

Swindon Borough Council

Licensing Committee

Thursday, 15 March 2018

Committee Room 6, Civic Offices, Swindon

At 5.30 p.m.

Conservative Councillors

Alan Bishop
Wayne Crabbe
Emma Faramarzi
Colin Lovell
Nick Martin
Eric Shaw (Vice-
Chair)
Caryl Sydney-Smith
Vera Tomlinson
(Chair)

Labour Councillors

Abdul Amin
Paul Dixon
Steph Exell
Derique Montaut
Carol Shelley
Nadine Watts
Peter Watts

Committee Officer: Shaun Banks (Telephone: 01793 463606)
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Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH
(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 3 - 4)

To receive the minutes of the meeting held on 18th December 2017.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Consideration of Private Hire and Hackney Carriage Drivers Medical Requirements (Pages 5 - 12)

6. Introduction of a Dog Walking Registration Scheme (Pages 13 - 32)

Date of Despatch: 07 March 2018

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sched=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

LICENSING COMMITTEE

MONDAY, 18 DECEMBER 2017

PRESENT:- Councillors Vera Tomlinson (Chair), Abdul Amin, Alan Bishop, Wayne Crabbe, Paul Dixon, Steph Exell, Emma Faramarzi, Colin Lovell, Derique Montaut, Eric Shaw, Carol Shelley, Caryl Sydney-Smith, Nadine Watts and Peter Watts.

An apology for absence was received from Councillor Nick Martin.

24. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

25. Minutes

Resolved – That the minutes of the meeting held on 5th October 2017, be confirmed and signed as a correct record.

26. Public Question Time

No public questions were received during the meeting.

27. Review of the Licensing Conditions in regard to Background Checks with the Disclosure and Barring Service

The Council's Licensing Manager submitted a report seeking the inclusion of a mandatory condition within the Driver's Handbook requiring all Hackney Carriage and Private Hire Drivers to register and maintain a subscription with the Disclosure and Barring Service update service.

Resolved – (1) That the Council's Drivers Handbook be amended to include a mandatory condition requiring all Hackney Carriage and Private Hire Drivers to register and maintain a subscription with the Disclosure and Barring Service update service for the duration of their licence to enable the Council's Licensing Team to check all driver's Disclosure and Barring Service Certificate status on an annual basis.

(2) That, further to (1) above, this condition be applied from 1st January 2018 for all new applicants for a Hackney Carriage or Private Hire Driver's Licence or upon renewal of all existing driver's licences.

28. Review of the Licensing Conditions in regard to Wheelchair Accessible Van Conversions as Hackney Carriages

The Council's Licensing Manager submitted a report setting out a request from the Swindon Taxi Association to change the entry age restrictions on wheelchair accessible "van" conversions as set out within the Council's Driver's Handbook.

Resolved – (1) That the Council's Driver's Handbook be amended to enable alternative wheelchair accessible vehicles to be licensed subject to them meeting all other current Swindon Borough Council licensed vehicle specifications.

(2) That, further to (1) above, the Licensing Manager be delegated, from 1st January 2018, to determine the suitability of future applications for vehicles provided they meet the specified criteria.

29. Review of Licensing Conditions with regard to the Age of a Replacement Vehicle

The Council's Licensing Manager tabled a report setting out a proposal to change the Council's licensing conditions to permit the replacement of hackney carriage vehicles that are written off due to accident damage with a like for like vehicle of a similar age, registered in the same year or earlier subject to the current vehicle inspection criteria.

Resolved – That, with effect from 1st January 2018 and , the Council's Licensing Manager be authorised to permit the replacement of hackney carriage vehicles that are written off a as result of accident damage with a like for like vehicle of a similar age, registered in the same year or earlier.

30. Application for Street Trading within the Town Centre over the Christmas Period

This item was withdrawn with the agreement of the Committee.

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

Date: 15 March 2018

Author: Kathryn Ashton – Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to consider amending the current policy in respect of Medical Examination certificates.

2. Recommendations

That the Committee:

- 2.1 Approve the amendment to the current Private Hire and Hackney Carriage policy so that:

The Group 2 Medical Examination be completed by the applicants own General Practitioner (GP) or another GP in the same practice or a GP in another practice, provided they have access to the applicants full NHS records at the time of the examination:. and

- 2.2 To continue to grant delegated authority to the Licensing Manager to refuse to licence any driver who does not meet the Councils policy on Medical examinations.

3. Detail

- 3.1 Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976, empowers a council to require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle to produce a certificate signed by a registered medical practitioner to the effect that the driver is physically fit to drive a hackney carriage or a private hire vehicle.

- 3.2 Swindon Borough Council's current requirements for hackney carriage and private hire drivers allows an applicant to use **any** registered Medical Practitioner.

A certificate is required:

- (i) At the time of the first application for a licence
- (ii) At the age of 47 and every 3 years thereafter
- (iii) At the age of 65 and every year thereafter.

- 3.3 The Council may withhold the issue of a driver's licence pending receipt of a satisfactory medical certificate. As a taxi or private hire vehicle driver driving

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

Date: 15 March 2018

members of the public in all weathers, day or night, they are required to have the same standards of fitness as any other public service vehicle driver. These are higher than those who hold an ordinary driving licence.

