand in Broad Street be used for the carriage to pick up and drop off passengers, attached as **Appendix Three**.
 - c) The Byelaws that would need to be implemented in order for the proposal to be implemented (attached as **Appendix Four**).
5. The Committee resolved:
- (a) To agree 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) That a reasonable fee to be set 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;
6. At its meeting on 15th June 2011, the Committee considered a further report regarding the proposal to licence Horse Drawn Carriages. The report informed the Committee of the following:
- a) That the Public Health Team Leader in Environmental Development had been consulted on the welfare of the horses and combined with the provisions in the draft byelaws 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.
- b) The proposed licence fees be set at:
- Guide of a Horse Drawn Carriage £100.00
 - Driver of a Horse Drawn Carriage £100.00
 - Proprietor of a Horse Drawn Carriage £250.00
- c) That 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. At the present time these costs are:
- Enhanced Criminal Records Bureau Disclosure £43.00
 - Badge / Replacement Badge £10.00
 - Carriage Plate / Replacement Plate £25.00
- Any other costs associated with the applicants meeting the criteria will be payable by the applicant directly to the relevant service provider (i.e. Medical Certificate).
- d) That the draft byelaws have now received provisional approval from the Secretary of State for Transport, and that Full Council would need to make the byelaws before statutory advertisement and final confirmation by the Secretary of State.
7. The Committee approved the proposed fees, recommended Council make the approved byelaws, and requested that the statutory advertisement of the byelaws be carried out, and that the general public be consulted as to the proposals.

Consultation

8. The Head of Environmental Development ran an online consultation from 4th July 2011 to 31st July 2011, seeking the views of the general public as to the Horse Drawn Carriage scheme.
9. The online consultation received a total of 20 responses (4 in favour of the scheme, 16 in opposition of the scheme), which can be found attached as **Appendix Five**.
10. In addition to the online consultation a response was received from the City of Oxford Licensed Taxicab Association and members of the Private Hire Trade Associations, attached as **Appendix Six**.
11. Furthermore, 13 responses were received by email from individuals expressing their objection to the Horse Drawn carriage scheme, and are attached as **Appendix Seven**.
12. An official response was received from the People for the Ethical Treatment of Animals Foundation (PETA) opposing the scheme, and 650 further emails were received from members of PETA who had each completed an online petition on the PETA website. The official PETA response is attached as **Appendix Eight**, and one of the 650 emails received via the PETA online petition is attached as **Appendix Nine**.
13. Following the strong consultation response, officers have submitted this report to allow Committee to consider those responses.

Recommendations

14. The Committee is recommended to:
 - a) consider the report and responses received during the consultation regarding Horse Drawn carriages; and
 - b) determine whether to:
 - (1)
 - i) Proceed with the implementation of the Horse Drawn Carriage scheme.
 - ii) Recommend Council to make the approved byelaws.
 - iii) Subject to the making of the approved byelaws by Council authorise the Head of Law and Governance and Head of Environment Development to carry out the necessary statutory procedures.

OR

- (2) Not to proceed with implementation of the horse drawn carriage scheme.

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Background Papers

Appendices:

1. **Proposal to licence Horse Drawn Carriages**
2. **Conditions applicable to the licensing of a guide, driver and proprietor of a Horse Drawn Carriage**
3. **Proposed Designated Route**
4. **Draft approved Byelaws**
5. **Responses from the online consultation**
6. **Response from COLTA and Private Hire Trade Associations**
7. **Responses from individuals received via alternative means**
8. **Response from PETA Head Office**
9. **Example of Response from PETA Members**

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