

Swindon Borough Council

Licensing Committee

Tuesday, 7 June 2016

Committee Room 1, Civic Offices (Anticipated meeting room)

At 5.30 p.m.

Conservative Councillors

Alan Bishop
Malcolm Davies
John Haines (Vice-
Chair)
Nick Martin
Cathy Martyn
Maureen Penny
Caryl Sydney-Smith
Vera Tomlinson
(Chair)

Labour Councillors

Abdul Amin
Junab Ali
Paul Dixon
Derique Montaut
Carol Shelley
Nadine Watts
Peter Watts

Committee Officer: Shaun Banks (Telephone: 01793 463606)

sbanks@swindon.gov.uk

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 20th May 2016.

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. Review of the Hackney Carriage Tariff (Pages 5 - 26)

6. Animal Welfare Charter (Pages 27 - 38)

7. Introduction of a Licensing Regime for Sex Establishment Venues (Pages 39 - 44)

Date of Despatch: 27 May 2016

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?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.

LICENSING COMMITTEE

FRIDAY, 20 MAY 2016

PRESENT:- Councillors Junab Ali, Abdul Amin, Alan Bishop, Malcolm Davies, Paul Dixon, John Haines, Nick Martin, Cathy Martyn, Derique Montaut, Carol Shelley, Caryl Sydney-Smith, Vera Tomlinson, Nadine Watts and Peter Watts.

An apology for absence was received from Councillor Maureen Penny.

1. 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.

2. Minutes

Resolved – That the minutes of the meeting held on 4th February 2016, be confirmed and signed as a correct record.

3. Public Question Time

No public questions were received during the meeting.

4. Local Government Act 1989 - Section 15: Political Balance Arrangements

Resolved – That, further to Minute 12(2) of the Council, and having carried out a review under Section 15 of the Local Government and Housing Act 1989 this Committee continue to apply political balance arrangements under the Act.

5. Appointment of Sub-Committees and Panel

Resolved – (1) That an Ad Hoc Licensing Sub-Committee be appointed, having the functions set out in the document “Swindon Council Constitution 2016/17”, and comprising Councillors Alan Bishop, Nick Martin, Derique Montaut, Carol Shelley, Caryl Sydney-Smith, Vera Tomlinson and Peter Watts.

(All Councillors serving on the Licensing Committee to be appointed as substitutes to their respective political group.)

(2) That a Licensing Panel be appointed, having the functions set out in the document “Swindon Council Constitution 2016/17”, and comprising three Councillors to be drawn from Members of this Committee.

(3) That a Private Hire/Hackney Carriage Licensing Sub-Committee be appointed, having the functions set out in the document “Swindon Council Constitution 2016/17”, and comprising Councillors Abdul Amin, John Haines, Nick Martin, Derique Montaut, Caryl Sydney-Smith, Vera Tomlinson and Peter Watts.

(All Councillors serving on the Licensing Committee to be appointed as substitutes to their respective political group.)

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 7 June 2016

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider whether there should be an increase in the maximum scale of fares for licensed Hackney Carriage operators in the Borough. There are three proposals before the Committee.
- 1.2 Mr Keith Radway of Swindon Black Cabs at Appendix A.
- 1.3 Mr John Stocker and Mr Andrew Lucas at Appendix B.
- 1.4 A proposal by the Licensing Manager at Appendix C
- 1.5 The current scale of fares which has been in operation since 1 September 2008 is shown at Appendix D

2. Recommendations

That Committee:

- 2.1 Considers the proposals for an increase in the Hackney Carriage Tariff attached as Appendices A B and C; and
- 2.2 Based on the information available, agrees a draft maximum scale of fares for consultation which if higher than the existing scale of fares will be subject to consultation as required by the Local Government (Miscellaneous Provisions) Act 1976.

3. Detail

- 3.1 It is at the Council's discretion to set a meter tariff for licensed Hackney Carriages operating within the Borough.
- 3.2 Councils are not obliged to set a maximum fare for their area, and they could decide instead to rely on market forces to establish the going rate, and at the same time promote competition.
- 3.3 In the past and in accord with the approach taken by most other Council's, Swindon Borough Council has chosen to set a tariff. The Office of Fair Trading does not recommend that Councils remove pricing restrictions for taxis and recognises that whilst there may be some good reason for deregulating fares, on balance, arguments for applying controls are stronger. It does however,

Review of the Hackney Carriage Tariff

Licensing Committee

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recommend that local authorities should only set fare tariffs which represent the maximum that can be charged, and not set fixed or minimum fares. This statement is shown on the tariff card that is currently issued to all vehicle proprietors.

- 3.4 The current scale of taxi fares set by Swindon Borough Council is attached as part of Appendix D to this report. The last increase became effective on 1st September 2008 following a committee decision to approve an increase in the previous tariff.
- 3.5 The taxi tariff may be reviewed at any time and is usually done so at the request of the trade.
- 3.6 Any taxi tariff set by the Council is the maximum any hackney carriage driver can charge for a journey although they are at liberty to charge less than the approved tariff if they choose to do so. They do, however have to activate their meter for any journey commencing within the Borough.
- 3.7 Committee may also resolve that the taxi tariff be reviewed at regular intervals no greater than 24 months or sooner if changing circumstance require, without the need for application from the trade. This would also be subject to the statutory consultation.
- 3.8 The tariff does not apply to private hire drivers who set their own fares, without council intervention.

4. Consultation with the trade

- 4.1 There are currently 2 proposals for a revised Hackney Carriage tariff from the trade as attached as Appendices A and B. Whilst there has been no direct or formal consultation with individual drivers these proposals have been considered through the Taxi Forum.
- 4.2 There are currently 173 hackney carriage drivers licensed by SBC.
- 4.2 Mr Radway of Swindon Black Cabs produced a signed petition attached as Appendix A1, showing 53 signatures, less than a third of the trade.
- 4.3 Mr Stocker and Mr Lucas have provided an alternative proposal. Once again this is indicated at less than a third of the trade although despite requests written details have not been forthcoming.
- 4.4 It is normal practice that the trade reach agreement through a majority vote amongst licence holders, and a recommendation reflecting this is normally given by Officers. However despite significant and ongoing efforts by Officers to

Review of the Hackney Carriage Tariff

Licensing Committee

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encourage this, no agreement has been reached and the Council are therefore obliged to consider separate requests.

- 4.5 Members may recall that at the 4th February Licensing Committee, both Mr Radway and Mr Lucas presented their proposals which are unchanged. Committee did not feel that they fully understood the implications of the proposals and requested that the item be re-considered at a future meeting. It was expected that this meeting should include a presentation by the Licensing Manager to aid understanding of the issues, and a third tariff proposal to be put forward by Officers as an alternative to those proposed by the trade. This proposal is attached at Appendix C.
- 4.6 If approved, the tariff will be subject to a 14 day consultation and is anticipated to be implemented on 1st August 2016. Where an objection is received within the 14 day period, the Council will set a date no later than 2 months after the first specified period, on which the table of fares will come into force with or without modification as decided by them after having considered all objections.