- 3.4 Officers are of the opinion the overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle officers consider that the current policy may allow pre-existing medical conditions to be overlooked.
- 3.5 Changes in lifestyle also mean that conditions such as diabetes are now more prevalent and although recent changes in medication mean that applicants and existing drivers may be continued to be licensed with those conditions, it means that unless requests for information are made from the applicants own practice a pre-existing condition may not be disclosed.
- 3.6 It is becoming increasingly apparent that many drivers are choosing to seek the medical assessment from an independent GP rather than from their own GP and no history is then available to the independent GP when assessing fitness. The 'questionnaire' is completed based purely on the information the driver provides.
- 3.6 Therefore we would ask the Committee to agree to the following proposed policy change:

The Group 2 Medical Examination is to be completed by the applicants own General Practitioner (GP) or another GP in the same practice or a GP in another practice, provided they have access to the applicants full NHS records at the time of the examination.

- 3.7 No other changes other than those at 3.6 are proposed.

4.0 Options

- 4.1 The current policy on Medical Examination certificates remains the same.
- 4.2 Replace the existing policy with the one at point 3.6.

5.0 Consultation with the trade

- 5.1 There has been no separate formal consultation by the Licensing office directly with individual licence holders. However on the 18th of January 2018 at a Taxi forum meeting held with representatives from the Swindon Taxi Association and a number of private hire operators the matter was discussed and no objections were made to officers putting the matter to the Licensing Committee.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

Consideration to Amend Private hire and Hackney Carriage Drivers medical requirements

Licensing Committee

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6. Conclusion

- 6.1 It is intended that if Members agree to the policy change, that any change in conditions will be implemented from the 1st of April 2018.

7 Financial and Procurement Implications

- 7.1 There may be a direct financial implication for individual licence holders arising from the change recommended by this report, as they will be limited in their choice of providers.
- 7.2 The change to the policy would not impose additional costs nor generate any income for the Council.

8 Legal and Human Rights Implications

- 8.1 A declaration has been made by the Secretary of State, that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 8.2 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

9.0 Diversity Impact Assessment

A DIA has been produced in respect of this report and is available on request.

10.0 Consultees

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

12.0 Appendices

- 12.1 Appendix A – Current Group 2 Medical Examination Report

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SWINDON BOROUGH COUNCIL

Medical Requirements for Hackney Carriage and Private Hire Drivers

NOTES FOR APPLICANTS

This Certificate must be completed by a Registered Medical Practitioner. This Certificate is not one which must be issued free of charge as part of the National Health Service. The Council accepts no liability to pay for it, and unless any other arrangements have been made, the applicant is to pay the fee charged.

A certificate is required:

- (1) At the time of the first application for a licence.
- (2) At the age of 47 and every 3 years thereafter.
- (3) At the age of 65 and every year thereafter.

The Council may withhold the issue of a driver's licence pending receipt of a satisfactory medical report.

As a taxi or private hire vehicle driver driving members of the public in all weathers, day or night, you are required to have the same standards of fitness as any other public service vehicle driver. These are higher than for those who hold only the ordinary driving licence.

For instance:

You cannot hold a public service vehicle driver's licence if you have had even one epileptic attack in the last 10 years or have been on medication for epilepsy in the last 10 years.

Heart and blood pressure problems may be a bar.

You should not be needing insulin injections for diabetes.

If you have had a stroke, unexplained loss of consciousness, severe head injury with continuing after effects, major brain surgery, Parkinson's disease, or multiple sclerosis, you will not be suitable.

You should not be being treated for mental or nervous problems, and if you have had drink or drug problems or suffered mental illness in recent years you will also not be suitable.

Your vision is particularly important, and should reach a certain standard in each of both eyes. Double vision, tunnel vision, or having only one eye is a bar.

Applicants should be numerate and literate.

If your hearing is so bad that you cannot use a telephone in an emergency you will be unsuitable.

There are certain other medical conditions which make vocational driving inadvisable and your doctor should be able to advise you.

Referral to a specialist may be necessary in some cases.

SWINDON BOROUGH COUNCIL

NOTE TO MEDICAL PRACTITIONER

Taxi and Private Hire drivers drive at all times of day and night in all weather conditions. They should be considered as professional drivers alongside drivers of public service vehicles. Standards of fitness should be based on PSV standards. In completing this certificate medical practitioners are asked to have regard to the recommendations by the Medical Commission for Accident Prevention in their booklet "Medical Aspects of Fitness to Drive" or to the notes for the guidance of Doctors conducting those examinations prepared by the British Medical Association.

ADDITIONAL NOTES

VISION

Applicants who wear glasses should be advised always to carry a spare pair.

Monocularity is a bar.

In cases of amblyopia where there is doubt, it is advisable to obtain the opinion of an ophthalmologist.

Uncorrected static visual acuity must be at least 3/60 in each eye, and the corrected vision should be 6/9 in one eye and 6/12 in the other or better.

LITERACY

Applicants should be literate.

MENTAL HEALTH

Psychiatric Disorder. Some significant conditions rendering a driver unfit include depressive psychosis, manic depression, hypo-mania, neurosis on treatment, psychotic disorder, personality disorder, psychopathic disorder, alcohol and/or drug addiction.

