

Swindon Borough Council

Licensing Committee

Thursday, 8 September 2016

Committee Room 6, Civic Offices, Swindon (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

Junab Ali
Abdul Amin
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 7th June 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 - 22)

6. Taxi and Private Hire Licensing (Pages 23 - 30)

7. Introduction of an Animal Welfare Charter for Swindon (Pages 31 - 42)

8. **Cumulative Impact Policy for the Broad Green Area, Swindon** (Pages 43 - 52)
9. **Street Trading in the Town Centre**
(Report to follow)

Date of Despatch: 31 August 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

TUESDAY, 7 JUNE 2016

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

Apologies for absence were received from Councillors Nick Martin and Peter Watts.

6. 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.

7. Minutes

Resolved – That the minutes of the meeting held on 20th May 2016, be confirmed and signed as a correct record.

8. Public Question Time

No public questions were received during the meeting.

9. Review of the Hackney Carriage Tariff

The Committee considered (a) a report of the Council's Licensing Manager setting out proposals for fare increases by (i) Mr Keith Radway of Swindon Black Cabs, (ii) Mr John Stocker and Mr Andrew Lucas, and (iii) the Licensing Manager, following deferral of a report on Hackney Carriage tariffs on 4th February, 2016 (Minute 40 205/16 refers), (b) the current scales of fees that has been in operation in Swindon since 1st September 2008, (c) a petition signed by Hackney Carriage Drivers in support of Mr Radway's proposed tariff fees, (d) additional papers submitted by the Council's Licensing officer in respect of (i) a briefing note regarding hackney carriage tariffs, (ii) the proposed hackney carriage fees proposed by officers, (iii) a summary of the tariff changes proposed, (iii) a break of the tariffs proposed, (iv) a copy of the national fares table, (e) oral submissions in respect of their proposed fees by Mr Radway, Mr Lucas and the Council's Licensing Manager, and (f) questions to Mr Radway, Mr Lucas and the Council's Licensing Manager regarding their proposed tariffs and responses received.

Resolved – (1) That the draft maximum scale of fares submitted for Hackney Carriage Tariffs by the Licensing Authority be agreed and the Council's Licensing Manager be authorised to undertake a 14 day public consultation as required by the Local Government (Miscellaneous Provisions) Act 1976.

(2) That upon the conclusion of the public consultation any representations be reported to this Committee for consideration, and should no representations be received the proposed new maximum scale of fares be implemented as from 1st August 2016.

(3) That, further to (2) above, the Council's Licensing Manager be requested to bring a review of the new maximum scale of fares to this Committee within six months of the commencement of the new tariffs.

10.

Animal Welfare Charter

The Council's Licensing Manager submitted a report setting out a draft Animal Welfare Charter for consideration by the Committee prior to public consultation.

Resolved – (1) That, subject to paragraph 7.1 of the draft Animal Welfare Charter being amended to read “All applications to hold circuses, performances, exhibitions and displays of animals on any Council land or premises will be considered individually and the decision to grant or refuse such applications will be based on a wide range of considerations, including animal welfare” the draft Charter be approved for public consultation.

(2) That the results of the Animal Welfare Charter consultation be reported to this Committee, together with any proposed amendments to the draft Charter, for consideration.

11. Introduction of a Licensing Regime for Sex Establishment Venues

The Committee considered (a) a report setting out a draft Sex Establishment Policy for the Borough and (b) a copy of the draft policy tabled at the meeting.

Resolved – (1) That the draft Sex Establishment Venues policy, as tabled at the meeting, be approved and the Council's Licensing Manager be authorised to undertake a six week consultation exercise with a view to its adoption in accordance with Schedule 3 of the Local Government Act (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crimes Act 2009).

(2) That the results of the consultation, together with any proposed amendments to the draft policy be submitted to this Committee for consideration.

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 8 September 2016

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

1. Purpose and Reasons

- 1.1 To consider a change to the maximum scale of fares for licensed Hackney Carriage operators in the Borough. There is one proposal before the Committee.
- 1.2 It is requested by Mr Mark Bates the Chairman of the Swindon Hackney Association that the Councils Licensing Committee consider a reduction in the current Fare table which has the support of 90 drivers. A letter from the Swindon Hackney Association and signed by the ninety licensed drivers is at Appendix A.
- 1.3 The current scale of fares which has been in operation since 1 August 2016 is shown at Appendix B
- 1.4 The proposed scale of fares which has a reduction from 30p to 20p on the night rate only is shown at Appendix C

2. Recommendations

That Committee:

- 2.1 Considers the proposal for a decrease in the Hackney Carriage Tariff as Appendix A;
- 2.2 Based on the information available, agrees a draft maximum scale of fares for consultation which is lower 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 Councils, 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, recommend that local authorities should only set fare tariffs which represent the

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

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 8 September 2016

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 B to this report. The last increase became effective on 1st August 2016 following a committee decision to approve an increase in the previous tariff. Since the implementation of the current tariff the trade have realised that unit price of 30p on the night rate has the effect of increasing the fare disproportionately to that of the same journey on the day rate. The difference has been put at around 50% and they feel this should be adjusted at the earliest opportunity. This reduction will of course benefit the travelling public. Attached as Appendix D and E; are examples which have been supplied by the Swindon Hackney Association in the difference in cost between journeys of the same time and distance on the current day rate compared to the night rate.

As you can see there is a substantial difference, not until these new fares were actually in operation for customers did it become apparent that the increase to 30p in the unit price on the night rate, after the meter had reached £11.10 would be so significant. The trade are of the opinion that their business cannot sustain this level of increase.