5. Conclusion

- 5.1 There is no evidence of a majority vote which would normally be the one for consultation, however having regard to the fact there has been no increase since 2008, it is recommended that the Committee agree an increase for consultation. The options for the Committee are as follows:
- To agree with the proposal as Appendix A
 - To agree with the proposal as Appendix B
 - To agree with the proposal at Appendix C, or
 - To remain with the existing tariff.

- 5.2 If Members choose to reject the request the tariff will remain at that set in 2008.

6. Implications, Diversity Impact Assessment and Risk Management

- 6.1 A DIA has not been undertaken at this stage as it is only proposed for consultation

7 Financial and Procurement Implications

- 7.1 There are no direct financial implications arising from the report.
- 7.2 An increase in the taxi tariff would not impose additional costs nor generate any income for the Council.

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 7 June 2016

- 7.3 There will be cost to the Council in terms of officer time in the carrying out of the consultation and implementing any change and financially for the advertising of proposed tariff in the newspaper. The exact quantity of this cost has not yet been established but is estimated to be in the region of £1000. This can be met from existing budgets.

8 Legal and Human Rights Implications

- 8.1 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 as they 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 \ regime will ensure it does. All legal, human rights and other relevant implications have been considered in the preparation of this report.

9. Consultees

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

10. Appendices

- 10.1 Appendix A - Fare proposal Mr K Radway
- 10.2 Appendix A1 - Driver petition in support of Radway proposal
- 10.3 Appendix B - Fare proposal from Mr Stocker and Mr Lucas
- 10.4 Appendix C – Fare proposal from The Licensing Authority.
- 10.5 Appendix D- Current fare tariff (in force since 2008)

Proposed Maximum hackney carriage fares:-

DAY RATE	NIGHT RATE	CHRISTMAS/NEW YEAR
<p>Monday- Friday 06:00 - 1800 And Saturday 0600 - 1800</p> <p><u>Minimum Fare</u> £3.50 For the first 352 yards or 60 seconds then 20p For each additional 176 yards Or 39.6 seconds until the fare exceeds £11.00 thereafter 30p For each 176 yards Or 27.7 seconds</p>	<p>Monday - Friday 1800 - 0600 And Saturday night, Sunday, and Public Holiday rate From 1800 on the day before until 0600 on the Day after Public Holidays and Sundays</p> <p><u>Minimum Fare</u> £3.90 For the first 352 yards or 60 seconds then 20p For each additional 176 yards Or 39.6 seconds until the fare exceeds £7.00 thereafter 30p For each 176 yards Or 27.7 seconds</p>	<p>Christmas/New Year 2000 Dec 24th to 0600 Dec 28th and 2000 Dec 31st to 0600 Jan 2nd</p> <p><u>Minimum Fare</u> £6.50 For the first 352 yards or 60 seconds then 30p For each 176 yards Or 27.7 seconds</p>

Extra charges to apply at all times

Additional passengers: Each additional person (excluding infants in arms) (2 children under 10 count as one person) **60p**

Luggage (excluding wheelchairs): Each item in the driver's compartment and each other item over 61cm long **30p**

Soilage charge: Where the customer has soiled the vehicle requiring off road valeting **£75**

Telephone Bookings: For any hiring which is arranged in advance **£2.00**

There is no extra charge for carrying wheelchairs or assistance dogs

Per Miles	Proposed day Rate (by K.Radway)	Proposed night Rate (by K Radway)	Christmas /New Year Tariff
FLAG	£3.50	£3.90	£6.50
1	£5.10	£5.50	£9.10
2	£7.10	£7.50	£12.10
5	£14.10	£16.50	
10	£29.10	£31.50	

Summary of changes from current fare chart

The proposal of Mr Radway is to increase the minimum fare day and night and to reduce the meters travelled for the first mile and subsequent miles. Also to reduce the tick over rate on the day tariff to £11 (from £16.10) and to introduce a new tick over rate for the night tariff when the fare reaches £7. The proposal also raises the price per unit from 20p to 30p at the higher tick over rate.

The Christmas/New Year minimum stays the same but with an increase in the cost per unit from 20p to 30p.

He also proposes an increase in the extras:-

Additional passengers from 50p to 60p

Luggage (excluding wheelchairs from 20p to 30p)

He also proposes that there should be a change in the finish times for the day rate currently 19.00 to 1 hour earlier at 18.00.

and the night rate currently 19.00 to 1 hour earlier at 18.00

We the undersigned have read, understood and support the alteration to
Hackney Carriage Fares as proposed by Mr Keith Radway and the Trade
(copy in red below)

NAME	DRIVER NUMBER	H/C VEHICLE NUMBER (OWNER)	SIGNED
C. Fawcett	HD0050	H 286	[Signature]
T. Brown		306	[Signature]
Michael		H 216	[Signature]
Abdul Malik		121	[Signature]
W. Khan		114	[Signature]
Chen		120	[Signature]
E. Radway		093	[Signature]
STILIN	HD156		[Signature]
DANIEL S. BINGHAM		HD005	[Signature]
PHILIP NISLEY		HD0449	[Signature]
DAVID DOYLE		419	[Signature]
H.S. TACK		481	[Signature]
S.S. GILL		06-21	[Signature]
KEITH LARSEN		67	[Signature]
MARTIN CLARK		223	[Signature]
IAN C HUNT	122	04	[Signature]
M. O. TOOLE		HD13-117	[Signature]
Brian Edy	195	64	[Signature]
KEVIN LEGG		H209	[Signature]
ANDY SABAT		398	[Signature]
Jim	ITALI	056	[Signature]
STEVE MURRAY	3 plates	H	[Signature]
ALY MURRAY		HV 400	[Signature]
JAMES BARNES		HV105	[Signature]
CHUCK SHURMER		HV220	[Signature]
L. L. HILL		HD70	[Signature]
IS RUKINGAMA		HD17	[Signature]
MUSTAFA VILHMAZ		HV225/HV111	[Signature]
P. G. [unclear]		HD159	[Signature]
M. S. CROWAL		HD155	[Signature]

We the undersigned have read, understood and support the alteration to
Hackney Carriage Fares as proposed by Mr Keith Radway and the Trade
(copy in red below)

NAME	DRIVER NUMBER	H/C VEHICLE NUMBER (OWNER)	SIGNED
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A. S. SANDHU 70

