

# Swindon Borough Council

## Licensing Committee

**Thursday, 6 July 2017**

Committee Room 6, Civic Offices

**At 5.30 p.m.**

### **Conservative Councillors**

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

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## **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. 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.

### **4. Consultation for Registration and Code of Conduct for Commercial Dog Walkers** (Pages 3 - 6)

### **5. Consideration to Review Hackney Carriage Upper-Age Limits** (Pages 7 - 10)

### **6. Review of the Policy Relating to the Licensing of Vehicles with Tinted Windows** (Report to follow)

## **7. Review of Street Trading** (Report to follow)

**Date of Despatch:** 28 June 2017

**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://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=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.

## **Consultation for Registration and Code of Conduct for Commercial Dog Walkers**

**Licensing Committee**

**Date: 6<sup>th</sup> July 2017**

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Author: Licensing Manager

Wards: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 To consider a Code of Conduct for Commercial Dog Walkers.

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Agree to a period of consultation with the public and relevant organisations on the proposed Code of Conduct for Commercial Dog Walkers.
- 2.2 For the results of the consultation exercise to be brought back to a future Committee.

### **3. Detail**

- 3.1 Swindon Borough Council is fortunate to have a large number of parks and open spaces which are enjoyed by residents and visitors alike.
- 3.2 It is recognised that these 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 Borough's parks and open spaces over the last couple of years.
- 3.4 Most commercial dog walking establishments are professionally run without incident but 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 so is not a licensable activity. The level of complaints generally received is not considered enough to meet the threshold for introducing restrictive measures such as Public Spaces Protection Orders.
- 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.

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

# **Consultation for Registration and Code of Conduct for Commercial Dog Walkers**

**Licensing Committee**

**Date: 6<sup>th</sup> July 2017**

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- 3.7 In order to promote best practice and quality assurance it is suggested that a voluntary registration for commercial dog walkers with a code of conduct be introduced.
- 3.8 This would be similar to a successful regime introduced by Edinburgh Council in 2013. In this scheme commercial dog walkers had to register in order to be able to use the parks and open spaces in the city.
- 3.9 It is, however, felt that at this time a less restrictive approach would be appropriate given the low level numbers of complaints. This would encourage professional dog walkers to sign up.
- 3.10 Professional dog walkers can provide an invaluable service to dog owners and set a positive example to other dog walkers.
- 3.11 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.
- 3.12 A draft Code of Conduct is attached at Appendix 1 of this report. It is proposed that this document forms the basis of targeted consultation which should run for 6 weeks and commence as soon as possible.

## **4. Alternative Options**

- 4.1 The Council could chose not to consult on this Code of Conduct, but this would not assist in reducing potential conflicts and complaints raised around the issue,

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Any small costs incurred in association with this consultation will be covered by licensing budgets.

### 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.

# Consultation for Registration and Code of Conduct for Commercial Dog Walkers

Licensing Committee

Date: 6<sup>th</sup> July 2017

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## 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 Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Draft Code of Conduct for Commercial Dog Walkers

# Consultation for Registration and Code of Conduct for Commercial Dog Walkers

Licensing Committee

Date: 6<sup>th</sup> July 2017

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## Appendix 1

### Draft Code of Conduct for Commercial Dog Walkers

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 review Hackney Carriage upper - age limits

**Licensing Committee**

**Date: 6 July 2017**

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Author:	Licensing Manager
Wards:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 The purpose of this report is to consider a request from Mr Keith Radway the proprietor of Swindon Black Cabs to remove the upper age limit on purpose built wheelchair accessible Hackney Carriage vehicles.
- 1.2 A letter requesting removal of the current upper age limit has been received from Mr Keith Radway of Swindon Black Cabs and is shown at Appendix A.

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Consider the request for the removal of the upper age limit on wheelchair accessible vehicles which is currently 15 years and to:
  - Refuse the request to remove the upper age limit on wheelchair accessible vehicles; or
  - To agree to the request of removing the upper age limit on wheelchair accessible vehicles; or
  - To propose a lower new upper age limit for wheelchair accessible vehicles.
- 2.2 Consider increasing to 3 MOT inspections per year for vehicles between 12 years and 15 years to ensure the mechanical fitness of the vehicle is maintained.
- 2.3 Continue to grant delegated authority to the Licensing Manager to refuse to licence a wheelchair accessible Hackney Carriage vehicle after inspection if in their opinion the vehicle has not been properly maintained in accordance with the Councils approved guidelines.

### **3. Detail**

- 3.1 The upper age limit for purpose built wheelchair accessible vehicles is currently 15 years. The vehicles can be first licensed at 5 years or less and will continue until 15 years at which point it is considered too old to be licensed. This age limit has been in force since 2012.

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Consideration to review Hackney Carriage upper - age limits

**Licensing Committee**

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- 3.2 Currently purpose – built wheelchair accessible Hackney Carriages can be licensed for 15 years with an annual inspection in the 11th to 15th year and two MOT tests per annum at one of the garages contracted by the Council.
  - 3.3 Vehicle specifications have improved significantly since 1997 when the initial age limit of 10 years was first imposed. This age limit was increased in 2008 to an upper age limit of 12 years. In 2012 the Licensing Committee re-considered this age limit and determined that as specifications had improved significantly, vehicles were capable of providing a safe and comfortable service beyond the 12 year limit. The Committee resolved that the age limit be extended to 15 years.
  - 3.4 The overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle the Council implemented a policy that limits the age upon which a vehicle can be first licensed, and an age upon which it must cease being licensed.

2.8 In March 2010 the Department for Transport issued non statutory 'Best Practice' guidance relating to private hire and hackney carriages. This guidance states the following in relation to age limits: - "Age Limits it is perfectly possible for vehicles to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But greater frequency of testing may be appropriate for older vehicles-for example, twice yearly checks for vehicles over five years old.

- 3.5 The Licensing Authority regularly inspects vehicles to ensure that they are 'fit' for carrying fare paying passengers and there has been the need to issue defect notices or indeed suspend vehicles particularly they approach the upper age limit.
- 3.6 There is no proposal or request to change the upper age limit on a Hackney Carriage saloon or private hire vehicles.

## **4. Alternative Options**

- 4.1 The Licensing Committee could choose not to proceed with the any of the options available if it considers that there is no benefit in doing so.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.
- 5.2 The removal of the upper age limit would not impose additional costs nor generate any income for the Council. However, there will be cost to the Council in terms of officer time in the carrying out of the more extensive inspections to

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).



# Consideration to review Hackney Carriage upper - age limits

**Licensing Committee**

**Date: 6 July 2017**

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ensure that officers do not fetter their discretion. Legal and Human Rights Implications

## Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. 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)

- 5.4 This report relates to the requirements of licensing legislation. Public safety is the driver for the policy and has been taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

## Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment is not required for this report.

## **6. Consultees**

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

## **7. Background Papers**

- 7.1 Local Government (Miscellaneous Provisions) Act 1976  
7.2 Town Police Clauses Act 1847

## **8. Appendices**

- 8.1 Appendix A – Letter from Mr Keith Radway (To follow)

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