- 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 is only one proposal for a revised Hackney Carriage tariff from the trade as attached as Appendix A. Whilst there has been no direct or formal consultation with individual drivers this proposal has been considered through the Taxi Forum Members.
- 4.2 There are currently 163 hackney carriage drivers licensed by SBC.

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

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 8 September 2016

- 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.
- 4.5 Members may recall that at the 7th June 2016 Licensing Committee, the current tariff was approved and it was agreed that there would be a review in six months. The tariff was advertised as required by the Local Government (Miscellaneous Provisions) Act 1976, and no objections were submitted and the tariff was implemented. However it has become apparent that the fares on the night rate once having reached the tick over rate of £11.10 are increasing at a rate far higher than anticipated.
- 4.6 If approved, the tariff will be subject to a 14 day consultation and is anticipated to be implemented on 1st October 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 evidence of a majority vote; it is recommended that the Committee agree the decrease for consultation.

The options for the Committee are as follows:

- To remain with the existing tariff
- To agree with the proposal as Appendix A

- 5.2 If Members choose to reject the request the tariff will remain at that set in August 2016.

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.
- 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 the proposed tariff in the newspaper. The exact quantity of this cost has not yet

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

Review of the Hackney Carriage Tariff

Licensing Committee

Date: 8 September 2016

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 – Driver petition in support of Fare proposal from Mr Mark Bates Swindon Hackney Carriage Drivers Association
- 10.2 Appendix B Current fare tariff (in force since August 2016)
- 10.3 Appendix C Amended fare proposal from the Hackney Association
- 10.4 Appendix D examples of the difference in fares (Author Andrew Lucas)
- 10.5 Appendix E examples of the difference in fares (Author Mark Bates)

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

a So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

Gabriel NWAJIAKU	084
Phil WASLEY	449
CHRIS COLES	430
ANTHONY BALDWIN	44
Chinedu Okeke	55
M. Mudi	34 147
Ian Simon Rukingama	17
A. AWA	152
Hanif Lashari	223
Laval Carver	134
Peter Simpkins	182

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

P. Grewal

159

A Lucas

080

B Seymour

445

K. Pun.

HD0012

AKBAR KHAN

HD0051

Bruno Di FRANCOSANTONI

48

J SCANLON

47

MICHAEL LEA

99

Andy KUMAR

447

B J THATCHER

207

F. J WELLS.

11

P HATTER

0030

G. NWAJIAKU

0084

C. EDWARDS

308

S. GILL

21

V. ESPRITO

289

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

ROSS LEA	138
M.S GREWAL	155
A.K. SHANNA	148
Hanif Lashan	260
R. MAHMOOD	87
I. AMIR	133
S.D. CLUCAS	490
K. LEGG	209
D. Oakley	235
R. Quinlan	007
M. BANWICKEL	007 189
D.S. PINNELL	260
D.S. RINGHAM	005
H. SANDHAM	
ABDULAH JAN	121

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

SAMAH AL MOHAMMED	31
STEVE WYTH	21
R. mas Sely	
B Edgell	195
M. Aden	70
E. T. Suman	476
R. T. SHEIKH.	440
A. WALTON.	461
A. W. W.	
E. S. Drape	120
G. G. G. - G. FIORE	229
H. S. T. BOR	08 - 481
S. S. S. S.	41
R. FARRANT	368.
A. MUHID	78
H. Ahmed	11
AD JOSSON	57

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

IMRAN DASTAGIR	259
LATIF HUSSAIN	036
MILLI BURGAS	306
M.O. TOOLE	117 - H.13
Shane Jones	0054
Kevin Marvel	062
Steve Murray	296
Alison Murray	400
James Barnes	105
Steph Murray	026
Ian Beare	118
Eddie Walecki	25
Malcolm Curhis	293
Geor 92 mackelype	218
Paul Beare	158

SWINDON TAXI ASSOCIATION

FOR THE ATTENTION OF KATHRYN ASHTON

Due to the major price difference between the rate 2 click over after reaching £11.10 and, being set at 30p. This increases the fares by 50%.

So therefore we insist that the click over be set at 20p, as before.

This has to be done immediately or it will be the demise of the taxi trade in Swindon.

PRINT NAME

BADGE NUMBER

MARK GRIMSITAN	74
JOHN JONES	376
JAMES KENT	128
Rey WILLIAMS	015
ANDY SABAT	398
KEITH LARBEN	67
Wayne Abraham	32
D. D KUMRA	471
NASAR - ALI	0140
ISA MANAZ	0179
CEZARY DEDEJCZYK	198
ENAYATULLAH NIAZI	0008
MARK BATES	292
Anthony White	092
Lynn Fiore	130
Brian Ackerman	75
M. FASULLO	49 / HY 57

Maximum hackney carriage fares from 1 August 2016

DAY RATE	NIGHT RATE	CHRISTMAS/ NEW YEAR
Monday – Friday 0600 – 1800 and Saturday 0600 - 1800	Monday – Friday 1800 – 0600 Saturday & Sunday and Public Holiday rate	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.	From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays Minimum Fare £3.90 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 £11.10 thereafter 30p for each 129.2 metres or 27.7 seconds.	Minimum Fare £6.50 for the first 368.8 metres or 79.3 seconds then 30p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 30p 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 or 466208 or email licensing@swindon.gov.uk.

