



## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday 2 October 2008, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Licensing and Safety Committee**

Councillor Brunel-Walker (Chairman), Councillor Mrs Ryder (Vice-Chairman), Councillors Baily, Mrs Barnard, Beadsley, Brossard, Browne, Burrows, Finch, Kendall, Leake, Osborne, Thompson, Virgo and Ms Wilson

ALISON SANDERS  
Director of Corporate Services

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**Licensing and Safety Committee**  
**Thursday 2 October 2008, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

**AGENDA**

Page No

1. **Apologies for Absence**  
To receive apologies for absence.
2. **Declarations of Interest**  
Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.
3. **Minutes**  
To approve as a correct record the minutes of the meeting held on 3 July 2008. 1 - 4
4. **Urgent Items of Business**  
Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.
5. **Enforcement Policy**  
The Committee is asked to consider and comment upon the proposed Draft Enforcement Policy as set out in Appendix A of the report. 5 - 16
6. **Fees and Charges**  
Members are asked to consider the proposals for fees and charges and agree a set of fees that will go forward for public consultation and agreement by the Executive as part of the budget review process. 17 - 20
7. **Animal Boarding Establishments - Home Boarding for Dogs**  
The Committee is asked to approve the use of Home Boarding for Dogs conditions as detailed in Appendix A of the report. 21 - 28
8. **Film Classification Procedure**  
The Committee is asked to agree an addition to the Council's Statement of Licensing Policy, in relation to film classification. 29 - 30
9. **Face-to-Face Direct Debit Collections - Site Agreement**  
The Committee is asked to approve the document governing face-to-face direct debit collections within the town centre, carried out by members of the Public Fundraising Regulatory Association. 31 - 36

10. **Bracknell Licensed Taxi Forum**  
The Committee is asked to agree that officers bring to the Committee meeting on 5 February 2009 a report on a proposal for an 'Unmet Demand Survey'. 37 - 42
  
11. **Hackney Carriage Fare Tariff**  
The Committee is recommended to not implement a change to the taxi tariff at this time. 43 - 44
  
12. **First Aid Training for Licensed Drivers**  
The Committee is asked to agree additional conditions to ensure that licensed drivers attend first aid training regularly. 45 - 46
  
13. **Advertising on Hackney Carriages**  
The Committee is asked to approve the proposals around advertising on Hackney Carriages. 47 - 50

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**LICENSING AND SAFETY COMMITTEE**  
**03 JULY 2008**  
**8.00 - 9.15 PM**

**Present:**

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Beadsley, Brossard, Browne, Finch, Leake, Osborne and Thompson

**Apologies for absence were received from:**

Councillors Mrs Barnard, Burrows, Kendall, Virgo and Ms Wilson

**Also present:**

Laura Driscoll, Licensing Team Leader  
Priya Patel, Democratic Services Officer  
Rob Sexton, Head of Trading Standards & Services  
David Steeds, Head of Environmental Health & Safety

**4. Declarations of Interest**

There were no declarations of interest made at the meeting.

**5. Minutes**

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee on 31 January 2008 and 21 May 2008 were approved as a correct record and signed by the Chairman.

**6. Health and Safety Law Enforcement Plan 2008-09**

The Committee received a report that asked them to note the outturn report and adopt the Health and Safety Law Enforcement Plan as set out in the appendices of the report attached to the agenda.

The Head of Environmental Health highlighted that during 2007/08, the following work had been carried out:

- 75 businesses had been inspected and 102 other related visits had been made
- 185 complaints and enquiries had been responded to
- 228 accident notifications had been investigated
- formal notifications on how businesses should comply to legislation had been sent to 47 businesses.

It was reported that some of the actions included in the Plan had already been completed or were being progressed.

Members queried whether it was possible for people who had concerns about particular premises to make anonymous calls to the team. Officers reported that this was acceptable and that all calls would be investigated.

In response to members' queries it was reported that returns were made each year by the Council to the Health & Safety Executive. The health and safety enforcement service scored 2 to 3, meaning that statutory requirements were frequently met and that guidance was often fully met. It was noted that the team had staff shortfalls over the year and had employed agency staff. Councillor Beadsley asked that he be sent an e-mail explaining this score more fully.

It was reported that the Council had for a second year won the ROSPA gold award for health and safety. The Committee congratulated officers for their work to achieve this award.