200

M. BRUSTOLIN 61

46

GABRIEL NUJARY 84

AKBAR-KHAN

51-107

RASHID MAHMOOD

87

SAMAT ALI MOHAMED 157 HV

G. J. J. J.

476

P. MERRITT

206

H. SANDHU

HV 166 HV 214 HV 232 HV 170 H. Sandhu

R. S. SANDHU HV 0207 W. 403 PM J

HD 0433

R. Singh Sahot

170 207 195

STEVE PARCE

HD 177

MARK BATES

HD 292

HV 185

ABDUL MUHAMMAD MUHAMMAD

78

GREGORY DANCEY

HD 468

263

ISA NAWAZ

HD 0179

12912

STEVE CUCAS

HD 490

277

JAMES REUT

HD 0128

24/19/20/208

Tom Beane

HD 0158

Richard Lickin

24/11/15

K. R. RADWAY

K. R. Radway

T. M. RADWAY

HD 018

C. G. G. G.

HD 308 250

253 29

A. WALKER

HD 0035

Proposal Stocker/Lucas Maximum hackney carriage fares

<p style="text-align: center;">DAY RATE</p> <p style="text-align: center;">Monday – Friday 0600 – 1900 and Saturday 0600 - 1800</p> <p style="text-align: center;">Minimum Fare £3.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds.</p>	<p style="text-align: center;">NIGHT RATE Monday – Friday 1900 – 0600 and Saturday night Sunday and Public Holiday rate</p> <p style="text-align: center;">From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays</p> <p style="text-align: center;">Minimum Fare £4.10</p> <p style="text-align: center;">Distance and times as Day Rate</p>	<p style="text-align: center;">CHRISTMAS/ NEW YEAR 2000 Dec 24 to 0600 Dec 27 and 2000 Dec 31 to 0600 Jan 2</p> <p style="text-align: center;">Minimum Fare £7.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds</p>
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Extra charges to apply at all times

Additional passengers Each additional person (excluding infants in arms) (2 children under 10 count as one person) **50p**

Luggage (excluding wheelchairs) Each item in the driver's compartment and each other item over 61cm long **20p**

Soilage charge Where the customer has soiled the vehicle requiring off the road valeting **£75.00**

Telephone bookings For any hiring which is arranged in advance **£2.00**

There is no extra charge for carrying wheelchairs or assistance dogs

Any complaint about this vehicle or driver should be directed to Taxi Licensing, Swindon Borough Council, Wat Tyler House, Beckhampton Street, Swindon, SN1 2JH. Telephone 01793-466214

Per Miles	Stocker /Lucas day	Stocker /Lucas night	Stocker /Lucas Christmas/New Year
Flag	£3.50	£4.10	£7.50
1			
2			
5			
10			

Summary of changes

The proposal from Mr Stocker and Mr Lucas changes the Minimum day tariff from £2.90 to £3.50 and the Night Tariff from £3.50 to £4.10 and the Christmas /New Year tariff from £6.50 to £7.50. There are no changes to the mileage or time on the proposal except for a change to the tick over rate on the Christmas and New Year tariff reducing the tick over from £19.10 to £16.10 in line with the day/night tick over.

Briefing Note

The flag rate is the minimum start rate when you first get into a hackney carriage, the maximum fare is the fare shown on the meter when the journey has ended.

The first mile is calculated on the meter once the vehicle has started and travelled 368.8 metres; the meter then goes up by units of 20p every 184.4 meters.

Therefore the first mile is calculated as follows:-

There are 1609.344 meters in a mile - 368.8 metres = 1240 divided by 184.4 meters = 6.72 x each unit of 20p which equals £1.34.5 the meter rounds this up to 7 units at 20p which equal to £1.40 so the fare for one mile is £3.50 (Flag) + £1.40 which equals £4.90.

One the vehicle has travelled a further full mile or 1609.44 meters divided by 184.4 meters = 8.72 units X 20 p per unit which equals £174.5p rounded up to 9 units X 20p which equal £1.80

Therefore the second mile equals £3.50 (Flag) + £1.40 + £1.80 which equals £6.70 and so on.

You will see from the fare chart that when a fare reaches £16.10 the meter runs faster per 20p unit (129.2 meters per unit) this is known as the tick over rate.

The tick over rate is designed to cover the dead millage on a return journey at the point where a journey goes beyond the borough boundaries. Hackney carriages cannot be flagged down outside of the borough boundary

“ In fixing fares authorities will want to pay regard to the costs incurred by the trade, having regard to the capital costs (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, of employing drivers and the prevailing level of wages and costs in related road transport industries. The public interest is better served by ensuring that the maintenance of an adequate taxi service by giving the trade a fair return, than by depressing fares for social reasons, however understandable.”

The current fare structure is set out on page 2 of this report. The fare varies depending on time of day, distance travelled, and waiting time. There are special tariffs for certain public holidays and additional fees for a range of items including the clean-up of the taxi if it is soiled. The current fare tariff has been in existence since September 2008 and arranged in a series of tariffs and extra charges and payments

Tariff One operates Monday to Friday 6am to 7pm tariff two operates Monday to Friday 7pm to 6am and all day Saturday and Sunday. In addition to these two tariffs there is an additional tariff for the Christmas and New year period. This tariff is operational from 8pm 24th December to 6am 27th December and from 8pm 31st December to 6am 2nd January.

In addition to these tariffs there are a series of additional payments for soiling, additional passengers and callout charges.

Page 3 shows the officer proposal with a table showing the difference in costs with a summary of those changes.

Maximum hackney carriage fares from 1 September 2008

DAY RATE	NIGHT RATE	CHRISTMAS/ NEW YEAR
Monday – Friday 0600 – 1900 and Saturday 0600 - 1800	Monday – Friday 1900 – 0600 and Saturday night Sunday and Public Holiday rate	2000 Dec 24 to 0600 Dec 27 and 2000 Dec 31 to 0600 Jan 2
Minimum Fare £2.90 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds.	From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays Minimum Fare £3.50 Distance and times as Day Rate	Minimum Fare £6.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £19.10 thereafter 20p for each 129.2 metres or 27.7 seconds

Extra charges to apply at all times

Additional passengers Each additional person (excluding infants in arms) (2 children under 10 count as one person) **50p**

Luggage (excluding wheelchairs) Each item in the driver's compartment and each other item over 61cm long **20p**

Soilage charge Where the customer has soiled the vehicle requiring off the road valeting **£75.00**

Telephone bookings For any hiring which is arranged in advance **£2.00**

There is no extra charge for carrying wheelchairs or assistance dogs

Any complaint about this vehicle or driver should be directed to Taxi Licensing, Swindon Borough Council,

Wat Tyler House, Beckhampton Street, Swindon, SN1 2JH. Telephone 01793-466214

Per Miles	Current Day	Current Night	Current Christmas/ New Years
Flag	£2.90	£3.50	£6.50
1	£4.30	£4.90	£7.90
2	£6.10	£6.70	£9.70
5	£11.30	£11.90	
10	£21.70	£22.30	

Officer Proposal Maximum hackney carriage fares

1 April 2016

DAY RATE	NIGHT RATE	CHRISTMAS/ NEW YEAR
Monday – Friday 0600 – 1800 and Saturday 0600 - 1800	Monday – Friday 1800 – 0600 and Saturday night Sunday and Public Holiday	2000 Dec 24 to 0600 Dec 27 and 2000 Dec 31 to 0600 Jan 2
Minimum Fare £3.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds.	rate From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays Minimum Fare £4.10 Distance and times as Day Rate	Minimum Fare £7.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds

Extra charges to apply at all times

Additional passengers Each additional person (excluding infants in arms) (2 children under 10 count as one person) **50p**

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There is no extra charge for carrying wheelchairs or assistance dogs

Any complaint about this vehicle or driver should be directed to Taxi Licensing, Swindon Borough Council,

Wat Tyler House, Beckhampton Street, Swindon, SN1 2JH. Telephone 01793-466214

Per Miles	Officer day	Officer night	Officer Christmas/New Year
Flag	£3.50	£4.10	£7.50
1	£4.90	£5.50	£8.90
2	£6.70	£7.30	£10.70
5	£11.90	£12.50	
10	£22.30	£22.90	

Summary Changes

The minimum day and night fare is increased by 60p, with the Christmas and New Year minimum fare increased by £1.