This page is intentionally left blank

Amended proposal
Proposed Maximum hackney carriage fares from 1 October 2016

DAY RATE	NIGHT RATE	CHRISTMAS/ NEW YEAR
Monday – Friday 0600 – 1800 and Saturday 0600 - 1800	Monday – Friday 1800 – 0600 Saturday & Sunday and Public Holiday rate	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.	From 1800 on the day Before until 0600 On the day after Public Holidays and Sundays Minimum Fare £3.90 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 £11.10 thereafter 20p for each 129.2 metres or 27.7 seconds.	Minimum Fare £6.50 for the first 368.8 metres or 79.3 seconds then 30p for each additional 184.4 metres or 39.6 seconds until the fare exceeds £16.10 thereafter 30p 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 or 466208 or email licensing@swindon.gov.uk.

This page is intentionally left blank

APPENDIX D
Fare examples day and night rates for the same journey

To Mike Shears
Taxi Licensing
Swindon Borough Council
18 August 2016

Kathryn/Mike,

As discussed in the meeting, the increase in the clickover rate of the metered fare from 20p in to 30p in the new night time tariff has caused the fare to increase by 50% once the higher rate of £11.10 (4.35 miles) has been reached. This is causing the night time fares to be considerably higher than those in the day where the clickover still increases by 20 pence at this stage.

Below are some examples of approximate regular fare venues over 5miles at both the current day and night rates.

Swindon Train Station to Purton, 6.5 Miles	£13.50 Day	£16.50 Night
Swindon Train Station to Cirencester, 16 miles	£36.00 Day	£55.00 Night
Swindon Train Station to Kemble Station, 18 miles	£41.00 Day	£62.00 Night
Swindon Train Station to Cheltenham, 31 miles	£76.00 Day	£110.00 Night.

N.B these fares are approximate based on sample journeys and may vary according to traffic conditions.

Andy Lucas
Licensed Hackney Carriage Driver
Badge no 80

This page is intentionally left blank

APPENDIX E (further fare comparison information)

Mark Bates
Swindon Taxi Association

Hi Mike/Kathryn, as requested, here are a few sample fares. For the purpose of comparison, I have also included the old day and night rates:

Example 1, a five mile journey, something like a journey to South Marston from the rail: Under the old day rate this would run £11.10, and under the new day rate this runs £11.70. Under the old night rate this also ran £11.70 but under the new night rate this now runs £13.50.

Example 2, a ten mile journey, something like a journey to the farthest extremities of Cricklade from the rail: Under the old day rate this would run £21.50, but under the new day rate this now runs £22.30. Under the old night rate this fare would also run £22.30 however, under the new night rate, this now runs £32.10.

Example 3, a twenty mile journey, something like a journey to just before Bibury from the rail: Under the old day rate this journey would clock £46.50, and now, under the new day rate, it now clocks £47.30. Under the old night rate this would also clock £47.30 however, under the new night rate this fare now clocks £69.30.

Finally, under the old day rate a forty mile journey, one like a trip to Bristol from the rail: Under the old day rate, this journey would clock £96.30 but under the new day rate this now clocks £97.10. Under the old night rate this used to also run £97.10 but now, under the new night rate this fare runs £144.30, a near fifty percent increase.

Mark Bates
Swindon Taxi Association

This page is intentionally left blank

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

Author: Licensing Manager

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To advise the Licensing Committee of the Council's processes and procedures that are in place to determine suitability of persons holding taxi and private hire drivers licences in line with the best practice contained in the LGA's 'Taxi and Private Hire Licensing Councillors Handbook', (2016) .
- 1.2 Taxi licensing has come under scrutiny nationally with high profile cases linking taxi and private hire licence holders to failures in safeguarding and child sexual exploitation in the north of England. The Licensing Manager commissioned an internal audit of our own taxi licensing service when she took responsibility for it in May 2014. The audit found a number of areas requiring improvement, including the extent and content of the knowledge test, and tighter controls over criminal records of those applying for licences to drive. The Audit 's recommendations have now been implemented but decisions as to whether a person is appropriate to hold a licence are complex and there is a constant need to review and refresh our processes and procedures to ensure that they remain fit for purpose.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the officers assessment of the Borough Council's taxi licensing service against the key criteria contained within the LGA's 'Taxi and Private Hire licensing Councillors Handbook', (2016), and
- 2.2 In light of the LGA's 'Taxi and Private Hire licensing Councillors Handbook', (2016), and the contents of this report, advise on additional training requirements, (if any) pertaining to this issue.

3. Detail

Background

- 3.1 As taxi licensing authority for its area, Swindon Borough Council is responsible for licensing operators, drivers and vehicles, including hackney carriages (taxi's)

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

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

and private hire vehicles. The process by which an individual secures, renews or retains a licence to drive requires the authority to determine whether they are a fit and proper person to do so. In Swindon, this process is undertaken by officers within the taxi licensing team. However, where evidence indicates that there may be issues of concern, or where a licence has been revoked or suspended, decisions may come before the Taxi Licensing Sub-Committee. It is then a decision of the Committee as to whether that person should be able to hold a drivers licence.

- 3.2 The process in determining whether a person is fit and proper to hold a licence requires them to undertake a knowledge test, an English test, safeguarding training, a medical and a DBS check. We are also in the process of introducing disability awareness into the test, including full awareness of access issues and their responsibilities to disabled customers. Where DBS checks indicate activity of concern, further detail is sought from the police.
- 3.3 Determining suitability of drivers is one aspect of ensuring that our taxi and private hire service is fit for purpose in safeguarding and protecting its customers. Other elements of best practice exist and it is important that we are able to demonstrate that we remain vigilant and confident that our procedures and decision making is proportionate but as secure as it can be.