It was **RESOLVED** that the Committee;

- i) noted the performance outturn report as set out in Appendix A of the report and
- ii) adopted the Health and Safety Law Enforcement Plan as set out in Appendix B for 2008-09, noting the particular focus on topic inspections and the inspection strategies for high risk businesses to ensure that resources were appropriately targeted.

## 7. **Annual Report 2007-08**

The Committee considered a report that detailed activities carried out by the Licensing Section during the municipal year 2007-08.

The Head of Trading Standards and Services reported that attached as Annex A of the agenda papers, was a list of licences, registrations, permits and consents that had been issued or processed by the Licensing Section within the last year. This was an indication of the number of transactions that the Section had with local businesses to enable those businesses to operate and for the users to feel confident and safe in their use.

He highlighted that a significant amount of work had been carried out by the Section to ensure that appropriate conditions were added to the numerous applications for outside smoking shelters following the introduction of the no smoking legislation.

He reported that the Licensing Policy seemed to be working well following its review in the previous year. The Licensing Policy would now remain in place until 2011 and would be used to carry through the redevelopment of the Town Centre.

The Chairman recognised the significant volume of work that had been carried out by the team over the year and thanked officers for the excellent standard of work that had been carried out despite being short staffed.

The Chairman noted that the Licensing Policy had taken a great deal of time to put together and the fact that it was operating well demonstrated the excellent work that had gone in.

It was **RESOLVED** that the Committee received the report and

- i) noted the work carried out in 2007-08 and
- ii) agreed the work programme for 2008-09.

## 8. Hackney Carriage Tariff Charges

The Committee considered a report that asked them to review Hackney Carriage tariff charges. The Head of Trading Standards and Services reported that due to continuing pressure on the world market price of crude oil, petrol and diesel prices had risen sharply.

In response to members' queries, the Head of Trading Standards and Services reported that he would welcome the establishment of a Liaison Group with the taxi trade that was representative of the trade's needs. It would be useful to have open discussions with the trade in this way and that he would look into this further.

It was **RESOLVED** that the Committee agreed;

- i) to advertise from 10 July 2008 a change to the tariff in line with option 2 in the report, namely:
  - for the first 738 yards: £3.00 and
  - for each subsequent 240 yards: 20 pence.
- ii) that in the event of any objections being received and not withdrawn, the Committee delegate responsibility for considering those objections to the Chairman and Vice-Chairman of the Committee;
- iii) that the date of implementation for any change will be 8 September 2008.
- iv) that officers would bring a further report on inflationary pressures to the Committee at its meeting on 2 October 2008.

## 9. Special Treatment Registrations

The Committee received a report that asked them to approve the competency guidelines for special treatment registrations.

It was **RESOLVED** that the Committee approved the competency guidelines for special treatment registrations attached at Annex A of the agenda papers.

**CHAIRMAN**

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## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### ENFORCEMENT POLICY (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 The nature of the Division's work is such that it must have in place an Enforcement Policy that sets out the procedure that will be adopted when seeking regulatory compliance.
- 1.2 The provisions of the Regulatory Enforcement & Sanctions Act 2008 have introduced a new Regulators Compliance Code which is statutory guidance. Our current Enforcement Policy must reflect the provisions within that guidance. Attached as Appendix A is a proposed revised Enforcement Policy. The Policy is brought to this Committee as part of the consultation process and reflecting the nature of the work of the Committee. The scope of the Policy requires it to be adopted by the Executive.

#### 2 RECOMMENDATION

- 2.1 **That the Committee considers the draft Enforcement Policy as set out in Appendix A prior to formal adoption.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The relevant legal provisions are contained within the main body of the report and policy.

##### Borough Treasurer

- 3.2 There are no financial implications arising from the recommendation in this report.

##### Equalities Impact Assessment

- 3.3 The Policy seeks to ensure that any enforcement action is appropriate to the circumstances and that decisions are taken in a fair, equitable and consistent manner.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management issues arising from the adoption of this Policy.