The day rate to finish an hour earlier at 18:00 and the night rate to start an hour earlier at 18:00 , the tick over rate for Christmas and New Year to come down to £16.10 (from £19.10) in line with the current day / night tick over rate.

Most taxi journeys are between 1 and 3 miles and the industry standard looks at the two mile journey as the indicator when looking at other tariffs. The taxi and private hire monthly (PHTM) has compiled over many years a league table of fares for each council and the position of each council in that league table changes regularly when a fare tariff is changed, for example in 2004 Swindon was 129th in the league table and 2008 they were 10th in the league table, currently Swindon is 104th. See table showing the fare tariff for Swindon from 2004 to 2008, the current fare tariff 2008 to 2016 and the officer proposal from April 2016 onwards.

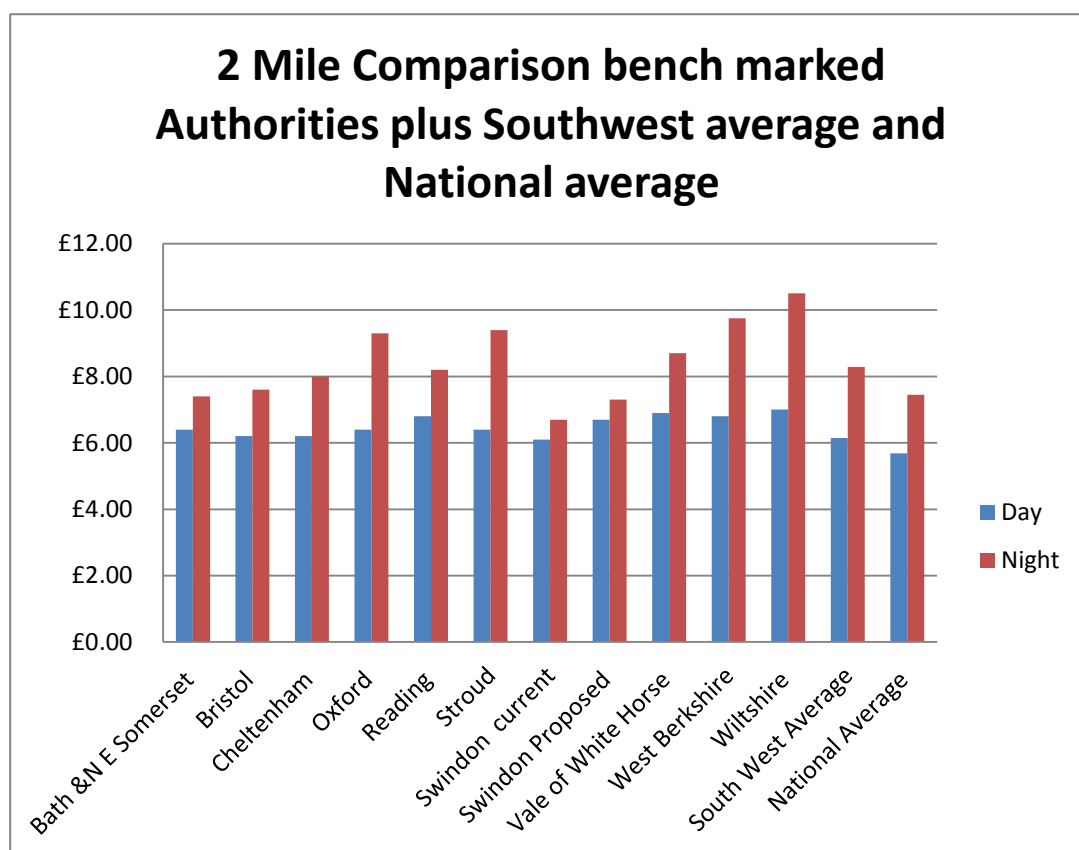
Tariff One Day						Tariff Two Night					
	FLAG	1 Mile	2 Miles	5 Miles	10 Miles		FLAG	1 Mile	2 Miles	5 Miles	10 Miles
2004	£1.90	£3.30	£5.10	£10.30	£16.80	2004	£3.20	£4.60	£6.40	£11.60	£18.10
2008	£2.90	£4.30	£6.10	£11.30	£21.70	2008	£3.50	£4.90	£6.70	£11.90	£22.30
2016	£3.50	£4.90	£6.70	£11.90	£22.30	2016	£4.10	£5.50	£7.30	£12.50	£22.90
2016 officer proposal											

Fare for a two mile journey comparison across bench marked authorities

Fares have been benchmarked at two separate time periods day and night across bench marked authorities below including Southwest average and National average

	Day	Night
Bath & N E Somerset	£6.40	£7.40
Bristol	£6.20	£7.60
Cheltenham	£6.20	£8.00
Oxford	£6.40	£9.30
Reading	£6.80	£8.20
Stroud	£6.40	£9.40

	Day	Night
Swindon Current	£6.10	£6.70
Swindon Proposed	£6.70	£7.30
Vale of White Horse	£6.90	£8.70
West Berkshire	£6.80	£9.75
Wiltshire	£7.00	£10.50
South West Average	£6.15	£8.29
National Average	£5.68	£7.45

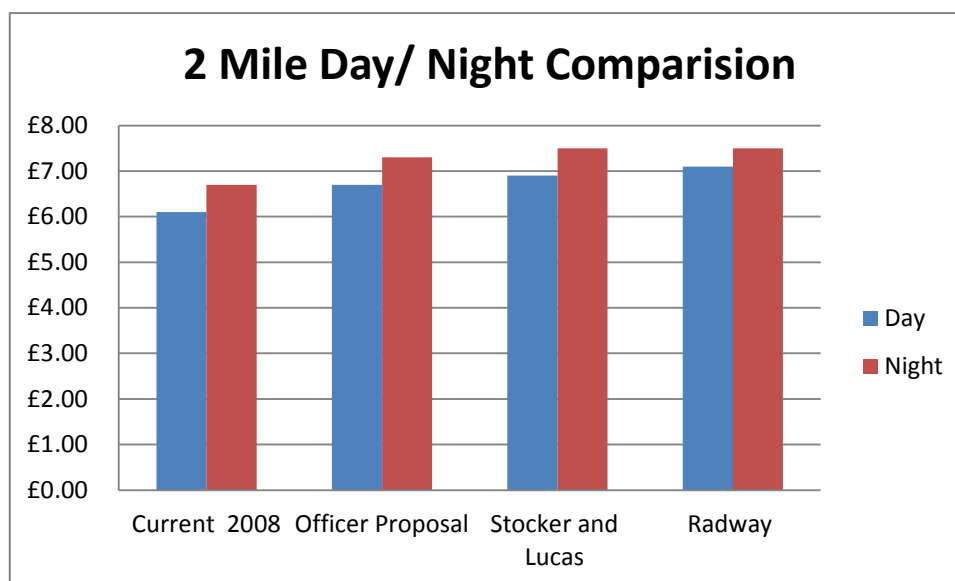


Officers recommend that if the proposal is implemented that there should be a further consultation with the trade to review the tariff, within six months of the implementation (October 2016).