Content

- 3.4 To assist Members in their role as decision makers, the Local Government Association (LGA) has recently published a 'Taxi and Private Hire licensing Councillors Handbook', (2016). The Head of Planning, Regulatory Services and Heritage sent this to all Committee members on 27th July. The Handbook contains useful advice to assist decision makers when considering applications, renewals, revocations and suspensions of licenses that are brought before them. If clarification is required on any matters contained in the Handbook, the Licensing Manager and Head of Planning, Regulatory Services and Heritage will respond verbally to any questions or feedback that Committee members may have on it.
- 3.5 To help provide some context officers have completed a short self-assessment against the questions contained on page 37 of the Handbook. This self-assessment is provided as a 'health check' for the service and is attached at Appendix 1.

4. Alternative Options

- 4.1 The Council has a statutory responsibility to licence taxi and private hire operators, drivers and vehicles. In doing so, it must be content that the drivers are fit and proper people to hold a licence. The Committee has received

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

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

introductory training on this issue, and have been sent a copy of the LGA's 'Taxi and Private Hire licensing Councillor's Handbook', (2016). Committee members may decide that this is sufficient for them to make decisions, or they may feel that they require additional training.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 If additional training is required, and there is a cost to that training, it will be met from the appropriate training budget.

Legal and Human Rights Implications

- 5.2 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 guidance contained within the report and the LGA document will ensure that 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 Sound processes and appropriately trained decision makers will reduce risks of harm to users of the service.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report.

Risk Management

- 5.5 Sound processes and appropriately trained decision makers will reduce risks of harm to users of the service.

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 LGA – 'Taxi and Private Hire licensing Councillor's Handbook', (2016).

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

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

8. Appendices

8.1 Appendix 1 – Assessment of taxi licensing activities against the LGA's Handbook

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

Appendix 1 – Assessment of taxi licensing activities against the LGA's Handbook

Are the needs and safety of passengers placed at the centre of your licensing system?

Yes, the fit and proper person check includes a knowledge test, safeguarding assessment, English test and a disability awareness module is also in preparation to be introduced imminently. All drivers must also pass a medical and hold an up to date DBS certificate, which is reviewed every 3 years in accord with best practice. The Council's Taxi Licensing team work closely with the police to obtain details of convictions. The Scheme of Delegation allows the Head of Planning, Regulatory Services and Heritage and the Licensing Manager to suspend a licence with immediate effect where up to date information comes to light that gives cause for concern. Revocation is through the Taxi Licensing Sub Committee.

The safety of passengers through the condition of vehicles is safeguarded by regular safety checks undertaken by trained officers.

One area which a recent Taxi Licensing Panel raised as an issue is the potential for cameras to be installed in cabs to assist surveillance and monitor driver and passenger behaviours and incidents. Such a requirement would need to be based on evidence and a sound assessment of risk and benefit. It would also necessitate a revision to Council policy and consultation with the trade, and would require the endorsement of the Licensing Committee.

Are drivers assessed against agreed and appropriate standards to ensure they are 'fit and proper' and entitled to hold a licence? Many councils require applicants to undertake group 2 medical checks, enhanced Disclosure and Barring Service (DBS) checks and local knowledge tests before they are licensed to carry the public.

Yes, these are requirements of our 'fit and proper person test', along with an English test, safeguarding and (imminently) disability awareness modules.

Are your drivers provided with training on disability awareness, spotting child sexual exploitation and other locally relevant issues?

Yes, see above. This is a requirement as part of the 'fit and proper person test'.

Does your council have a taxi and PHV licensing policy document, which has been subject to regular review and has regard to the Department for Transport's Best Practice Guidance (last issued March 2010) and has been consulted on with the trade and user groups?

Yes.

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

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

Do your taxi licensing officers have a regular dialogue with neighbouring councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?

Yes, but this dialogue is informal, and/or on an as and when required basis. We particularly liaise with Wiltshire, Reading, Oxford and Vale of White Horse Councils, where licensed drivers may work locally across borders. Relevant information is shared, though standards remain inconsistent. Swindon now places a higher requirement on licence holders than many other Local Authorities.

Do you have sufficient information and understanding to challenge or defend your council's taxi and PHV licensing activity in the context of an overview and scrutiny committee?

Yes. The Council's service has recently been subject to an internal Audit. The Audit was requested by the Licensing Manager on taking responsibility for the service. Both the Licensing Manager and Head of Planning, Regulatory Services and Heritage have attended Audit Committee to defend the improvements made to the service following the Audit.

Does your council have a multi-agency enforcement programme with the police, DVSA and neighbouring councils? Such operations help ensure the public remain safe.

Yes. This is the LADO process, which operates along the same channels as the process described above.

Does your council have adequate numbers of accessible taxis – to ensure people who are vulnerable in society such as disabled users can utilise the service?

Yes, we have 1,100 accessible licensed Hackney and Private Hire vehicles. All Hackney Carriages are wheelchair accessible.

Does your council have effective consultation methods with taxi and PHV representatives and taxi users? Many councils have taxi liaison forums which meet on a regular basis.

Yes. We have a Taxi Forum, which has met regularly over the past 18 months. However, taxi drivers are struggling to form a consensus over representation on the Forum, which has stalled over recent months as a result.

Are vehicles subject to agreed and routine stringent testing to ensure they are mechanically safe and suitable to transport the public?

