

Agenda

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General Purposes Licensing Committee

Date: **Monday 8 July 2019**

Time: **7.00 pm**

Place: **Council Chamber - Oxford Town Hall**

For any further information please contact:

John Mitchell, Committee Services Officer

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

General Purposes Licensing Committee

Membership

Chair	Councillor Mary Clarkson
Vice-Chair	Councillor Colin Cook
	Councillor Tiago Corais
	Councillor Michael Gotch
	Councillor Ben Lloyd-Shogbesan
	Councillor Mark Lygo
	Councillor John Tanner
	Councillor Sian Taylor
	Councillor Elizabeth Wade
	Councillor Dick Wolff

The quorum for this Committee is 4 Members, no substitutes are permitted.

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AGENDA

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1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

3 **MINUTES**

5 - 10

Recommendation: That the minutes of the meeting held on 14 May 2019 be APPROVED as a true and accurate record.

4 **AMENDMENT TO EMISSION STANDARDS FOR HACKNEY CARRIAGE VEHICLES**

11 - 14

The Head of Regulatory Services and Community Safety has submitted a report to recommend amendment to the emission standards for Hackney Carriage Vehicles licensed by this Authority.

Recommendation: That the General Purposes Licensing Committee resolves to:

1. **Approve** the recommended amendment to the approved emission standards for Hackney Carriage Vehicles licensed by this Authority; and
2. **Agree** that such proposals be recommended to Council for adoption.

5 **DATES OF FUTURE MEETINGS**

The next meetings of the Committee are scheduled to take place on:

- 18 September 2019
- 03 February 2020

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members’ Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

¹ Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Minutes of a meeting of the GENERAL PURPOSES LICENSING COMMITTEE on Tuesday 14 May 2019

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Committee members:

Councillor Clarkson (Chair)

Councillor Cook (Vice-Chair)

Councillor Corais

Councillor Gotch

Councillor Lygo

Councillor Wade

Officers:

Daniel Smith, Lawyer

Alison Daly, Lawyer

Lesley Rennie, Business Regulation Team Manager

Samantha Broome, Licensing Officer

Richard Masters, Licensing Compliance Officer

Joshua Curnow, Senior Licensing Officer

John Mitchell, Committee and Member Services Officer

Apologies:

Councillor Taylor sent apologies.

1. Election of Chair for the Council Year 2019-20

The Committee Services Officer opened the meeting.

The Committee elected Councillor Clarkson to be the Chair for the Council Year 2019/20.

2. Election of Vice-Chair for the Council Year 2019-20

The Committee elected Councillor Cook to be the Vice Chair for the Council Year 2019/20

3. Declarations of Interest

None.

4. Appointment of Sub-Committees

The Head of Law and Governance had submitted a report to establish 4 sub-committees for the 2019-20 Council Year to deal with the casework flowing from the Committee's own responsibilities.

The Committee Officer explained that the proposed composition of sub-committees as given in the report had presupposed the same political make up of the Committee as in 2018/9 (ie **8 Labour** and **2 Liberal Democrat**)

The position was, however, now slightly different (ie **7 Labour, 2 Liberal Democrat** and **1 Green**). The Local Government Housing Act 1989 required this sub-committee to be politically balanced. The current political balance of the Committee required that all 3 member sub-committees must consist of two Labour places and one Liberal Democrat place.

As the Green party only had one seat on the Committee it was not automatically entitled to a seat on a 3 member sub-committee. However it would be possible for the Green member to have a seat on a sub-committee if the Committee was minded to pass a unanimous resolution to that effect.

After brief discussion a proposal to make such a resolution was put but in the absence of unanimous support it was not agreed.

The Committee resolved to:

1. **Agree** that the casework hearings for taxi, private hire or other driver or vehicle licences, street trading licences and sex establishment licences should be determined by sub-committees as set out in the Powers and Duties of GPL Sub-Committees at Appendix 1;
2. The report covers data on service volumes, determined applications, enforcement carried out by the Authority, as well as Sub-Committee decisions and prosecutions.
 - Sub- Committee A: GPL Chair, Labour Cllr A, Lib Dem Cllr A
 - Sub- Committee B: GPL Vice Chair, Labour Cllr B, Lib Dem Cllr B
 - Sub- Committee C: GPL Chair, Labour Cllr C, Lib Dem Cllr A
 - Sub- Committee D: GPL Vice Chair, Labour Cllr D, Lib Dem Cllr B;
3. **Agree** that substitution is permitted on each of the 4 sub-committees but that substitutes must be from the General Purposes Licensing Committee and must maintain political proportionality;
4. **Agree** the meeting dates and time listed below; and
5. **Agree** that the names of members for the 4 sub-committees be agreed outside the meeting.