EPILEPSY

Drivers must first hold an ordinary driving licence and in addition must have been fit free and off medication for 10 years. They must see a neurologist who can confirm that the individual is not liable to epileptic seizure.

Patients with lung cancer are recommended not to drive professionally for five years, even after treatment, due to possible risk of cerebral secondaries provoking epilepsy.

RETURN FORM TO:

Licensing
Service Delivery
Wat Tyler West
Beckhampton Street
Swindon
SN1 2JH

NAME OF APPLICANT:

ADDRESS:

DATE OF BIRTH:

QUESTION	ANSWER
1 (a) Has the applicant, to the best of your knowledge, ever had an epileptic attack since the age of 3?	1(a)
(b) Is the applicant, to the best of your judgement, subject to:-	
(i) vertigo, or sudden attacks of disabling giddiness or fainting including diabetic hypoglycemia?	(b) (i)
(ii) any mental ailment likely to interfere with the efficient discharge of his/her duties as the driver of a Hackney Carriage or Private Hire Vehicle?	(b) (ii)
2. Does he/she suffer from any heart or lung disorder or defect which might interfere with the efficient discharge of his/her duties as a driver of a Hackney Carriage or Private Hire vehicle?	2.
3. Are the blood pressure readings normal having regard to the applicant's age? If not, do you consider that the abnormal blood pressure would be likely to affect his/her competence as a driver of a Hackney Carriage or Private Hire Vehicle?	3.
4. (a) Acuity of vision (with glasses if worn) by Snellens test type.	4. (a) Right eye Left eye
(b) Did the applicant wear his own glasses/contact lenses for the test?	(b)
(c) Is the applicant's field of vision by hand test satisfactory?	(c)
(d) Is there double vision?	(d)
(e) Do you consider that the applicant's vision is likely to cause the driving by him/her of a Hackney Carriage or Private Hire vehicle to be a source of danger to the public?	(e)

This Certificate must be completed by a Registered Medical Practitioner. The Council accepts no liability to pay for it, and unless any other arrangements have been made, the applicant is to pay the fee charged.

A certificate is required:

- (1) At the time of the first application for a licence.
- (2) At the age of 47 and every 3 years thereafter.
- (3) At the age of 65 and every year thereafter.

The Council may withhold issue of a driver's licence pending receipt of a satisfactory medical report.

5. Is there any defect of hearing? If so, do you consider that it would interfere with the efficient performance of the Applicant's duties as a driver of a Hackney Carriage or Private Hire Vehicle?	5.
6. Has the applicant any deformity, loss of limbs or physical disability? If so, could it interfere with the efficient performance of his/her duties as a driver of a Hackney Carriage or Private Hire Vehicle?	6.
7. Does the applicant show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?	7.
8. Is the applicant, in your opinion, generally fit as regards: (a) bodily health; and (b) temperament for the duties of a driver of a Hackney Carriage or Private Hire Vehicle?	8 (a) (b)
9. Do you consider further examination necessary before the periods specified? If so, when would you advise re-examination?	9.

I certify that I have today examined _____
who has signed this form in my presence.

Signature of applicant _____
(To be signed in the presence of the examining Medical Practitioner)

I ***have/do not have** full knowledge of the applicant's past medical history.

The answers to the foregoing questions are correct to the best of my knowledge and belief and I consider the applicant ***fit/unfit** to act as a driver of a Hackney Carriage or Private Hire vehicle.

*** Delete as necessary.**

<p><u>Medical Practitioner Details</u></p> <p>Name</p> <p>Address</p> <p>.....</p> <p>.....</p>	<p>Surgery Stamp</p>
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Signature of Medical Practitioner **Date**

NOTICE



The information supplied will be used to administer the Hackney Carriage and Private Hire licensing system. This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided as part of this application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see the Council's website (www.swindon.gov.uk/nfi) or contact the council's Internal Audit section at Swindon Borough Council, Civic Offices, Euclid street, Swindon SN1 2JH.

Under the Data Protection Act you can see your own personal information. If you would like to know more about this, please ask for our leaflet 'Access to your personal information'. Or contact the Data Protection Officer at Swindon Borough Council, Civic Offices, Euclid street, Swindon SN1 2JH.

Consideration to introduce a Dog Walking Registration Scheme

Licensing Committee

Date: 15 March 2018

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to endorse a Code of Conduct for Commercial Dog Walkers in Swindon, and to commend the policy to Council for adoption.

2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the proposed Code of Conduct for Commercial Dog Walkers, and commend it to Council for adoption.