Yes. All licensed vehicles under 5 years of age are called in for inspection twice a year. All licensed vehicles over 5 years of age are called in for inspection 3 times a year. Any licensed vehicle that reaches 12 years of age is taken off the road.

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

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

Are your licensing fees and charges sufficient to provide the resources for an efficient licensing service but which does not create a surplus? If there is a surplus, is this returned through a reduction in future fees?

Licence fees have been reviewed in the last 12 months and now reflect the costs of providing the service. Due to regular review and benchmarking of costs, there has been no surplus in fees in recent years.

Does your council license stretched limousines under eight passenger seats? Many vehicles are operating unlicensed and unchecked as some councils refuse to license such vehicles.

Not at present, though we are working on a process to licence these vehicles. However, there is no intelligence that there is a problem with unlicensed stretch limousines in Swindon.

This page is intentionally left blank

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

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

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to endorse an Animal Welfare Charter for Swindon, and to commend the policy to Council for adoption.
- 1.2 Animal Welfare is a major consideration in many of the Council's activities in areas such as licensing, stray dogs, housing tenancies, travelling fairs and events on land over which we have control and responsibility. To date, there is no overarching charter or policy which can provide a benchmark and level of expectation against which animal welfare issues can be considered in our day to day work, and when we allow others to use our land. At its June 2016 meeting, the Licensing Committee endorsed a draft Animal Welfare Charter for consultation. Officers have taken responses made to the consultation into account and propose a revised Animal Welfare Charter for adoption.

2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the Animal Welfare Charter, attached at Appendix 1, and commend it to Council for adoption.

3. Detail

Background

- 3.1 The Council has a long history of improving and promoting animal welfare across its functions and with external organisations. It is, however, recommended by groups such 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.
- 3.2 Although the Council did adopt a broad statement covering its commitment to animal welfare in 2008, recent complaints from members of the public, along with the Licensing Manager's commitment to review all our licensing policies, lead to the view that the statement was too general and carried no weight in our ability to protect animal health and wellbeing.
- 3.3 At its meeting of 7th June 2016, the Licensing Committee endorsed a more comprehensive draft Animal Welfare Charter for consultation and resolved that

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

the results of the consultation, along with any amendment to the policy be brought back to Committee for consideration.

Content

- 3.4 The draft Animal Welfare Charter covers all aspects of animal welfare on land we own, and for the functions that we perform as a Local Authority. As such it covers our responsibility as landlord, as Licensing Authority, through our animal welfare functions, and through our emergency planning functions. Based on animals' rights to enjoy five basic freedoms, the Charter establishes our enforcement powers and responsibilities, along with responsibilities of our tenants and other partners. The charter has been drafted with the benefit of local experience and seeks to address issues that the Animal Welfare Team regularly deals with. It is drafted in a way that will enable it to be used in support of legal action against perpetrators of animal cruelty.

Consultation

- 3.5 Consultation on the draft policy took place between 17th June 2016 and 12th August 2016. This included a press release, encouraging local animal related businesses to share via social media, informing individuals who had previously expressed an interest in such a document and sharing with internal departments as well as external agencies. Despite this only nine responses were received. These are appended at Appendix 2.
- 3.6 The responses were unanimously in favour of the proposals with a few suggestions:
- 3.7 One asked for an out of hours dog warden service to be provided. The guidance from central Government is that an out of hours dog warden should be available where practicable. The Council currently has an acceptance point where stray dogs may be taken to out of hours which is deemed sufficient given the low number of stray dogs reported out of hours.
- 3.8 It was also noted that licensed premises should receive surprise visits to ensure conditions are being upheld. Currently all animal related licensed premises are visited once a year on inspection with additional inspections carried out on an ad hoc basis. This includes larger premises with open access to public being visited unannounced, targeted visits if a complaint should be received and general visits.
- 3.9 It was suggested that dog fouling be included but it is felt that this is covered by mention of the full dog warden service including section 2.7b – dog fouling patrols being an important part of the dog warden's duties.
- 3.10 There was also a request if commercial dog walkers could be licensed. This would have to be proposed by central government legislation in order to be so.

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

The department is considering introducing a voluntary registration process for such activities.

- 3.11 Finally the Council's Housing department requested it be made clear which clauses stated are included in the Secure tenancy and which are in the Flexible tenancy agreement. They highlighted the differences.
- 3.12 As a result of the consultation, the wording of section 3 of the proposal has been amended slightly to accommodate the Housing comments. The rest of the charter is as originally proposed.

Final Policy for consideration

- 3.13 It is, therefore, proposed that the Animal Welfare Charter for Swindon is adopted so as to enable the Council to exert greater control over animal welfare and to provide additional powers in support of legal action against animal cruelty. As such, Committee is requested to commend the Charter attached at Appendix 1 to Council for adoption.

4. Alternative Options

- 4.1 The Council could continue to rely on its general statement to cover animal welfare, though 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 premises, fly grazing of horses by travellers and live animals being used as prizes at fairs on Council 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 or procurement implications arising from this report. If approved, the Animal Welfare Charter will be made available on the Council's website.

Legal and Human Rights Implications

- 5.2 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.

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

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

- 5.3 Health and crime and disorder are drivers for the policy and taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

Diversity Impact Assessment

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

Risk Management

- 5.5 An adopted charter will assist in enabling the Council to influence and where appropriate intervene or refuse licence applications that would result in the mistreatment of animals.