## **4 SUPPORTING INFORMATION**

- 4.1 The Council is required to have an Enforcement Policy for its Regulatory Services. The current policy was adopted in February 2005 and is due for review. With the introduction of new legislation and guidance the timing of the review has been brought forward and a totally new document produced to reflect the mandatory guidance.
- 4.2 The Policy will need to go through the Executive prior to adoption but as part of the process it was considered appropriate to give this Committee the opportunity to comment. The Committee has responsibility for regulatory functions relating to licensing and health and safety, and therefore the Enforcement Policy impacts upon those functions.
- 4.3 The purpose of such a Policy is to set the framework for decisions when evidence of non-compliance with legislative provisions is found. It lays down the principles that will be applied and the matters that will be taken into consideration within the decision-making process. Officers are given varying degrees of authority and a management framework within which to act. In so doing they have constant regard to the principles in the Policy.
- 4.4 In circumstances when formal action such as a prosecution is taken it is not uncommon for a defendant to have due regard to the Policy when formulating any defence. They will often look to satisfy themselves that the decision-making process was in accordance with that policy and legal provisions impacting upon the policy. It is possible for a defendant to argue an abuse of process if decisions were not taken in accordance with an Enforcement Policy. This can result in a case being dismissed by the Courts before a trial has started. Additionally where for example, a licence is suspended or revoked and there is an appeal procedure available, if that revocation or suspension is not in accordance with our policy, this may be grounds for the decision to be overturned by a Court.

### Background Papers

Regulators Compliance Code  
Code for Crown Prosecutors  
Human Rights Act

### Contact for further information

Steve Loudoun - 01344 352501  
robert.sexton@bracknell-forest.gov.uk

### Doc Ref

G:\SECS1\Licensing\2008\Oct\Enforcement Policy\9.9.08

# **ENVIRONMENT & PUBLIC PROTECTION**

## **ENFORCEMENT POLICY 2008**

### **CONTENTS**

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- 1 Introduction**
- 2 Legal status of the Enforcement Policy**
- 3 Scope and meaning of 'Enforcement'**
- 4 General principles**
- 5 Notifying alleged offenders**
- 6 Deciding what level of enforcement action is appropriate**
- 7 Determining whether a PROSECUTION or SIMPLE CAUTION is viable and appropriate**
- 8 Who decides what enforcement action is taken**
- 9 Liaison with other regulatory bodies and enforcement agencies**
- 10 Considering the views of those affected by the offences**
- 11 Protection of Human Rights**
- 12 Review of the Enforcement Policy**
- 13 Availability and Comments**

## **EXECUTIVE SUMMARY**

This Enforcement Policy provides guidance on the range of options that are available to the Council in relation to the approach to be taken in respect to the application of the legislative provisions enforced by Bracknell Forest Council's Environment and Public Protection Division.

The Council's primary objective is to achieve regulatory compliance. We recognise that prevention is better than cure, but where circumstances warrant formal action then we will do so. There is a wide range of options available to us as an enforcement agency, with action through the courts being the most serious. We will always look to enforce legislation in a way that is relevant and proportionate to the offence.

The Policy is built around a process of escalation.

Prosecutions will be related to risk, serious nuisance or other similar situations affecting any individual or the environment and will not be used as a punitive response to minor breaches.

The options available to us include:

- No Action
- Informal Action and Advice
- Fixed Penalty Notices
- Penalty Charge Notices
- Formal Notice
- Forfeiture Proceedings
- Seizure of Goods/Equipment
- Injunctive Actions
- Refusal/Revocation of a Licence
- Simple Caution
- Prosecution
- Proceeds of Crime Applications
- Restorative Approach

The Policy is designed to give clarity as to the Council's objectives and the methods for achieving compliance and the criteria that will be considered when deciding what the most appropriate response is to a breach of legislation.

The Policy seeks to ensure that there is a decision making process that has due regard to current Statutory Guidance and Codes of Practice, particularly the Regulators' Compliance Code, the Code for Crown Prosecutors and the Human Rights Act.

## **1 INTRODUCTION**

1.1 Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and in particular the decision to prosecute have serious implications for all involved. Regulatory Services apply this Policy to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent
- Officers apply current Government guidance and relevant Codes of Practice
- Everyone understands the principles that are applied when enforcement action is considered.

## **2 LEGAL STATUS OF THE ENFORCEMENT POLICY**

2.1 The            approved this policy on .....

2.2 This Policy is intended to provide general guidance for officers, businesses, consumers and the public as regards the approach that will normally be taken in relation to the enforcement of the relevant statutory provisions. It does not fetter the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

## **3 SCOPE AND MEANING OF 'ENFORCEMENT'**

3.1 This Policy applies to all the legislation enforced by Officers of the Environment and Public Protection Division.

3.2 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal enforcement action such as prosecution.