3. Detail

- 3.1 Swindon Borough Council is fortunate to have a large number of parks and open spaces within the Borough which are enjoyed by residents and visitors alike.
- 3.2 The Council recognises that the spaces are also used by commercial enterprises such as professional dog walkers.
- 3.3 Although the Council does not wish to discourage small businesses it is noted that there has been a steady increase in commercial dog walking in the Town's parks and open spaces over the last couple of years.
- 3.4 Most of these are professionally run without incident nevertheless occasional complaints or queries have been received generally regarding the number of dogs being walked or the dogs exiting vehicles.
- 3.5 Currently commercial dog walking is not covered by any national legislation and is not a licensable activity. Whilst the level of complaints generally received is not considered enough to meet the threshold for introducing restrictive measures such as Public Spaces Protection Orders, the activity of some commercial dog walkers can cause nuisance to the public.
- 3.6 The calls received are generally from members of the public asking how to find a dog walker and what things to look for. A request for some kind of registration was also raised as part of the recent consultation for the Animal Welfare Charter.
- 3.7 In order to promote best practice and quality assurance it is suggested that a voluntary registration scheme be introduced for commercial dog walkers, which would include a code of conduct.

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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- 3.8 Such a scheme can assist in minimising impact of commercial dog walkers on local parks and their other users.
- 3.9 This would be similar to a successful regime introduced by Edinburgh Council in 2013. This is a more regimented system in that commercial dog walkers had to register in order to be able to use the parks and open spaces in the city.
- 3.10 It is considered that at this time a less restrictive approach would be more appropriate given the low level numbers of complaints. This would encourage professional dog walkers to sign up.
- 3.11 Professional dog walkers can provide an invaluable service to dog owners and set a positive examples to other dog walkers.
- 3.12 A list of those that have signed up to the scheme and promised to abide by the code of conduct can made available to the public.

Consultation

- 3.13 Consultation on the proposal took place between 24th January 2018 and 23rd February 2018. This included a press release, sharing on social media, discussion on local radio and contacting local animal related businesses.
- 3.14 The Kennel Club were also contacted and through this we were made aware of East Lothian Council who had also implemented a similar scheme with great success
- 3.15 248 responses were received on the consultation. Of these 59 were anonymous. Personal details were requested to ensure multiple responses were not received that affect the consultation's results. Therefore these 59 responses have been excluded from the details but are summarised in Appendix 3 for completion.
- 3.16 A full breakdown of the responses is available in Appendix 2 but in summary:
 - 87% were in favour of a voluntary registration
 - 79% felt it should be mandatory
 - 75% were in favour of registered walkers carrying an ID card confirming their registration although a fifth of these felt it should be optional.
 - The responses were favourable for all the suggested inclusions for the code of conduct. These are discussed below
- 3.16 One of the most common queries regarding dog walkers is how many dogs they should walk at a time. The Council recognises that this can be impacted by many things such as the individuals' knowledge and experience, the individual dogs

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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being walked e.g. their temperament, how well they know each other, how well they know the walker, what training they have had etc. This can also include the environment in which they are being walked – clearly there is a difference between a popular town park and a countryside location although the latter can bring its own concerns such as livestock.

- 3.17 Control of the dogs is the most important part to consider but there is also the matter of clearing up after them. Dog fouling was highlighted by multiple respondents as something they were concerned about especially if dogs were off lead as it would be difficult to monitor multiple dogs.
- 3.18 We asked how many dogs it was felt appropriate to be walked at a time and the highest response by far was 4 dogs with 54% of the vote. It became more split when we asked how many dogs should be allowed off lead at any one time with 2 and 4 dogs having the highest votes at 30% each.
- 3.19 We also asked if being walked with other dog walkers what should be the maximum number off lead in total. This again quite evenly split between the responses with 4 just slightly ahead at 26% of the vote.
- 3.20 For licensed home boarders the maximum number of dogs allowed at any one time is five including any resident dogs. If there are no resident dogs the absolute maximum number of dogs allowed is four.
- 3.21 In considering all the responses including the comments but taking into consideration the requirements for home boarders we suggest a maximum number of 5 dogs, with up to 4 dogs being allowed off lead at any one time including if walking with other dog walkers. If two dog walkers are together they may have up to 10 dogs with them but only 4 can be off lead at one time.
- 3.22 We also suggest that commercial dog walkers try to walk independently from each other but do accept that for safety and other reasons it may be preferable for them to walk together especially in rural environments.
- 3.23 Insurance is another important consideration for commercial dog walkers. £5 million is the minimal level of cover required by Swindon Borough Council for other commercial activities such as exercise classes that take place on Council land. 59% were in agreement with the rest split between unsure and rejecting the suggestion. Alternative amounts were suggested in the comments by several people who felt the level of cover was too high.
- 3.24 In line with the Parks Department and given commercial dog walkers will often be using Council land, the recommendation is to maintain a requirement of a minimum of £5 million cover and proof should be provided with the application for registration.