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 Act, 1973 and 1999
- 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 and 1970
- 7.9 Zoo Act, 1981

8. Appendices

- 8.1 Appendix 1 – Animal Welfare Charter for Swindon for adoption
- 8.2 Appendix 2 – Responses to the consultation

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

Appendix 1 – Animal Welfare Charter for adoption

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.
3. Freedom from pain, injury or disease - by prevention or rapid diagnosis and treatment.
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.

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 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 Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

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.
- 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

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

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 agreements include clauses about pet ownership. This varies between the Secure tenancy and the Flexible tenancy that was introduced in January 2015.

- a) Cats or dogs not being permitted in high rise flats unless on grounds of disability or welfare in secure tenancy
- b) Dogs not being allowed in flats with communal gardens in flexible tenancies except designated properties.
- c) Permission is required for more than one cat or dog in a property under flexible tenancies.
- d) Keeping of 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 under flexible tenancies.

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

3.2 If it is suspected that animals are being neglected, the owner should be asked to rehome the pet under Flexible tenancies and advice shall be sought from the Animals department and/or the RSPCA.

3.3 All empty properties, especially those recently vacated, shall be checked for abandoned pets. All due efforts will be made to locate the owner but if following a suitable period, they cannot be traced the animal shall be disposed of via a suitable rescue organisation. The owner shall be liable for any costs involved in caring for that animal before final disposal and this shall be pursued where possible.

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. Assistance in training shall be provided by the Animals Team at the Council.

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

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

4.4 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

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

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

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

Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or awaine@swindon.gov.uk.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

7.1 All applications to hold circuses, performances, exhibitions and displays of animals on any Council land or premises will be considered individually and the decision to grant or refuse such applications will be based on a wide range of considerations, including animal welfare.

8 Safe Houses

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.

Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8th September 2016

Appendix 2 - Responses to questions on Survey

1. Do you agree in principle with the proposed Animal Welfare Charter?

9 of 9 respondents – Yes

- General comment – Very clear guidelines

2. Do you feel any content should be removed?

9 of 9 respondents – No

3. Do you feel any content should be added?

1 of 9 respondents - Yes

- Suggest about dog fouling within parks and open spaces

4. Do you have any other comments?

- Very pleased to see the council is taking animals seriously and giving them the welfare they should be entitled to. Thank You!
- Out of hours Dog Warden should be on call, should it be required
- Licensed premises should receive surprise visits to ensure conditions are being upheld
- Could commercial dog walking be licensed?
- As you know we strengthened the pet's clause in the flexible tenancy agreement, thus making the do's and don'ts clearer and the charter takes this into account. However, it doesn't seem to account for those tenants that are signed up for a secure tenancy. As part of this exercise, I have highlighted the differences and given you both pet clauses for your information.

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

Author:	Licensing Manager
Wards:	Central
Locality Affected:	Town Centre
Parishes Affected:	None

1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to commend to Council that a Cumulative Impact Policy for Broad Green (CIP), is adopted as part of the Council's existing Statement of Licensing Policy .
- 1.2 Evidence strongly links the concentration of licensed premises in the Broad Green area of central Swindon to instances of anti-social behaviour and public health issues. By adopting a CIP, the presumption in favour of granting and varying licences and club premises certificates for alcohol sales would be changed to a presumption against, where relevant representations are received.
- 1.3 In pursuance of this, the Licensing Committee endorsed a document for consultation earlier in the year comprising a draft CIP and the zone within which it would apply, known as a Cumulative Impact Zone, or CIZ. Officers have taken responses received during this consultation exercise into account and the CIP for adoption. The expectation is that if it is adopted, the CIP would form part of the Council's adopted Statement of Licensing Policy.
- 1.4 The CIP has strong links to the Council's objectives of helping people help themselves, and to the new health centre currently under construction nearby at Kimmerfields. It also seeks to uphold the four statutory licensing principles, contained in the Licensing Act, 2003 which are:
 - a) the prevention of crime and disorder;
 - b) ensuring public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.

2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the Cumulative Impact Policy (CIP), attached at Appendix 1, and commend it to Council for adoption and inclusion in the Council's adopted Statement of Licensing Policy.

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

3. Detail

Background

- 3.1 The Licensing Act, 2003 gives Local Authorities the power to designate areas as CIZ's, where it is considered that the cumulative impact of new licences is leading to the area becoming saturated with premises and undermining one or more of the Licensing Objectives.
- 3.2 CIZ's are spatial, covering defined areas in which the provisions of a CIP would apply. Within these zones stipulations can be made as to the types of licences that would be restricted, the situations in which restriction would occur and exemptions from restriction such as important regenerative opportunities. Similarly, exemptions covering developments that could lift an area and in themselves reduce crime and improve amenity can be made.
- 3.3 A CIP for the Broad Green area of Swindon was endorsed for consultation by the Licensing Committee on 13 January 2016. The CIP and its spatial extent were supported by the Borough Council as both Licensing and Environmental Health Authority and also by the Wiltshire Police. A local Ward Councillor attended Committee and spoke in favour of the Policy. The evidence provided from each of these sources enabled a CIZ to be identified, and a CIP to be drafted which established the spatial extent of the zone, stipulated the types of licence to be limited and clarified any exceptions.

Content

- 3.4 The draft Policy places a presumption against the grant of an alcohol licence for new premises within the area defined as the CIZ. Under the CIP, applications submitted in the zone for new premises licence or club premises certificate, or a material variation of an existing licence or certificate, would be refused unless the applicant can demonstrate why the grant or variation involved would not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics. The exceptions are;
 - Restaurants where alcohol is only sold with a meal
 - Hotels
 - Applications for a Minor Variation of the premises licence (except where this may increase the occupant capacity of the premises), and
 - Applications for a straight premises transfer or DPS variation.