In terms of the impact of the proposed tariff changes Swindon is currently 104th of 380 local authorities in the national league table which is published in the trade paper, Private Hire and Taxi Monthly. The Officer proposal would put Swindon 26th in the league table. The current national average for a two mile journey at tariff 1 is £5.68, the national average for a two mile journey at tariff 2 is £7.45. The increase if implemented would equate to £6.70 for a two mile journey at tariff one and £7.30 at tariff two.

This table shows a comparison between the current tariff, the officer proposal and the proposal from Stocker/ Lucas and Radway.

	Tariff One Day						Tariff Two Night				
	FLAG	1 Mile	2 Miles	5 Miles	10 Miles		FLAG	1 Mile	2 Miles	5 Miles	10 Miles
Current 2008	£2.90	£4.30	£6.10	£11.30	£21.70		£3.50	£4.90	£6.70	£11.90	£22.30
Officer Proposal	£3.50	£4.90	£6.70	£11.90	£22.30		£4.10	£5.50	£7.30	£12.50	£22.90
Stocker and Lucas	£3.50	£4.90	£6.90	£12.90	£24.80		£4.10	£5.50	£7.50	£13.50	£25.90
Radway	£3.50	£5.10	£7.10	£14.10	£29.10		£3.90	£5.50	£7.50	£16.50	£31.50



Proposal Stocker/Lucas Maximum hackney carriage fares

<p style="text-align: center;">DAY RATE</p> <p style="text-align: center;">Monday – Friday 0600 – 1900 and Saturday 0600 - 1800</p> <p style="text-align: center;">Minimum Fare £3.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds.</p>	<p style="text-align: center;">NIGHT RATE Monday – Friday 1900 – 0600 and Saturday night Sunday and Public Holiday rate</p> <p style="text-align: center;">From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays</p> <p style="text-align: center;">Minimum Fare £4.10</p> <p style="text-align: center;">Distance and times as Day Rate</p>	<p style="text-align: center;">CHRISTMAS/ NEW YEAR 2000 Dec 24 to 0600 Dec 27 and 2000 Dec 31 to 0600 Jan 2</p> <p style="text-align: center;">Minimum Fare £7.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds</p>
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Extra charges to apply at all times

Additional passengers Each additional person (excluding infants in arms) (2 children under 10 count as one person) **50p**

Luggage (excluding wheelchairs) Each item in the driver's compartment and each other item over 61cm long **20p**

Soilage charge Where the customer has soiled the vehicle requiring off the road valeting **£75.00**

Telephone bookings For any hiring which is arranged in advance **£2.00**

There is no extra charge for carrying wheelchairs or assistance dogs

Any complaint about this vehicle or driver should be directed to Taxi Licensing, Swindon Borough Council,

Wat Tyler House, Beckhampton Street, Swindon, SN1 2JH. Telephone 01793-466214

Per Miles	Stocker /Lucas day	Stocker /Lucas night	Stocker /Lucas Christmas/New Year
Flag	£3.50	£4.10	£7.50
1	£4.90	£5.50	£8.90
2	£6.90	£7.50	£10.70
5	£12.90	£13.50	
10	£24.90	£25.90	

Summary of changes

The proposal from Mr Stocker and Mr Lucas changes the Minimum day tariff from £2.90 to £3.50 and the Night Tariff from £3.50 to £4.10 and the Christmas /New Year tariff from £6.50 to £7.50. There are no changes to the mileage or time on the proposal except for a change to the tick over rate on the Christmas and New Year tariff reducing the tick over from £19.10 to £16.10 in line with the day/night tick over.

Radway Proposed Maximum hackney carriage fares:-

DAY RATE	NIGHT RATE	CHRISTMAS/NEW YEAR
Monday- Friday 06:00 - 1800 And Saturday 0600 - 1800	Monday - Friday 1800 - 0600 And Saturday night, Sunday, and Public Holiday rate From 1800 on the day before until 0600 on the Day after Public Holidays and Sundays	Christmas/New Year 2000 Dec 24th to 0600 Dec 28th and 2000 Dec 31st to 0600 Jan 2nd
<u>Minimum Fare</u> £3.50 For the first 352 yards or 60 seconds then 20p For each additional 176 yards Or 39.6 seconds until the fare exceeds £11.00 thereafter 30p For each 176 yards Or 27.7 seconds	<u>Minimum Fare</u> £3.90 For the first 352 yards or 60 seconds then 20p For each additional 176 yards Or 39.6 seconds until the fare exceeds £7.00 thereafter 30p For each 176 yards Or 27.7 seconds	<u>Minimum Fare</u> £6.50 For the first 352 yards or 60 seconds then 30p For each 176 yards Or 27.7 seconds

Extra charges to apply at all times

Additional passengers: Each additional person (excluding infants in arms) (2 children under 10 count as one person) 60p

Luggage (excluding wheelchairs): Each item in the driver's compartment and each other item over 61cm long 30p

Soilage charge: Where the customer has soiled the vehicle requiring off road valeting £75

Telephone Bookings: For any hiring which is arranged in advance £2.00

There is no extra charge for carrying wheelchairs or assistance dogs

Per Miles	Radway day	Radway night	Radway Christmas/New Year
Flag	£3.50	£3.90	£6.50
1	£5.10	£5.50	
2	£7.10	£7.50	
5	£14.10	£16.50	
10	£29.10	£31.50	

Summary of Changes

The proposal of Mr Radway is to increase the minimum fare day and night and to reduce the meters travelled for the first mile and subsequent miles. Also to reduce the tick over rate on the day tariff to £11 (from £16.10) and to introduce a new tick over rate for the night tariff when the fare reaches £7. The proposal also raises the price per unit from 20p to 30p at the higher tick over rate. The Christmas/New Year minimum stays the same but with an increase in the cost per unit from 20p to 30p. He also proposes an increase in the extras:-

Additional passengers from 50p to 60p, Luggage (excluding wheelchairs from 20p to 30p He also proposes that there should be a change in the finish times for the day rate currently 19.00 to 1 hour earlier at 18.00. and the night rate currently 19.00 to 1 hour earlier at 18.00.

