

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 21 May 2013

COUNCILLORS PRESENT: Councillors Clarkson, Cook, Coulter, Gotch, Humberstone, Lygo, Royce and Williams (late).

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Jill Cramer (Environmental Development), Daniel Smith (Law and Governance), William Reed (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2013/2014

The Committee appointed Councillor Cook as Chair for the Council year 2013/14.

2. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2013/2014

The Committee appointed Councillor Gotch as Vice Chair for the Council year 2013/14.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies were received.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

5. GENERAL PURPOSES LICENSING COMMITTEE - APPOINTMENT OF SUB-COMMITTEES

The Head of Law and Governance submitted a report (previously circulated, now appended). William Reed (Democratic Services Manager) presented the report to establish Sub-Committees for the 2013-14 Council year, to deal with the casework flowing from the Committee's own responsibilities.

Sub-committees are required by law to be political balanced and made up of 3 members – in this case, 2 Labour members and 1 Liberal Democrat.

The Council has programmed provisional sub-committee dates into the Council meeting calendar. Sub-Committee members requested that Officers give members as much notice as possible when a sub-committee is required to meet.

The Committee resolved to:

- (1)(a) Establish and APPOINT Councillors Cook, Clarkson and Royce onto a Hackney Carriages and Private Hire Licensing Sub-Committee for the Council year 2013 – 14, and to agree its powers and duties as listed in Appendix 1 of the report.
- (b) NOTE that the quorum for the Hackney Carriages and Private Hire Licensing Sub-Committee is two and to agree the proviso that the Sub-committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
- (2)(a) Establish and APPOINT Councillors Clarkson, Coulter, Humberstone and Royce onto a Licensing and Registration Sub-Committee for the Council year 2013 – 14, and to agree its powers and duties as listed in Appendix 2 of the report.
- (b) NOTE that the quorum for the Licensing and Registration Sub-Committee is two and to agree to the introduction of a proviso that the Sub-Committee can only proceed at quorum if the person appearing before the Sub-Committee agrees;
- (3) AGREE that substitution is permitted on the two sub-committees but that substitutes must be from the Committee itself.

6. UPDATE ON TAXI LICENSING ACTIVITY - JANUARY 2013 - MARCH 2013

The Head of Environmental Development submitted a report previously circulated, now appended). Julian Alison (Licensing Team Leader) presented the report and informed the Committee of the progress made on the Taxi Licensing Function between January 2013 and March 2013.

The Committee made the following comment:

In regards to paragraph 10 of the report - appeals being upheld on cases based on irrelevant factors ie “driver’s livelihood”. The Chair questioned why officers did not appeal the decision and would like in future for the Chair and Vice Chair to be consulted, (when such cases arise) with a view of lodging an appeal.

The Committee resolved to NOTE the contents of the report.

7. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Head of Environmental Development has submitted a report previously circulated, now appended). Jill Cramer (Licensing Officer) presented the report to the Committee and explained the background of the “Unmet Demand” survey that was carried out between October 2012 and December 2012.

A presentation was made by the external consultant appointed to conduct the unmet demand survey. The brief was to determine whether or not there is significant unmet demand for the Hackney Carriage service within Oxford as defined in Section 16 of the Transport Act 1985; and how many additional hackney carriages are required to eliminate any significant unmet demand.

The survey found that demand for hackney carriages in Oxford had increased by 13% since 2009, this is well below the 80% threshold used as a benchmark by councils to determine the need to increase supply of hackney carriage licences.

The survey concluded that there is no evidence of significant unmet demand for Hackney carriages in Oxford.

The Committee resolved to:

- (a) AGREE to accept the conclusions of the Hackney Carriage “Unmet Demand” survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for hackney carriage services in Oxford;
- (b) RECOMMEND to the City Executive Board and Full Council that there is currently no significant unmet demand for hackney carriage services and to therefore resolve to maintain the Council’s policy of quantity control on the number of hackney carriage vehicle licences; and
- (c) AGREE that a further Unmet Demand survey be commissioned in 2015, subject to any future changes to relevant legislation.

8. AUDIO VISUAL RECORDING IN LICENSED VEHICLES - UPDATE

The Head of Law and Governance and the Head of Environmental Development submitted a report (previously circulated, now appended). Daniel Smith (Lawyer) presented the report to the Committee and explained the background.

The Committee’s resolved in May 2012 to suspend the requirement for audio visual recording in taxis, pending further consultation and the outcome of the Law Commission Review. Since then, Southampton City Council (who had a similar scheme to Oxford’s) has been subject to an enforcement notice by the ICO based on data protection and privacy. The tribunal found the scheme to be an “unjustified and disproportionate interference with the right to privacy of drivers and passengers”.

As a result of this case, officers therefore recommend that the Committee does not implement the scheme.

The Committee resolved to:

- (a) NOTE the contents of the report;
- (b) AGREE not to implement the audio visual recording scheme in its entirety
- (c) AGREE not to require any further consultation to be carried out.

9. MINUTES

The Committee APPROVED the minutes of the meeting held on 19th February 2013 as a true and accurate record.

10. DATES OF FUTURE MEETINGS

The Committee resolved to meet on Tuesday 5 September 2013 following the Licensing and Gambling Acts Committee.

The meeting started at 5.25 pm and ended at 6.30 pm