Consultation

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

- 3.5 Consultation on the draft CIP took place between 13 May 2016 and 8 July 2016. Despite letters going out to all affected premises and relevant consultees, just 3 completed responses were received, all of which were supportive. These responses are summarised at Appendix 2

Final Policy for consideration

- 3.6 In view of the nature of the representations received, it is proposed that the CIP is adopted without amendment, so as to enable the Council to exert greater control over licensed premises which may have a negative cumulative impact on one or more of the licensing objectives. As such, Committee is requested to commend the policy attached at Appendix 1 to Council for adoption.
- 3.7 If adopted, the CIP will form part of the Council's Statement of Licensing Policy and will become a material consideration in determining licence applications in the area. It would not equate to a blanket ban on the grant of new licences or variation of existing licences as each application must be considered on its own merits. However, it could be used to refuse applications or variations, where their impact is considered to be harmful, unless the applicant can demonstrate that the licensing objectives will not be undermined.

4. Alternative Options

- 4.1 The Licensing Committee could choose not to proceed with the adoption of the CIP, if it considers that there is no benefit in doing so. The Licensing Act, 2003 and the Secretary of State's Guidance is clear that other action can be taken to mitigate certain impacts arising from the concentration of licensed premises, which would continue to be available for use alongside the restrictions of the CIP. They would not, however, replace the protection afforded by the CIP.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report. If approved, the CIP will be made available on the Council's website.

Legal and Human Rights Implications

- 5.2 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

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

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 Health and crime and disorder are drivers for the CIP and taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment was prepared for the Council's Statement of Licensing Policy, which the CIP sits beneath. This is available on request

Risk Management

- 5.5 An adopted CIP will assist in enabling the Council to refuse applications that would result in a further proliferation of licensed premises in the area, reducing the risk of challenge. The implementation of the policy will reduce health and amenity risks to members of the local community.

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 Licensing Act, 2003
7.2 Revised S182 Guidance issued under the Licensing Act, 2003.

8. Appendices

- 8.1 Appendix 1 – CIP for the Broad Green area, Swindon for adoption
8.2 Appendix 2 – Responses to the Consultation Draft Cumulative Impact Policy

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

Appendix 1 -

Cumulative Impact Policy for the Broad Green area, Swindon

September 2016

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

Introduction

1. Swindon Borough Council may receive representations from either a responsible authority or other person, both defined within the Licensing Act 2003 that the cumulative impact of new licences is leading to an area becoming saturated with premises making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance, or otherwise compromising the licensing objectives. In such cases the issue of saturation can be taken into account when considering the individual merits of any application.
2. Swindon Borough Council has received evidence from the Licensing Authority, Wiltshire Police, and Public Health that the saturation of licensed premises is undermining the licensing objectives in the Broad Green area.
3. The area will be referred to throughout the remainder of this Statement as a 'Cumulative Impact Zone', later referred to as CIZ.
4. After considering this evidence Swindon Borough Council has resolved to adopt a Cumulative Impact Policy for this area, which will be defined as a CIZ.
5. Detailed maps showing the boundary of the area is attached as Annex A of this policy.

Restrictions in the CIZ

6. The effect of the Cumulative Impact Policy is that Swindon Borough Council will refuse applications for a new premises licence or club premises certificate, or a material variation of an existing licence or certificate in the zone whenever it receives relevant representations unless the applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics.
7. Swindon Borough Council recognises that within the CIZ different premises mutually benefit from each other's existence attracting large groups of people. This can in turn however increase the possibility of crime and disorder and public nuisance thus impacting on the licensing objectives. For this reason special consideration will be given to all classes of premises within the CIZ.
8. There are, however, exceptions proposed to the policy, where cumulative impact will not apply. These cover in particular restaurants where alcohol is served with a meal, hotels and licence transfers, which are not the subject of evidence provided by the Police or Environmental \ Public Health. The list of exceptions is as follows;

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

- Restaurants where alcohol is sold with a meal
- Hotels
- Applications for a minor variation of the premises licence (except where this may increase the occupant capacity of the premises)
- Applications for a straight premises transfer or DPS variation

Implementation of the CIP

9. The adoption of the CIZ does not relieve responsible authorities or other persons of the need to make relevant representation. Before Swindon Borough Council may lawfully consider giving effect to the Cumulative Impact Policy a relevant representation must have been made. If no representations are received, it remains the case that any application must be granted in terms consistent with the operating schedule and any mandatory condition.
10. Responsible authorities and other persons may make written representations, maintaining that it is necessary to refuse an application within the CIZ for the promotion of licensing objectives and in doing so may refer to the evidence considered by Swindon Borough Council in the adoption of the Cumulative Impact Policy.
11. Swindon Borough Council will not use the Cumulative Impact Policy:
 - As grounds for revoking an existing licence or certificate, or
 - To refuse applications to vary an existing licence or certificate except where modifications are directly relevant to the Cumulative Impact Policy.
12. The Cumulative Impact Policy does not include provision for terminal hours nor does it impose quotas on the number of licensed premises or the capacity of those premises.
13. Swindon Borough Council will regularly review the Cumulative Impact Policy to see whether it is still required or should be expanded.

Other legislation

14. Swindon Borough Council recognises there are other mechanisms both within and outside the licensing regime for addressing cumulative impact of licensed premises which may include:
 - planning control;
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols; powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas; police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices; prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate;
- Raising a contribution to policing the late night economy through the Late Night Levy; and
- Early Morning Alcohol Restriction Orders.