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

Consideration to introduce a Dog Walking Registration Scheme

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- 3.25 Commercial dog walkers should be knowledgeable in both the handling and care of dogs. 92% were in agreement that they should demonstrate knowledge of dog behaviour either through experience and/or training. The Council only endorses positive reward based training.
- 3.26 86% were in agreement that commercial dog walkers should attend an animal first aid course and provide proof of this with their application.
- 3.27 It is therefore recommended that both of the above are included in the code of conduct.
- 3.28 A requirement of East Lothian Council is that a first aid kit is kept readily available by the dog walker. Many dog walkers already carry portable kits on their walks so it is proposed that this as a reasonable addition to the Code of Conduct.
- 3.28 Transportation is an important consideration. Transporting animals as part of a commercial enterprise can follow restrictions and guidance under the Welfare of Animals in Transport Order 2006 but most commercial dog walkers will not meet the threshold for specific restrictions due to journey times. Advice will be given by the Council at the time of applying along with other related legislation.
- 3.29 It is felt important that dogs should be properly and safely secured in the vehicle and 87% of respondents agreed. The same amount also agreed that dogs should be taken out and returned to the vehicle on lead and 90% agreed that general care should be taken when arriving and leaving green spaces.
- 3.30 It is also recommended that a requirement of East Lothian Council be added in that the vehicle should be fit for purpose. We would consider this to be a vehicle in which all dogs transported could be safely and suitably secured.
- 3.31 97% agreed that all commercial dog walkers should abide by all relevant legislation. Details will be given to applicants at the time of issuing.
- 3.32 83% agreed that commercial dog walking should take place in quieter areas to minimise impact and 98% agreed with the suggestion that they should be mindful of other park users and their feelings towards dogs.
- 3.33 In the other suggestions there were comments regarding walking with young children and that dog walkers should require signed permission from owners before allowing dogs off lead.
- 3.34 These are both requirements for those who board dogs including at their own home. We therefore recommend that children under the age of 10 are not permitted to accompany commercial dog walks and that dog walkers should note details of the animals they are responsible for including written permission to be allowed off lead.
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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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- 3.35 It is recommended to the Committee that registration should be for three years whereupon it would be reviewed. Details of insurance must be provided each year.
- 3.36 Some form of identification should be provided and therefore it is proposed that an ID card be issued and carried by the walker.
- 3.37 The suggested application fee is £40 for 3 years.
- 3.38 List of approved dog walkers would be available on the Council's website and companies may be removed should there be substantiated complaints.

4. Alternative Options

- 4.1 Not to introduce the voluntary dog walking registration

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications

Diversity Impact Assessment

- 5.4 A DIA has been completed and is available on request

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Animal Boarding Establishments Act 1963
- 7.2 Animal Welfare Act 2006

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

Consideration to introduce a Dog Walking Registration Scheme

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7.3 Welfare of Animals in Transport Order 2006

8. Appendices

8.1 Draft Code of Conduct for Commercial Dog Walkers

8.2 Consultation Responses

8.3 Anonymous Consultation Responses

8.4 Proposed Code of Conduct for Commercial Dog Walkers

Consideration to introduce a Dog Walking Registration Scheme

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Appendix 1

Draft Code of Conduct for Commercial Dog Walkers for the consultation

With large numbers of dogs, professional walkers have the potential to cause a significant and negative impact on the park environment and the enjoyment and safety of other users.

By subscribing to the following code of conduct, professional walkers can minimise this impact, set a positive example to other dog walkers and deliver a safe and quality service for their clients.

Commercial dog walkers acting in the Borough of Swindon agree to:

1. Abide by all dog related legislation including but not restricted to the Dogs (Fouling of Land) Act 1996, Dogs Act 1871, Dangerous Dogs Act 1991, Protection of Livestock Act 1953, Animals Act 1971, Antisocial Behaviour, Crime and Policing Act 2014 and Animal Welfare Act 2006
2. Minimise the impact that exercising multiple dogs could have on other park users. Quiet parks, or quiet areas within parks, should be used over busy parks and spaces near children's play areas. Parks with sensitive wildlife areas should be avoided as well as care taken to not disturb nesting birds and other wildlife.
3. Take extra care when arriving and leaving parks and greenspace to minimise issues for other users. All dogs should be walked away from and returned to the vehicle on a lead.
4. Provide public liability insurance cover for their service.
5. Only exercise the number of dogs that are covered by their insurance policy, typically this is no more than 6 dogs.
6. Have a good knowledge of dog behaviour and reliable skills in training and handling dogs. The Council encourages the use of positive reinforcement methods as universally endorsed by behaviourists, charities and veterinarians.
7. Be respectful of other park users and their feelings towards dogs.

Consideration to introduce a Dog Walking Registration Scheme

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Appendix 2 Consultation results

Consultation Responses

Q 1 Do you agree with the proposal for voluntary registration of commercial Dog Walkers?

Yes – 165 (87%)

No – 17 (9%)

Unsure – 7 (4%)

Q2 Do you feel the registration should be mandatory not voluntary?

Yes – 150

No – 27

Unsure – 12

Q3 We will endeavour to keep any cost for registering as low as possible to encourage businesses to sign up. For a small charge we could include an ID card walkers can carry showing that they are registered. Do you think this would be useful?

Yes I'd like for registered walkers to carry a card – 116 (61%)

No, as long as its on the Council website that should be enough - 38

I'd like the option to have a card at a small additional cost – 27 (14%)

Other (please specify) – 9

Of the others responses, 7 felt it was a money making exercise and two asked for armbands instead of ID cards so would be more visible.

Q4 The following questions consider some suggestions for what the content of the code of conduct should be. One of the most common queries regarding commercial dog walkers is regarding the number of dogs they walk. What do you feel should be the maximum number of dogs that can be walked by a commercial dog walker at any one time?