3.3 Officers will seek to raise awareness and increase compliance levels by making public details of evidence of unlawful practice and any legal action taken where in their opinion it is appropriate to do so.

## **4 GENERAL PRINCIPLES**

4.1 Prevention is better than cure and the regulatory role therefore involves actively working with businesses to advise on, and promote opportunities to effect compliance.

4.2 Where formal action is considered necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy and in the Regulators Compliance Code.

For more information about the Regulators Compliance Code visit:

[http://bre.berr.gov.uk/regulation/reform/enforcement\\_concordat/index.asp](http://bre.berr.gov.uk/regulation/reform/enforcement_concordat/index.asp)

4.3 Every effort will be made to ensure that Enforcement decisions will be taken in a fair, independent and objective way. They will not be influenced by issues such as ethnicity, national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will also not be affected by improper or undue pressure from any source.

4.4 In making decisions we will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss and its significance in making the decision to take formal action.

- 4.5 The Policy is intended to help promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.
- 4.6 In certain instances it may be concluded that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

## **5 NOTIFYING ALLEGED OFFENDERS**

- 5.1 Where information is received (for example from a complainant) that may lead to enforcement action against a business or individual, we will notify that business or individual as soon as is practicable of any intended enforcement action. The exception to this is where it is considered that doing so could impede an investigation or pose a safety risk to those concerned or the general public.
- 5.2 During the progression of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality of witnesses will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.

## **6 DECIDING WHAT LEVEL OF ENFORCEMENT ACTION IS APPROPRIATE**

A number of factors are considered when determining what enforcement action to take:

### **6.1 Levels of enforcement action:**

- 6.1.1 There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of main types of action that can be considered are shown below:

- No action
- Informal Action and Advice
- Fixed Penalty Notices
- Penalty Charge Notices
- Formal Notice
- Forfeiture Proceedings
- Seizure of Goods/Equipment
- Injunctive Actions
- Refusal, revocation or suspension of a licence
- Simple Caution
- Prosecution
- Restorative Approach

- 6.1.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure
- The business's past performance and its current practice
- The risks being controlled
- Legal, official or professional guidance
- Local priorities of the Council

6.1.3 Where the law has been contravened, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until compliance is reached. Exceptions would be where there is a serious risk to public safety or the environment or the offences have been committed deliberately, negligently, involve deception, or where there is significant economic detriment.

## 6.2 **No Action**

6.2.1 In certain circumstances, contraventions of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of *no action* may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their wellbeing. Such decisions will take into account the public interest principle and in such cases we will advise the offender of the reasons for taking no action.

## 6.3 **Informal Action and Advice**

6.3.1 For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

6.3.2 Sometimes we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is advice only.

## 6.4 **Fixed Penalty Notices**

6.4.1 Certain offences are subject to fixed penalty notices (FPNs). An FPN is recognised as a low level enforcement tool and there is no criminal record for the defendant. Where legislation permits an offence to be dealt with by way of an FPN, we may choose to administer an FPN on a first occasion without issuing a warning.

## 6.5 **Penalty Charge Notices**

6.5.1 Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning.

## 6.6 **Formal Notice**

6.6.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

6.6.2 All Notices issued will include details of any applicable *Appeals Procedures*.

6.6.3 Certain types of Notice allow works to be carried out at default. This means that if a notice is not complied with [a breach of the notice] we may carry out any necessary works to satisfy the requirements of the Notice ourselves. Where the law allows, we may then charge the person/business served with the notice for all costs we have reasonably incurred in carrying out the work.

## 6.7 **Forfeiture Proceedings**

6.7.1 This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the magistrates' courts.

## 6.8 **Seizure**

6.8.1 Certain legislation enables authorised officers to seize goods, equipment or documents, for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate Goods Seized Notice.

## 6.9 **Injunctive Actions**

6.9.1 In certain circumstances, for example where offenders are repeatedly found guilty of similar offences or where it is considered that injunctive action is the most appropriate course of enforcement, then injunctive actions may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment.

6.9.2 Action under the Enterprise Act 2002: proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances action will be considered where there have been persistent breaches or where there is significant consumer detriment. Action can range from:

- Informal undertakings
- Formal undertakings
- Interim orders
- Court orders
- Contempt proceedings

6.9.3 Anti-Social Behaviour Orders and Criminal Anti-social Behaviour Orders: where the non-compliance under investigation amounts to anti-social behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, where appropriate, an ASBO or CRASBO will be sought to stop the activity.