Date	Sub-Committee	Date	Sub-Committee
28 May 2019	A	03 Feb 2020	C
08 July 2019	B	16 Mar 2020	D
19 Aug 2019	C	17 Apr 2020	A
30 Sep 2019	D		
11 Nov 2019	A		
16 Dec 2019	B		

5. Annual Update on Taxi Licensing Activity 2018-2019

The Head of Regulatory Services and Community Safety had submitted a report to inform Committee of the progress made by Taxi Licensing during 2018-19.

The Licensing Officer introduced the report which covered data on service volumes, determined applications, enforcement carried out by the Authority, as well as Sub-Committee decisions and prosecutions.

In response to questions he explained that cases where complaints had been made to the licensing authority but no further action taken were the consequence of not being able to substantiate the complaint for one reason or another.

It was observed that the current sanctions available to sub-committees for dealing with some transgressions were, arguably, too lenient. The legal adviser said proposals to update the national guidance about these matters were nearing completion; they would expand the range of matters to be taken into consideration and, in some cases, increase the severity of the penalty.

The General Purposes Licensing Committee resolved to:

Note the contents of the report

6. Policy on Hackney Carriage Quantity Control - Unmet Demand Survey

The Licensing Officer introduced the report The recommendation to implement an official Policy on Hackney Carriage Quantity Control was agreed by Council in June 2008, including imposing a requirement that periodic reviews of the Policy were carried out.

A Hackney Carriage Quantity Control Policy is in force locally and has the effect of limiting the number of Hackney Carriage Vehicle licences granted by the Authority to a level that meets but does not exceed demand for the services of Hackney Carriage Vehicles. The current quota is set at 107 Hackney Carriage Vehicle licences.

The Licensing Authority reviews the specified limit by carrying out “Unmet Demand Surveys” every three years, which is following government best practice advice. The Policy itself forms part of the Council’s Policy Framework and changes need to be agreed by the Council.

Following a Council tendering process, CTS Traffic and Transportation trading as Licensed Vehicle Surveys and Assessment (LVSA), was appointed to undertake the “Unmet Demand Survey” in 2018.

Mr Ian Millership of LVSA then presented the outcome of the Unmet Demand Survey, a copy of which is attached to these minutes.

The key conclusions of the survey included the desirability of better advertising of taxi ranks; the need to ensure that vehicle numbers are not reduced by the encouragement of environmental improvements; the absence of any evidence that unmet demand is significant; and a view that the current limit (107 Hackney Carriages) should therefore be retained at the current level.

In response to questions Mr Millership noted the relative ease with which ranks could be clearly marked, citing the example of the practice in Newcastle.

Mr Millership was thanked for his presentation. The Committee then resolved to:

1. **Agree** to accept the recommendations of the Hackney Carriage “Unmet Demand survey” report prepared by Licensed Vehicle Surveys and Assessment (LVSA) indicating that there is currently no significant unmet demand for Hackney Carriage Vehicles in Oxford;
2. **Recommend** to Council that there is currently no significant unmet demand for the services of Hackney Carriage Vehicles and therefore to resolve to maintain the Council’s Policy of Hackney Carriage Quantity Control and the current quota of 107 Hackney Carriage Vehicle licences; and
3. **Recommend** to Council that a further “Unmet Demand survey” be commissioned in 2021, subject to any changes to relevant legislation.

7. Review of the Street Trading Policy 2019

The Head of Regulatory Services and Community Safety had submitted a report to seek approval from the Committee to consult on the draft Street Trading Policy.

The Business Regulation Team Manager introduced the report. In discussion it was noted that the proposed revisions were based on best practice. The new provisions relating to the suitability of applicants were not out of alignment with the policy in relation to taxi licensing. In relation to the proposals for limiting the sales of drinks with high sugar content and energy drinks it was noted that neither was an outright ban and the latter was just limited to children below the age of 16. It would be made clear that “animal fur” did not include wool.

It was noted that this was Lesley Rennie’s last meeting with the Committee before leaving the Council in a few days’ time. The Committee thanked her for all her work over the years and wished her well.

The General Purposes Licensing Committee resolved to:

1. **Note** the content of the report and approve the draft Street Trading Policy; and
2. **Authorise** the Head of Regulatory Services and Community Safety to undertake a public consultation on the draft Street Trading Policy.

8. Minutes

The Committee resolved to approve the minutes of the meeting held on 23 January 2019 as a true and accurate record.

9. Dates of Future Meetings

The next meeting of the Committee is scheduled to be held on:

18 September 2019.

The meeting started at 6.15 pm and ended at 7.00 pm

Chair **Date: Monday 08 July 2019**

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To: General Purposes Licensing Committee
Date: 8th July 2019
Report of: Head of Regulatory Services and Community Safety
Title of Report: Amendment to Emission Standards for Hackney Carriage Vehicles

Summary and recommendations	
Purpose of report:	To recommend amendment to the emission standards for Hackney Carriage Vehicles licensed by this Authority
Corporate Priority	Vibrant Sustainable Economy, A Clean and Green Oxford
Policy Framework	Air Quality Action Plan, Low Emission Strategy, Sustainability Strategy
Recommendations: That the General Purposes Licensing Committee resolves to:	
1. Approve the recommended amendment to the approved emission standards for Hackney Carriage Vehicles licensed by this Authority;	
2. Agree that such proposals be recommended to Council for adoption.	