Contact

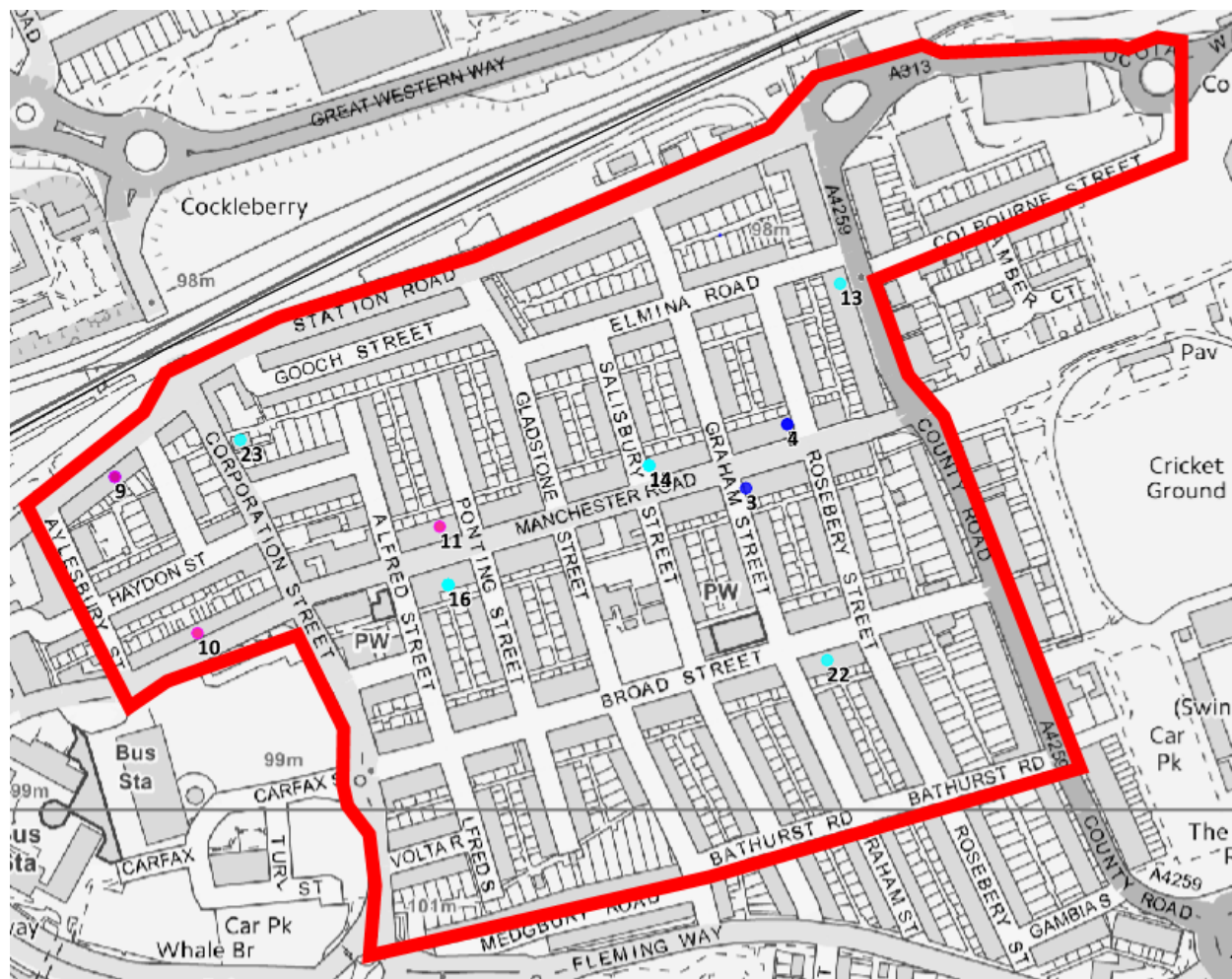
15. If you have any questions or require clarification regarding the Cumulative Impact Policy you should contact Kathryn Ashton, Licensing Manager on (01793) 466113, or by e-mail at the following address licensing@swindon.gov.uk.

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

Annex A – Spatial Extent of the Broad Green Cumulative Impact Policy (the CIZ)



© Crown copyright and database Rights 10024296, 2015

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

Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8th September 2016

Appendix 2 – Responses to the consultation draft Cumulative Impact Policy

Respondent	Comment	Action
PC Michael Diffin Wiltshire Police	Support for all aspects of the CIP	Noted. No change proposed.
Roslyn Timlin <i>Local resident</i>	<ul style="list-style-type: none">• Support for principle of CIP, but considers that it should include all streets between Fleming Way and the CIZ's southern boundary.• There should be no exemptions.• Concern that it will push activities to the areas just outside the CIZ.	<p>The CIZ has to be based on evidence. The evidence presented indicates a cluster of licensed premises, and anti-social activity in the area, which has defined the zone. SBNC could not include areas where there is no evidence of a problem.</p> <p>Any displacement will be monitored, but is most likely to occur elsewhere in existing premises.</p> <p>Exemptions are required to cover reasonable instances of licence transfer, where additional restrictions would not be supported in law, and for restaurants which contribute to the local economy and where alcohol sales are not the principal purpose of the business.</p> <p>Understand the points made and the reasons behind them, but no change proposed.</p>
Frances Mayes SBC Public Health	Support	Noted. No change proposed.

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