## 6.10 **Refusal, Suspension and Revocation of Licence**

6.10.1 Where there is a requirement for a business, trader or person to be licensed by the local authority, to be licensed then officers have delegated authority to determine the licence unless representations or objections are received against the application. In such cases members of the Licensing Committee, may hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to applications for premises licences under the Gambling Act 2005, the Licensing Committee can exclude a condition from the licence.



6.10.2 The grounds for Refusal, Suspension or Revocation of a Hackney Carriage or Private Hire Licence are set out in the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

6.10.3 Under the Licensing Act 2003, where a Review of a Premises Licence is sought under Section 51 of the Act, the options available to members of the Licensing Committee are:

- To modify the conditions of Licence
- To exclude a licensable activity from the scope of the Licence
- To remove the Designated Premises Supervisor
- Suspend the Licence for a period not exceeding three months
- Revoke the Licence
- Issue a warning letter
- No action

6.10.4 Under the Gambling Act 2005, where a Review of a Premises Licence is sought under Section 202 of the Act, the options available to members of the Licensing Committee are:

- Revocation of the Licence
- Suspend the Licence for a specified period not exceeding three months
- Exclude a condition attached to the Licence, remove or amend an exclusion
- Add, remove or amend a condition

## 6.11 **Simple Caution**

6.11.1 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.

6.11.2 For a Simple Caution to be issued a number of criteria must be satisfied:

- Sufficient evidence must be available to prove the case
- The offender must admit the offence
- It must be in the public interest to use a Simple Caution
- The offender must be 18 years or over

6.11.3 Officers will also not offer a Caution where the offender has received one already for a similar offence within the last 2 years.

6.11.4 A record of the Caution will be sent to the Office of Fair Trading and the Local Authority Coordinating Body for Regulatory Services (LACORS) if appropriate, and will be kept on file for 2 years. If the offender commits a further offence, the Caution may influence our decision to take a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

## 6.12 **Prosecution**

6.12.1 A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

- Deliberately, recklessly, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others
- Deliberately or persistently ignore written warnings or formal notices

- Endangered, to a serious degree, the health, safety or wellbeing of people, animals or the environment
- An attempt to make financial gain at the expense of others
- Assaulted or obstructed an Officer in the course of his/her duties

### 6.13 **Proceeds of Crime Applications**

6.13.1 Applications may be made under the Proceeds of Crime Act for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof.

### 6.14 **Restorative Approach**

6.14.1 A restorative approach is where the victim, the person harmed, meets with the offender, the person causing the harm. A primary purpose of this meeting is to provide the opportunity for the offender to acknowledge and accept responsibility for the harm caused and for the victim to have their say on the harm caused. If appropriate and required, suitable restorative actions and/or compensation may be agreed and the process may influence future behaviour and compliance.

6.14.2 The officers will consider if a Restorative Approach is appropriate and will listen to requests from both victims and offenders for such an approach to be adopted. Where a victim and offender are in agreement the Council, sometimes together with other enforcement partners, will consider facilitating a Restorative Approach to assist in the reduction of harm and/or the resolution of conflict. A Restorative Approach may be utilised separately or in conjunction with other enforcement approaches.

## 7 **DETERMINING WHETHER A PROSECUTION OR SIMPLE CAUTION IS VIABLE AND APPROPRIATE**

7.1 Two 'tests' will be applied to determine whether a Prosecution or Caution is viable and appropriate. The officers will follow guidance set by the Crown Prosecution Service when applying the tests.

For more information about the 'Code for Crown Prosecutors' visit:  
[http://www.cps.gov.uk/victims\\_witnesses/code.html](http://www.cps.gov.uk/victims_witnesses/code.html)

7.2 A Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test. The principles outlined apply equally to the other types of formal enforcement action that are available.

### 7.3 **The Evidential Test**

We must be satisfied that there is sufficient evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply.

### 7.4 **The Public Interest Test**

The public interest will be considered in each case where there is sufficient evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to

prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be more appropriate.

## **8 WHO DECIDES WHAT ENFORCEMENT ACTION IS TAKEN**

8.1 The Council's constitution sets out the Council's Scheme of Delegation. Where delegated authority has been given to the Director of Environment, Culture and Communities he has authorised officers to act in varying capacity according to their professional background and seniority. All officers have warrant cards setting out the principle legislation they are empowered to enforce. Full details are available upon request. Where delegated authority is given this includes for a decision making process that is managed to ensure that the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government.