2 – 28

4 – 102

6 -19

8 – 1

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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As stated by their insurance (typically 6-8) – 21

Other – 19

The other responses were 7 people voting for no more than 3 dogs, 2 further votes for 4 dogs, singular votes for 1, 2 and 6-8 dogs and the rest stating it was dependent on the dogs and the situation (e.g. quieter areas vs high footfall areas).

Q5 Further to Q4, what do you feel should be the maximum number of dogs that can be allowed off lead by a commercial dog walker at any one time?

0 – 18

1 – 7

2 – 57

3 – 13

4 – 57

5 – 3

6 – 11

Other – 24

The other responses were almost exclusively stating it would depend on the individual dog, the walker's ability and the environment. One person stated in this answer it should be 0, one stated 4 dogs and one did not put an answer

Q6 Commercial dog walkers agree to: "Walk independently of each other. Contact with others is permissible but only a maximum of X dogs are to be allowed off lead when walking with others" Do you agree with the above suggestion?

Yes – 118 (62%)

No – 45

Unsure – 27

Q7 What do you feel should be the maximum number of dogs that can be allowed off lead by a commercial dog walker if walking with others?

0 – 26

1 - 5

2 – 35

3 – 11

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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4 – 49

5 – 1

6 – 25

Other – 38

The other responses were almost exclusively stating it would depend on the individual dog, the walker's ability and the environment.

Q8 Commercial Dog Walkers agree to (a) "Ensure that all members of the public are given right of way at all times." (e.g. if walking along a footpath, to step aside for member of public to pass) Do you agree with the above suggestion?

Yes – 112 (59%)

No – 48

Unsure – 30

Commercial dog walkers agree to (b) "Be respectful of other open space users and their feelings towards dogs. "Do you agree with the above suggestion?

Yes – 185 (98%)

No- 2

Unsure – 2

Q9 Commercial Dog Walkers agree to "Ensure they have suitable and sufficient public liability insurance (minimum £5million cover). Evidence of this shall be provided as part of their application. "Do you agree with the above suggestion? NB £5 million is the minimal level of cover required by Swindon Borough Council for other commercial activities that take place on Council land. If you feel the level of cover should be different please comment below what you feel the minimal level of cover should be

Yes – 112 (59%)

No – 48

Unsure – 30

Level of cover – 5 responses felt generally £5 million was too high, 4 respondents suggested 2 million, 1 person suggested 3 million and 6 respondents suggested 6 million.

Q10 Commercial dog walkers agree to "Minimise the impact that exercising multiple dogs could have on other park users. Quiet parks, or quiet areas within

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parks, should be used over busy parks and spaces near children's play areas. Parks with sensitive wildlife areas should be avoided as well as care taken to not disturb nesting birds and other wildlife." Do you agree with the above suggestion?

Yes – 156 (83%)

No – 15

Unsure – 19

Q11 Commercial dog walkers should (a) "Take extra care when arriving and leaving parks and greenspace to minimise issues for other users. "Do you agree with the above suggestion?

Yes – 170 (90%)

No – 19

(b) "All dogs should be walked away from and returned to the vehicle on a lead." Do you agree with the above suggestion?

Yes – 164 (87%)

No – 14

Unsure - 12

Q12 "Dogs should be suitably secured in a vehicle. Consideration should be given to whether dogs should be separated whilst travelling". Do you agree with the above suggestion?

Yes – 164 (87%)

No – 7

Unsure – 19

Q13 Commercial dog walkers should "Have a good knowledge of dog behaviour and reliable skills in training and handling dogs. The Council encourages the use of positive reinforcement methods as universally endorsed by behaviourists, charities and veterinarians." This may be measured as part of the application process to include details of experience, qualifications (if applicable) and training methods. Do you agree with the above suggestion?

Yes – 173 (92%)

No – 6

Unsure – 11

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Q14 Commercial dog walkers agree to “Have a certificate in animal first aid and details of this should be provided on application”. It is recommended that this be a practical course. Do you agree with the above suggestion?

Yes – 163 (86%)

No – 16

Unsure – 11

Q15 Commercial dog walkers agree to “Abide by all dog related legislation, further details can be obtained from Swindon Borough Council.” Do you agree with the above suggestion?

Yes – 184 (97%)

No – 3

Unsure – 2

Other comments/suggestions:

These were generally positive in support of the registration scheme. A few comments suggested that these rules should be in place for all dog walkers – whether dog owners or professionals. A few negative comments suggested that this was believed to be a money making scheme for the Council.

A selection of the comments is shown below.

I strongly believe either a no children policy should be implemented or a no children under 12 years

All persons working within the animal industry should be regulated

All walkers should have their brand visible i.e. on their t-shirts or vans

Anyone who walks dogs should have a licence if they don't I feel they shouldn't be able to walk them and should be shut down. I had a very bad experience with a dog walker and seems like what she did to me she has done to others

As a previous boarding kennel, owner I was licenced and had to ,abide by various rules and regulations. Too many people are thinking that animal care is a way of earning easy money without any knowledge of the animals in their care.

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As an ex dog walker in Wiltshire I had previous experiences with dog handling and behaviour but I have seen many 'cowboy' dog walkers who haven't got a clue how to handle their dogs on and off lead

Canine Behaviourists are seeing an increasing number of problems caused by dogs walking in large groups or dogs repeatedly encountering large groups of dogs. This is a booming industry and the impacts of walking large groups is having a very negative influence on other users.

