

To: Council

Date: 19 December 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Horse Drawn Carriages – Making of Byelaws

Summary and Recommendations

Purpose of report: To recommend that Council make the required Byelaws in order to control licensed Horse Drawn Carriages.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Council is recommended to:

a) make the Byelaws and authorise the Head of Law & Governance and Head of Environmental Development to carry out the necessary statutory procedures.

Introduction

1. On 19th October 2011, the General Purposes Licensing Committee resolved to recommend that Council make the approved byelaws for the control of licensed Horse Drawn Carriages, and that subject to the making of the approved byelaws, that Council authorises the Head of Law and Governance and Head of Environmental Development to carry out the necessary statutory procedures.

Background

2. 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 on 25th May 2010, and attached as **Appendix One**. Following receipt of this proposal, the Head of Environmental Development submitted a report to the General Purposes Licensing Committee on 13th October 2010, in order to obtain authorisation for further consideration of 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) That conditions would need to be applied to any licence issued for a guide, driver and proprietor of a Horse Drawn Carriage, and that fees would need to be determined for the licensing of a guide, driver and proprietor of a Horse Drawn Carriage
 - c) That 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.
 - d) That as no budget has been allocated 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.
3. The Committee gave support in principle to the licensing of Horse Drawn Carriages, and requested that a series of further reports be submitted during the course of the year detailing the following matters:
- The proposed conditions and licence fee relating to the Guide, Driver and Proprietor of a Horse Drawn Carriage (attached as **Appendix Two**)
 - The Route Provisionally Agreed with Oxfordshire County Council (attached as **Appendix Three**)
 - The draft byelaws (approved by Secretary of State) (attached as **Appendix Four**)
4. Upon considering such further reports and being satisfied that the legislative framework of the Animal Welfare Act 2006 and the provisions of the draft byelaws would uphold the welfare of the horses, the Committee gave it's approval to all of the above matters, and requested that the general public be consulted as to the proposal.

Consultation

5. 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. 20 responses were received via the online consultation. A response was also received from the City of Oxford Licensed TaxiCab Association and the Private Hire Association. 13 responses were received by email from individuals, an official response was received from the People for the Ethical Treatment of Animals Foundation (PETA), and a further 650 responses were received from members of PETA who had signed an online petition. A summary of these responses attached at **Appendix 5**. A report was submitted to the General Purposes Licensing Committee on 19th October 2011, at which, having considered the consultation responses, the Committee made its final recommendation. With the application of the draft byelaws, licence

conditions and other statutory controls the Committee found that any concerns raised in the consultation responses would be adequately addressed.

Legal implications

6. Section 6 of the Town Police Clauses Act 1889 permits the Council to make byelaws for the regulation of horse drawn omnibuses.
7. There are no human rights, equalities or crime and disorder implications as a result of this report.

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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. Byelaws with Secretary of States approval letter.
5. Summary of consultation responses.

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