8.2 Where appropriate, decisions about enforcement will involve consultation between or approval from:

- Investigating officer(s)
- Divisional Manager(s)
- Council solicitor(s)
- Chief Officer: Environment and Public Protection

## **9 LIAISON WITH OTHER REGULATORY BODIES AND ENFORCEMENT AGENCIES**

9.1 Where appropriate, enforcement activities with Environment & Public Protection will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

9.2 Where an enforcement matter affects a wider geographical area beyond the Council boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

9.3 The Environment & Public Protection Division will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples including:

- Government Agencies
- Police Forces
- Fire Authorities
- Statutory Undertakers
- Other Local Authorities

## **10 CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES**

10.1 The Environment & Public Protection Division staff undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making an enforcement decision.

## **11 PROTECTION OF HUMAN RIGHTS**

- 11.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:
- Right to a fair trial
  - Right to respect for private and family life, home and correspondence

## **12 REVIEW OF THE ENFORCEMENT POLICY**

- 12.1 This Policy will be reviewed in the light of experience on an ongoing basis and not less than annually by the Chief Officer: Environment and Public Protection. Where changes are required these will be referred through the appropriate process.

## **13 AVAILABILITY AND COMMENTS**

- 13.1 This policy will be made freely available and comments are welcomed at any time in writing to:

Chief Officer: Environment and Public Protection  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell  
RG12 1JD

## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### FEES AND CHARGES (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 Each service area is required to review the fees and charges it levies as part of the budget review process. Traditionally a report has come to this Committee in the new year following recommendations put forward by CMT as part of the budget process.
- 1.2 By bringing the matter to the Committee at this stage in the cycle it provides the Committee with the opportunity to fully examine the basis upon which fees are set and for them to influence the process at an early stage. Members are asked to consider the proposed fees attached at Appendix A, and agree a set of fees that will go forward for public consultation and agreement by the Executive as part of the budget review process.

#### 2 RECOMMENDATION

- 2.1 **That the Committee approves the proposed fees and charges document at Appendix A for public consultation.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 Fees and charges should take account of inflation, market factors and the need to recover reasonable costs.

##### Equalities Impact Assessment

- 3.3 The fees proposed seek to include provision to ensure that the fees are appropriate and levied in an equitable way.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendation.

## **4 SUPPORTING INFORMATION**

- 4.1 The Licensing Section is responsible for the processing of over 1600 licences or consents per year to permit certain businesses to trade. These vary and include such matters as taxi licences, premises licences, street trading consents and caravan site licences. Attached to these licences are a number of conditions that have to be complied with primarily for the health and safety of residents and users of the services, and to ensure a level playing field for businesses to complete.
- 4.2 Officers within the section carry out a number of roles from giving advice to potential and current licence holders, processing applications and issuing licences, and ensuring compliance by risk based inspection regimes and responding to complaints from residents who are dissatisfied with the licensed service provided. Officers also receive a number of complaints from licence holders about other licence holders, which are also investigated.
- 4.3 The Council is entitled to recover its costs in respect of the work associated with some pieces of legislation. In some instances, such as caravan site licences and charitable collection permits, the Council is not entitled to charge for the service it provides. In other cases, such as licences issued under the Licensing Act 2003, the fees are set centrally by Government through legislation and do not allow for any local discretion.
- 4.4 The largest number of licences issued by the Licensing Section Team relate to taxi and private hire provision. Within the relevant legislation a local authority is able to charge a fee which recovers reasonable costs including administration, issue, control and supervision. The Council has created a separate budget for the licensing of taxis and appropriated costs to that budget. In 2007/8 the Council had an income of £118,000 and an expenditure of £149,000. This equates to a deficit of £31,000.
- 4.5 Within the other areas of licensing, costs to the Council amount to £173,000 with an income of £125,000 giving a deficit of £48,000. The major income generators within this area are licences under the Licensing Act 2003, for which the fees are set centrally by regulation. The only service areas within this budget that can be set by the council are: gambling premises, street trading, animal premises and cosmetic piercing premises. With regard to street trading, the Council may recover from a licence holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets, and other services rendered to the licence holder. Other licence fees can be determined by the local authority.
- 4.6 There is a view that licensing is a business expense that should be met by businesses and recovered by them through their charges to their customers. Accordingly, fees should be set at a level to recover reasonable costs incurred by the licensing authority such that the Council taxpayer should not be subsidising the costs of that service. In the area of taxi licensing, it is estimated that there is subsidy in the order of £31,000. However, taxis provide a social and environmental benefit and therefore this has in the past been considered as justifiable. Within other areas the subsidy is in the order of £48,000, however this includes work carried out by officers to inspect and respond to requests for advice and assistance in relation to caravan sites and charitable collection permits for which charges cannot be made. The cost recovery basis for centrally set fees may be similarly set too low to achieve true cost recovery and the Government has received evidence from Local Authorities setting out this position and is presently carrying out a review of fees.