Dog mess will need to be addresssed in the rules..walking dogs for money must mean the usual responsibilities are increased.

Be mindful if other open space users such as horses and have full control of all dogs at times

Commercial dog walkers should be well trained in all aspects of dog handling, insurances etc to maintain good reputation. Why would you think they haven't? SBC will get the above passed, then start picking on dog owners generally ... it's a start ... soon we'll be banned from certain parks, or forced to keep dogs on leads. YOU CAN'T EXERCISE DOGS ON LEADS! Then your parks will be empty and then you can build houses on them! Grouping some of the questions e.g. On wildlife areas nasty as an Excuse to stop us walking around any lakes eg Coate Water. And on top of everything, we will eventually have to pay to park. Tax upon tax. Happy days ...

Consult canine professionals - dog walkers don't count as in the majority of cases they are not professionals. People will try and push for more dogs per person as this means more money but when it goes wrong it's usually catastrophic. Responsible professionals will give you sensible answers.

Dog walkers often have access to peoples houses a crb check is essential

Far too many dogs all being walked together at present. As a parent and a dog owner it's frightening and off putting seeing a huge pack all walking together - very intimidating

For the safety of the dogs & road users dogs should be properly restrained in the vehicle & never by their necks, always with a harness properly attached to the vehicle

How on earth would this becPoliced? You currently cant Police dog poo bins and fly tippers. This is is a hair brained scheme to make £. Ill thought out and not at all easy to implement. Go back to the drawing boards!

I am a professional dog walker and I am fed up with the behaviour of other dog walkers. I frequently see walkers with 7 or 8 dogs off lead which I'm not sure they can get insurance for. I've seen a dog walker's van left with dogs in it unattended. Dog walkers that group together with loads of boisterous dogs. I would personally welcome, and be happy to abide by all council regulations and think registration should be mandatory.

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I don't think should be labelled wholly to dog walkers all public should respect each other's use of open spaces and public areas! Dogs should have as much right to run around as humans!

I also think walkers should have written consent from owners to let the dog off the lead,

1) The maximum number of dogs that a commercial walker can walk at any time is 4 small dogs or 2 medium/large dogs. 2) All commercial dog walkers must have public liability insurance of £5,000,000. 3) The maximum number of dogs that can be transported to dog walks at any one time are 4. 4) Dogs from different owners must be separated during transport.

some form of logo to add to a website or advertising page to allow people looking online to see that they are legitimate.

I have a dog walker and trust them completely. I do not think the above rules should be an issue to a respected dog handler.

i think the council should supply local dog parks that are fenced in and secure just basic patch of grass with poo bins, it would be low maintainance, hard to vandalise unlike the childrens parks, and it will keep dogs safely away from the public parks that people use

If you restrict number of dogs that are walked at anyone time I feel a need to state that no dogs should be left in a vehicle. So there is no temptation to pick up more dogs and then do 2 or more walks. This I feel would be stressful to the dogs left behind.

Please put this in place!

This is a booming industry, rules must be kept tight to avoid the chancers.

Please bear in mind that it can be very difficult for pro dog walkers to make a living if they walk fewer than 6 dogs per walk. We offer a valued service to our clients and not all of them are wealthy so increasing our prices is not always an option. The license fee should be reasonable and reflect that for those who are individual operators.

This seems to be the next idea the council has to make money. And spending a load of money on consultations and meetings around it I bet.

There definitely needs to be some sort of monitoring for dog walkers.

Appendix Three - Anonymous consultation results

Consultation Responses

Q 1 Do you agree with the proposal for voluntary registration of commercial Dog Walkers?

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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Yes – 43

No – 8

Unsure – 8

Q2 Do you feel the registration should be mandatory not voluntary?

Yes – 38

No – 14

Unsure – 7

Q3 We will endeavour to keep any cost for registering as low as possible to encourage businesses to sign up. For a small charge we could include an ID card walkers can carry showing that they are registered. Do you think this would be useful?

Yes I'd like for registered walkers to carry a card – 39

No, as long as its on the Council website that should be enough - 13

I'd like the option to have a card at a small additional cost – 4

Other (please specify) – 3

Of the others responses, 1 didn't agree at all, the other two said there should be no charge.

Q4 The following questions consider some suggestions for what the content of the code of conduct should be. One of the most common queries regarding commercial dog walkers is regarding the number of dogs they walk. What do you feel should be the maximum number of dogs that can be walked by a commercial dog walker at any one time?

2 – 9

4 – 21

6 - 6

8 – 0

As stated by their insurance (typically 6-8) – 1

Other – 3

The other responses were 1 person voting for 1 dog at a time, 1 person voting for 3 and the other saying it was dependent on the size of dog.

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Q5 Further to Q4, what do you feel should be the maximum number of dogs that can be allowed off lead by a commercial dog walker at any one time?

0 – 5

1 – 5

2 – 16

3 – 7

4 – 9

5 – 2

6 – 7

Other – 4

The other responses were almost exclusively stating it would depend on the individual dog, the walker's ability and the environment.