Appendices	
Appendix 1	Current Emission Standards for Hackney Carriage Vehicles

Introduction and background

1. On 23rd January 2019 this Committee approved the recommendations to introduce new emission standards for Hackney Carriage Vehicles (HCV) licensed by this Authority in order to reduce emissions in the taxi fleet and to improve air quality in the City. The option recommended by this Committee has been adopted by the Council - **Appendix 1**.
2. Since the introduction of the new emission standards for HCV, members of the taxi trade, including the City of Oxford Licensed Taxicab Association (COLTA), have proposed that the transition from age limits to emissions based standards begins sooner than January 2020.
3. The overarching goals of the report approved in January were:
 - That the economic impact on the Hackney Carriage trade respects their livelihood and builds resilience to global trends in mobility
 - Achieving the urgent air quality improvement needed to meet Council targets for clean, safe air.

4. In light of supporting both of those goals the Head of Regulatory Services and Community Safety recommends approving the following amendments to the current emission standards for HCV's to support and accelerate the transition.

Recommended amendment of emission standards for Hackney Carriage Vehicles (HCV) licensed by this Authority

5. Current emission standards policy:
 - A. From 1st January 2020 remove the current requirement for new Hackney Carriage Vehicle (HCV) applications where the maximum age for a new vehicle to obtain a licence is “less than five years of age”
 - B. From 1st January 2020 all renewal HCV applications must meet the EURO 4 standard as minimum; and, all new HCV applications must meet either the EURO 4, EURO 6 or ULEV standard as a minimum (EURO 5 vehicles are not considered to meet that standard);

To be amended to:

- A. With immediate effect remove the current requirement for new Hackney Carriage Vehicle (HCV) applications where the maximum age for a new vehicle to obtain a licence is “less than five years of age”
- B. From 1st January 2020 all renewal HCV applications must meet the EURO 4 standard as minimum; and, with immediate effect all new HCV applications must meet either the EURO 4, EURO 6 or ULEV standard as a minimum (EURO 5 vehicles are not considered to meet that standard);

Financial implications

6. Vehicle owners will be able to invest in vehicles with lower emission levels sooner, allowing more time to recover the cost of their investment.

Legal issues

7. In order to be enforceable, the application of new emission standards requires the attachment of additional conditions to vehicles licences. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47, 48 and 51 allows the Licensing Authority to attach to vehicle licences such conditions as it considers ‘reasonably necessary’. Improving standards in vehicle safety and air quality are relevant factors in this respect.
8. Improving air quality is in the interests of all persons and therefore no separate equalities assessment is considered necessary.

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APPENDIX 1

Current Emission Standards for Hackney Carriage Vehicles licensed by this Authority:

- A. From 1st January 2020 remove the current requirement for new Hackney Carriage Vehicle (HCV) applications where the maximum age for a new vehicle to obtain a licence is “less than five years of age”
- B. From 1st January 2020 all renewal HCV applications must meet the EURO 4 standard as minimum; and, all new HCV applications must meet either the EURO 4, EURO 6 or ULEV standard as a minimum (EURO 5 vehicles are not considered to meet that standard);
- C. From 1st January 2022 all new HCV applications must meet ULEV standard or at least Euro 4 if replacing an existing Euro 4, Euro 5 or Euro 6 due to the vehicle being written off by an insurance company or is a temporary courtesy vehicle due to repairs;
- D. From 1st January 2025 all new and renewal HCV applications must meet the Ultra-Low Emissions Vehicle standard

Date From	<u>Renewal</u> HCV Applications	<u>New</u> HCV Applications:
1 st January 2020	All HCV must meet EURO 4 emission standard	All HCV must meet EURO4, EURO 6 or ULEV emission standard (EURO 5 vehicles will not be considered to meet this standard)
1 st January 2022	All HCV must meet EURO 4 emission standard	All HCV must meet ULEV standard, or at least Euro 4 if replacing an existing Euro 4, Euro 5 or Euro 6 due to the vehicle being written off by an insurance company or is a temporary courtesy vehicle due to repairs
1 st January 2025	All HCV must meet ULEV standard	All HCV must meet ULEV standard

First DVLA Vehicle Registration Date	Standard assumed
From 1 st July 1992	Euro 1
From 1 st January 1996	Euro 2
From 1 st January 2000	Euro 3
From 1 st January 2005	Euro 4
From 1 st September 2009	Euro 5
From 1 st September 2014	Euro 6

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