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Maximum hackney carriage fares from 1 September 2008

<p style="text-align: center;">DAY RATE</p> <p style="text-align: center;">Monday – Friday 0600 – 1900 and Saturday 0600 - 1800</p> <p style="text-align: center;">Minimum Fare £2.90 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 20p for each 129.2 metres or 27.7 seconds.</p>	<p style="text-align: center;">NIGHT RATE</p> <p style="text-align: center;">Monday – Friday 1900 – 0600 and Saturday night Sunday and Public Holiday rate</p> <p style="text-align: center;">From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays</p> <p style="text-align: center;">Minimum Fare £3.50</p> <p style="text-align: center;">Distance and times as Day Rate</p>	<p style="text-align: center;">CHRISTMAS/ NEW YEAR 2000 Dec 24 to 0600 Dec 27 and 2000 Dec 31 to 0600 Jan 2</p> <p style="text-align: center;">Minimum Fare £6.50 for the first 368.8 metres or 79.3 seconds then 20p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £19.10 thereafter 20p for each 129.2 metres or 27.7 seconds</p>
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Extra charges to apply at all times

Additional passengers Each additional person (excluding infants in arms) (2 children under 10 count as one person) **50p**

Luggage (excluding wheelchairs) Each item in the driver's compartment and each other item over 61cm long **20p**

Soilage charge Where the customer has soiled the vehicle requiring off the road valeting **£75.00**

Telephone bookings For any hiring which is arranged in advance **£2.00**

There is no extra charge for carrying wheelchairs or assistance dogs

Any complaint about this vehicle or driver should be directed to Taxi Licensing, Swindon Borough Council, Wat Tyler House, Beckhampton Street, Swindon, SN1 2JH. Telephone 01793-466214

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Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider a period of public consultation on the proposed Animal Welfare Charter, with the objective of shaping a final document for adoption.

2. Recommendations

Committee is recommended to:

- 2.1 Agree to consult on the proposed Animal Welfare Charter, (attached at Appendix 1). and,
- 2.2 For the results of the consultation exercise to be brought back to Committee along with a revised document for adoption

3. Detail

- 3.1 Animal Welfare is a major consideration in the Council's activities in areas such as licensing, stray dogs, local authority tenants, travelling fairs and events many of which occur on the Council's land, where we have both control and responsibility.
- 3.2 The Council has a long history of improving and promoting animal welfare across its functions and with outside organisations.
- 3.3 It is recommended by such groups as the RSPCA that local authorities produce policies covering animal health and welfare issues within its areas of responsibility in the form of a clear animal welfare charter.
- 3.4 A Welfare Charter was previously brought before cabinet on 2006 but was considered unwieldy with many clauses outside of Council control. It was not felt to be fit for purpose and was not pursued. Instead, the following statement was adopted

"Swindon Borough Council confirms that it has a responsibility for the welfare of all captive and domestic animals and wild animals insofar that its activities impinge upon them. We recognise that this is a view shared by local people who care about animal welfare and any cruel treatment, abuse or neglect of animals. The Council will ensure that the welfare of all animals is considered when exercising its statutory and discretionary powers. The Council will use its best endeavours to promote improvements in animal welfare by taking account of

Further information on the subject of this report can be obtained from Alison Waine, Direct Dial Telephone Number 01793 466080, or awain@swindon.gov.uk.

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

animal welfare issues in the Council's operational and decision making processes".

- 3.5 Following recent complaints regarding animal welfare from members of the public and the review of all model licence conditions it is considered that this statement is now too broad to properly describe, or influence the Council's policies and procedures.
- 3.6 An improved, detailed and tightened Charter is therefore proposed, focusing on the roles of the Animal Welfare Team in particular and so is brought before Licensing Committee for consideration
- 3.7 The Charter has been drafted with the benefit of local experience, and seeks to address the issues that the Animal Welfare Team regularly deal with. The Charter provides a framework that the Council will adhere to when dealing with animal welfare concerns on its own land. The Charter is helpful in establishing expectations on those using or renting land us, and when dealing with its regulatory functions where animal welfare is a consideration, and may be used to support legal action against perpetrators of animal cruelty.
- 3.8 If supported, it is proposed to make the proposed Animal Welfare Charter, (Appendix 1) available for an 8 week period of public consultation, as soon as is practicable. This consultation will be targeted at key organisations and will include a web based response solution.
- 3.9 It is anticipated that the outcomes of the consultation exercise along with a revised Animal Welfare Charter will be brought to a future Committee for consideration and adoption.

4. Alternative Options

- 4.1 The Council could continue to rely on its general statement to cover animal welfare, however, this would not provide the comprehensive coverage of issues that the proposed Charter addresses and would leave the Council open to complaint and challenge if animal welfare issues emerge. Recent concerns regarding the maltreatment of dogs in Council owned properties, fly grazing of horses by travellers and live animals being used as prizes at fairs on Council owned land all justify a clearer and more robust approach to control.

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 public consultation will be undertaken within approved budgets.

Further information on the subject of this report can be obtained from Alison Waine, Direct Dial Telephone Number 01793 466080, or awain@swindon.gov.uk.

Animal Welfare Charter

Licensing Committee

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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 as they 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 \ regime 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)

- 5.3 XXXX The proposed Animal Welfare Charter seeks to reduce crimes against animals.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has been completed and is available on request.

Risk Management

- 5.5 If approved the consultation exercise will be undertaken in conjunction with the Council's Communications Team.

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
7.3 Breeding of Dogs 1973 (and 1999 Act)
7.4 Control of Horses Act 2015
7.5 Dangerous Wild Animals Act 1976
7.6 Performing Animals (Regulation) Act 1925
7.7 Pet Animals Act 1951
7.8 Riding Establishments Act 1964 & 1970
7.9 Zoo Act 1981

Further information on the subject of this report can be obtained from Alison Waine, Direct Dial Telephone Number 01793 466080, or awain@swindon.gov.uk.

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

8. Appendices

8.1 Appendix 1 - Proposed Animal Welfare Charter

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

SWINDON BOROUGH COUNCIL CHARTER FOR THE WELFARE OF ANIMALS

Introduction

1.1 The Council supports the view that all animals are sentient creatures and have a right to life free from cruel treatment and unnecessary suffering. It recognises that animals are capable of feeling, of enjoying a state of well-being and capable of suffering.

1.2 The Council considers that people have a duty of care towards animals in their charge and that such animals have the right to enjoy the five basic freedoms:

1. Freedom from hunger and thirst - by ready access to fresh water and a diet to maintain full health and vigour.
2. Freedom from discomfort - by providing an appropriate environment including shelter and a comfortable resting area.
1. 3. Freedom from pain, injury or disease - by prevention or rapid diagnosis and treatment.
2. 4. Freedom to express normal behaviour - by providing sufficient space, proper facilities and company of the animal's own kind, if appropriate.
5. Freedom from fear and distress - by ensuring conditions and treatment which avoid mental suffering.

1.3 The Council will take these five freedoms into account when exercising its statutory powers in relation to animal health and welfare matters.