Q6 Commercial dog walkers agree to: "Walk independently of each other. Contact with others is permissible but only a maximum of X dogs are to be allowed off lead when walking with others" Do you agree with the above suggestion?

Yes – 34

No – 10

Unsure – 11

Q7 What do you feel should be the maximum number of dogs that can be allowed off lead by a commercial dog walker if walking with others?

0 – 7

1 - 3

2 – 9

3 – 2

4 – 15

5 – 3

6 – 8

Other – 7

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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The other responses were almost exclusively stating it would depend on the individual dog, the walker's ability and the environment.

Q8 Commercial Dog Walkers agree to (a) "Ensure that all members of the public are given right of way at all times." (e.g. if walking along a footpath, to step aside for member of public to pass) Do you agree with the above suggestion?

Yes – 28

No – 19

Unsure – 5

Didn't respond - 7

Commercial dog walkers agree to (b) "Be respectful of other open space users and their feelings towards dogs." Do you agree with the above suggestion?

Yes – 51

No- 1

Unsure – 0

Didn't respond - 7

Q9 Commercial Dog Walkers agree to "Ensure they have suitable and sufficient public liability insurance (minimum £5million cover). Evidence of this shall be provided as part of their application." Do you agree with the above suggestion? NB £5 million is the minimal level of cover required by Swindon Borough Council for other commercial activities that take place on Council land. If you feel the level of cover should be different please comment below what you feel the minimal level of cover should be

Yes – 37

No – 5

Unsure – 10

Didn't respond - 7

Level of cover – 1 said £10 million minimum and 2 said £5 mill was excessive.

Q10 Commercial dog walkers agree to "Minimise the impact that exercising multiple dogs could have on other park users. Quiet parks, or quiet areas within parks, should be used over busy parks and spaces near children's play areas. Parks with sensitive wildlife areas should be avoided as well as care taken to not

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disturb nesting birds and other wildlife.” Do you agree with the above suggestion?

Yes – 42

No – 6

Unsure – 4

Didn't respond - 7

Q11 Commercial dog walkers should (a) “Take extra care when arriving and leaving parks and greenspace to minimise issues for other users.” Do you agree with the above suggestion?

Yes – 40

No – 10

Didn't respond - 9

(b) “All dogs should be walked away from and returned to the vehicle on a lead.” Do you agree with the above suggestion?

Yes – 39

No – 7

Unsure – 4

Didn't respond - 9

Q12 “Dogs should be suitably secured in a vehicle. Consideration should be given to whether dogs should be separated whilst travelling” Do you agree with the above suggestion?

Yes – 40

No – 5

Unsure – 5

Didn't respond - 9

Q13 Commercial dog walkers should “Have a good knowledge of dog behaviour and reliable skills in training and handling dogs. The Council encourages the use of positive reinforcement methods as universally endorsed by behaviourists, charities and veterinarians.” This may be measured as part of the application process to include details of experience, qualifications (if applicable) and training methods. Do you agree with the above suggestion?

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Yes – 37

No – 6

Unsure – 3

Didn't respond - 13

Q14 Commercial dog walkers agree to “Have a certificate in animal first aid and details of this should be provided on application”. It is recommended that this be a practical course. Do you agree with the above suggestion?

Yes – 31

No – 8

Unsure – 7

Didn't respond - 13

Q15 Commercial dog walkers agree to “Abide by all dog related legislation, further details can be obtained from Swindon Borough Council.” Do you agree with the above suggestion?

Yes – 39

No – 3

Unsure – 4

Didn't respond - 13

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Appendix Four – Proposed Code of Conduct for Commercial Dog Walkers

Code of Conduct for Commercial Dog Walkers

By subscribing to the following code of conduct, professional walkers can minimise this impact, set a positive example to other dog walkers and deliver a safe and quality service for their clients.

Registered Commercial dog walkers acting in the Borough of Swindon agree to the following:

Not to walk any more than 5 dogs at any one time unless on private secure land. No more than 4 dogs are to be off lead at any one time.

To ensure they have suitable and sufficient public liability insurance (minimum £5million cover).

To walk independently of each other. Contact with others is permissible but only a maximum of 4 dogs in total are to be allowed off lead when walking with others.

Children under the age of 10 should not accompany commercial dog walks

Accurate records should be kept of dogs they are responsible for including signed permission for dogs to be allowed off lead

Be respectful of other park users and their feelings towards dogs.

Quiet parks, or quiet areas within parks, should be used over busy parks and spaces near children's play areas. Parks with sensitive wildlife areas should be avoided as well as care taken to not disturb nesting birds and other wildlife.

Have a good knowledge of dog behaviour and reliable skills in training and handling dogs. The Council encourages the use of positive reinforcement methods as universally endorsed by behaviourists, charities and veterinarians.

Have a certificate in animal first aid. It is recommended that this be a practical course and a first aid kit should be available on walks.

Abide by all dog related legislation. Further information is available from Swindon Borough Council.

Dogs should be suitably secured and transported in a vehicle fit for purpose. All dogs should be walked away from and returned to the vehicle on a lead. Extra care should be taken when arriving and leaving parks and greenspace to minimise issues for other users.

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.