1.4 The Council believes that it has a moral responsibility for the welfare of all captive and domestic animals and all wild animals in-so-far that its activities impinge upon them. The Council will work to achieve these objectives in the following key areas:-

- Using its enforcement powers fairly and firmly on animal welfare matters.
- Exercising control through policy decisions in relation to activities it controls.
- Providing up-to-date advice on animal welfare matters to organisations involved with animals and to the public.

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

- By working with main strategic partners such as the Police and animal welfare charities.

1.5 The Council will amend and update this Animal Welfare Charter as necessary to reflect changes in national legislation, public opinion and local and national circumstances.

2 Enforcement and responsibilities

2.1 The Council has a role in enforcement of a range of statutory powers in respect of animal related legislation.

2.2 This includes licensing and enforcement of licence conditions for: Dog Breeding, Pet Shops, Animal Boarding, Dangerous Wild Animals, Riding Establishments and Zoos.

2.3 In order to fulfil its statutory responsibilities under this legislation the Council will:

- a) Employ a core of trained and experienced personnel and where necessary and appropriate call upon the expertise of others to assist in the process;
- b) Produce, apply and regularly review conditions attached to licences issued by the Council to provide adequate protection for animals and promote their welfare;
- c) Prepare and distribute to all involved, material explaining the provisions of the law and licence conditions so as to promote a better understanding of the law and greater compliance with the various statutes;
- d) Inspect premises and carry out such enquiries as required prior to their licence application being determined to ensure that they will comply with the licence conditions;

2.4 The Council also has a statutory duty in regards to stray dogs. The procedure for stray dogs is detailed in the Stray Dogs Policy but in brief the Council agrees to fulfil its statutory duties by:

- a) Operating a full Dog Warden service during office hours to respond to stray dog complaints and remove stray dogs to the pound
- b) Operate an out of hours Acceptance Point that members of the public can take a stray dog.
- c) Liaise closely with other enforcing agencies to ensure a co-ordinated approach to animal welfare.

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

Animal Welfare Charter

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2.5 The Council works closely with Wiltshire Police to share joint responsibility in the investigation and enforcement of dangerous dogs complaint. A Police Protocol document shared with Wiltshire Police and Wiltshire Council details these responsibilities.

2.6 The Council also works closely with the RSPCA in the investigation and enforcement of animal welfare complaints.

2.7 The Council will exercise its legal enforcement and other powers in relation to the following:

2.7.1 Licensing

- a) The Council will not allow the sale of puppies in pet shops without specific standard conditions being adhered to and only by agreement of the licensing committee.
- b) The Council will encourage pet shops to provide suitable care and welfare information to prospective owners about the animal they are purchasing.
- c) The Council will urge pet shops to employ suitably-qualified staff (to NVQ or BTEC levels), provide suitable training for all staff in animal welfare issues and only employ staff who can demonstrate acceptable levels of animal husbandry experience

2.7.2 Companion Animals

- a) The Council will particularly encourage and support the re-homing of rescued animals from recognised societies and establishments.
- b) The Council will continue to promote responsible dog ownership and believes it has an important role in advising and educating the public. To control and protect dogs in the community, the Council will fully utilise its Dog Warden Service and continue to develop its advisory and social welfare role.
- c) This will include promotional campaigns on good pet ownership, talks to voluntary groups and schools and the provision of display and information stands at suitable venues.
- d) A leaflet detailing all legislation relating to dog ownership is available both on the Council's website and in hard copy on request.

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

- e) The Council will endeavour to re-home dogs that come into its care. Dogs will only be destroyed in abnormal circumstances, and then only having taken into account veterinary or professional behavioural advice, and always in a humane way.

The Council will also:

- f) Encourage the neutering of dogs as part of its animal welfare education activities.
- g) Work with charities to assist owners in finding help for costs of neutering/microchipping/veterinary fees
- h) Audit its canine records on a regular basis.
- i) The Council encourages all dog owners to humanely train their dogs and will make information available on the subject for those who are interested.

2.7.2 Horses and Ponies

The Council will not allow the flygrazing of horses and ponies on Council owned land. Enforcement under the Control of Horses Act 2015 will be carried out as necessary as per the Control of Horses Guidance.

3 Pets in council housing.

3.1 The Council's tenancy agreement includes clauses about pet ownership in the tenancy agreement such as:

- a) Cats or dogs not being permitted in high rise flats
- b) Dogs not being allowed in flats with communal gardens
- c) Permission is required for more than one cat or dog in a property
- d) Livestock is not permitted in Council properties
- e) Tenants are responsible for the behaviour of their animals. This includes not allowing them to stray, foul or cause excessive noise. Tenants are also not permitted to breed from their dog or cat without permission from the Council.

3.2 If it is suspected that animals are being neglected, the owner should be asked to re-home the pet.

Animal Welfare Charter

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Date: 7th June 2016

3.3 All empty properties, especially those recently vacated, shall be checked for abandoned pets.

3.4 Housing providers should ensure staff are suitably trained so they are aware of basic welfare standards and able to spot signs of neglect or cruelty.

3.5 Housing officers will work closely with the Animals team at the Council to assist tenants and advise or take action where necessary.

4 Giving Animals as prizes

4.1 It is Council policy that the conditions for hiring or letting any of the Councils' facilities – premises or land – shall include a clause specifically banning the provision of live creatures, animals or fish, as prizes.

4.2 The Council opposes the giving of animals as prizes because:

- a) No preparation of animal housing, feeding or how the animal should be kept is available
- b) The prize winner may have little knowledge about the pet's husbandry requirements in question or how to be a responsible owner
- c) The prize may be accepted without proper consideration or thought to the animal in question

4.2 The Council encourages other private premises or landowners to follow this lead.

4.3 Licensing officers will ensure that licensees are aware of their duty of care under the Animal Welfare Act 2006.

5 Animal Diseases

The Council has contingency plans with regard to notifiable diseases such as foot and mouth, anthrax, swine vesicular disease, rabies etc., which will limit the spread of the diseases, and subsequent suffering, to other healthy animals. The Council will ensure, with the assistance of Defra, that staff are trained in emergency procedures and work closely with relevant local agencies and that the welfare of animals effected by such actions is paramount.

6 Wildlife

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

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

6.1 Taking into account national and local strategies which directly affect the welfare of wild animals, the Council will ensure, wherever possible, the welfare of wild animals is protected.

6.2 The Council recognises that changes to the natural environment through land use changes or changes in management practices may directly or indirectly adversely affect the ability of habitats and ecosystems to sustain viable populations of wild animals and plants.

6.3 The County has rare, threatened and legally protected species of animal within its administrative jurisdiction. The Council will therefore endeavour to ensure their continued survival through habitat management, public education and monitoring.

6.4 The Council will ensure that where practicable, and desirable, hedgerows and roadside banks under Council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season, and encourage the growth of wild flowers.

6.5 Through its planning functions, the Council will, wherever possible, work with developers to ensure the appropriate safeguarding of protected species of animal on any proposed development site, or where they reside nearby and may be affected by loss of habitats, and will alert them to relevant legislation protecting wild animals and their habitats. The safeguarding of species may involve compensatory habitat provision which would normally be provided by the developer.

6.6 The Council will encourage the use of management and legal agreements as part of the Planning process to ensure adequate on-going management of land, which may be affected by development and, further, will encourage the designation of Local Nature Reserves as a positive commitment to safeguarding wild animals and their habitats, where this is justified.

6.7 The Council is opposed to the use of snares and other traps which cause suffering to animals. It approves of live traps only when certain conditions are adhered to, particularly the need for them to be under the control of a skilled person adhering strictly to legislative controls.

7 Other activities

7.1 The Council will not allow on any Council owned or managed land, rodeos, circuses or travelling menageries which include non domestic animals, and will use its statutory powers to prevent non domestic animals acts in theatres wherever possible.

8 Safe Houses

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

Animal Welfare Charter

Licensing Committee

Date: 7th June 2016

8.1 Working with other relevant agencies and animal welfare organizations, the Council will provide information on secure facilities for pets owned by people or families requiring temporary accommodation in safe housing.

9 Fireworks and events

9.1 The Council has regards to animal welfare when considering an event, including fireworks displays, proposed to the Event Safety and Advisory Group (ESAG). Although ESAG does not have powers to prohibit an event, if support is not given by the group, the event rarely proceeds.

10 Council emergency planning

10.1 Council emergency plans, including those drawn up for mass evacuations, includes provisions for companion and other animals.

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Introduction of a Licensing Regime for Sex Establishment Venues

Licensing Committee

Date: 7 June 2016

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider the draft Sex Establishment Venue policy for Swindon Borough Council, which is attached at Appendix 1.

2. Recommendations

That Committee:

- 2.1 Approves the draft Sex Establishment Venue policy as attached as Appendix 1, and agrees for the Policy to be subject to a six week consultation exercise with a view to its adoption in accord with the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, by Section 27 of the Policing and Crimes Act 2009;and
- 2.2 Agrees for the results of the consultation, along with any amendment to the draft policy to be brought back to the Committee for adoption.

3. Details

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act, 2009) gives local authorities the power to make a resolution to regulate sex entertainment venues and establishments through the licensing regime. Although the Council had previously resolved to introduce such a regime (Council Meeting, 20th September 2012, Minute 11), no date was specified as to when the provisions would become effective. Swindon now hosts 4 sex entertainment establishments, all in the Town Centre, but does not have a licensing regime to provide the full range of up to date protection mechanisms that would be expected for existing, or new, establishments of this kind.
- 3.2 Prior to adoption of the Sex Establishment Policy there is a legislative requirement to undertake a consultation exercise to seek the views and comments of local people and other key stakeholders.
- 3.3 The Licensing Committee authorised officers to undertake a consultation on the principle of introducing a policy to control such establishments and this took place over a 6 week period concluding on 24th November 2014.

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

Introduction of a Licensing Regime for Sex Establishment Venues

Licensing Committee

Date: 7 June 2016

- 3.3 The responses received during the consultation period are summarised in Appendix 2. There was general support for the introduction of a licensing regime for sex entertainment establishments, which supports officer's views that an up to date licensing policy needs to be introduced to provide appropriate control over all aspects of these establishments offering protection to those who work in and visit them and also those who live near them.
- 3.4 Through the consultation exercise, one existing operator, , raised concern over additional unnecessary regulation and monitoring that might mean that they would be unable to operate in the same way that they currently do, and which would be of no benefit to their staff. In response, it should be noted that the regime that is proposed to be introduced does not penalise or place additional unnecessary burden on any well operated and compliant licenced premises.
- 3.4 Once adopted, the draft policy for licensing sex establishment Venues will be incorporated into our adopted Statement of Licensing Policy. The Statement of Licensing Policy covers the full range of licensing considerations, and applies Boroughwide. The draft policy covers all types of sex establishments, including sex establishment venues, sex cinemas and sex shops. Whilst the regime cannot control aspects covered by Planning law, it does ensure that the venues are appropriately licenced and that conditions can be imposed that are both reasonable and enforceable.

3.5

It is recommended that the policy covering the licensing of sex establishment venues be subject to a six week period of consultation commencing as soon as practicable. This consultation should be focussed particularly on those in the industry, key stakeholders and strategic partners and should follow a similar format to the consultation last year on the wider Statement of Licensing Policy.

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4. Alternative Options

- 4.1 An earlier consultation exercise has indicated the desire for greater control over the licensing of sex establishment venues. The draft policy is a response to that. The Licensing Committee could choose not to consult on the policy and continue to allow sex establishment venues to operate without regulation. However, the evidence exists that a strong and consistent set of licensing principles will provide the certainty required to ensure appropriate protection to health, welfare and amenity. All other licensed activities are covered by policies in the Statement of Licensing Policy. This policy brings sex establishment venues in line with all other licensable activities.

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

Introduction of a Licensing Regime for Sex Establishment Venues

Licensing Committee

Date: 7 June 2016

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 as they 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 \ regime 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)

Diversity Impact Assessment 5.3A Diversity Impact Assessment has not been completed for this report. The Statement of Licensing Policy, which has been completed under the legislation has been subject to a DIA, which is available on request. This Policy will form part of the Statement of Licensing Policy and the principles within that DIA apply.

4. Consultees

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

5. Background Papers

- 5.1 None

6. Appendices

- 6.1 Appendix 1: Draft Policy in respect Sex Establishments (to follow)
- 6.2 Appendix 2 Responses to the consultation exercise as to whether the Council should have a policy for regulating sex entertainment establishments.

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

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Appendix 2

Summary of Consultation replies received and officer responses

Respondent	Summary Comment	Response
Wilts Fire & Rescue Service	<p>Broad support for the proposal.</p> <p>Note that for premises falling within the scope of the Regulatory Reform (Fire safety) Order 2005, the Fire Authority will enforce this primary legislation to ensure the safety of persons in the event of fire.</p>	<p>Support Noted.</p> <p>Reference added to documentation for adoption.</p>
Dream Lounge	<p>Further regulation and monitoring of our industry is unnecessary and, whilst we do not know the detail of any possible changes, we are concerned that they will change our business to the extent that we are not able to operate in the same way. We may even have to close, and we believe that this will be of no benefit to our staff and the town.</p> <p><i>A summary of the current operation and measures in place to control possible concerns was provided as part of the response.</i></p>	<p>It is not the Council's intention to introduce a licensing regime which would burden existing businesses. Nor is it our intention to force compliant businesses to close down. The regime to be introduced is a widely accepted means of ensuring the welfare of those working in, and visiting sexual entertainment establishments, and each case will be considered on its own merits.</p>
Wiltshire Police	Support for the introduction of a regulatory regime	Support Noted.
Paul Sunners	Support.	Support Noted.
Haydon Wick Parish Council	Support.	Support Noted.
Wroughton Parish Council	Support.	Support Noted.

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