- 4.7 If the rechargeable element of the service is to be cost neutral, it is necessary to consider cutting costs within the service or increasing the licensing fees. The staffing levels are kept constantly under review to ensure that the Council is able to meet the obligations placed upon it to deliver safe and compliant licensed businesses for the benefit of both residents and businesses. Such reviews include a look at skill levels to ensure that the appropriately graded staff are doing the most appropriate job. The total resource committed to Licensing is approximately 5.1 full time equivalents (FTE), of which approximately 2.4 FTEs are utilised on taxi related matters. Given the present workload it is not envisaged that a lesser staffing level is appropriate or achievable. The alternative is to increase the level of fees and attached to this report is data from other authorities on relevant charges for comparison.
- 4.8 At present the cost to a Hackney Carriage owner driver to license a vehicle and themselves as a driver is a maximum of £288 per annum. To put this in context at today's price of diesel, this equates to 52 gallons, which at an average 45 miles per gallon would give a mileage of 2,340. Given that a taxi can expect to cover in excess of 40,000 miles per year, it can be seen that the licensing fees are an insignificant business expense, when taken into account with other matters such as fuel, insurance, road tax, vehicle depreciation, servicing and repairs.
- 4.9 Attached to this report at Appendix A is a document containing the proposed fees for 2009-2010. The fees which are set centrally by Government have not been included within this document as the Council is unable to amend or increase these fees.

#### Background Papers

Fees and Charges 2008/2009

#### Contact for further information

Robert Sexton - 01344 352580

robert.sexton@bracknell-forest.gov.uk

#### Doc Ref

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## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### **ANIMAL BOARDING ESTABLISHMENTS – HOME BOARDING FOR DOGS (Chief Officer: Environment and Public Protection)**

#### **1 PURPOSE OF DECISION**

- 1.1 Animal Boarding Establishments are licensed on an annual basis following an inspection by a Licensing Officer. A licence is granted subject to conditions being attached including the number and type of animals to be boarded. In addition conditions are also attached which follow national guidance on cat and dog boarding establishments which was published in 1995.
- 1.2 In recent years a number of dog sitting/home boarding businesses have been set up within the Borough. It is clear that the conditions published in 1995 are not relevant to these new business practices. Accordingly, it is proposed to adopt a set of conditions which will provide more appropriate control over welfare conditions for animals being boarded at domestic premises.

#### **2 RECOMMENDATIONS**

- 2.1 **That the Committee approves the use of the Home Boarding for Dogs Conditions as detailed in Appendix A to this report.**
- 2.2 **That the fees be set at £120 for a new application, and £100 for a renewal application, subject to discretion being given to the Director of Environment, Culture and Communities, in consultation with the Chairman, to waive the fee where there is satisfactory evidence that the activity is being undertaken for charitable purposes and without personal gain.**

#### **3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of the recommendations.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendations.

## **4 SUPPORTING INFORMATION**

- 4.1 The traditional business model for an Animal Boarding Establishment has been based upon a property with land and separate outdoor kennelling facilities. Over recent years a new model has developed where people take animals into their own homes to board. This has grown very popular with owners who see it as a better environment for their pets, however unless properly controlled such boarding can be more hazardous to the animals. Following advice from animal welfare experts, home boarding is not recommended for cats.
- 4.2 The original legislation did not foresee these business models and it is intended to produce regulations under the Animal Welfare Act 2006 to address the deficiencies. However the proposed timetable for regulations under this Act does not propose new controls for animal boarding until 2011 at the earliest. The adoption of these new conditions for the home boarding of dogs will provide a framework to give confidence to owners that the welfare of their dog is being addressed within these licensed establishments.
- 4.3 A Local Authority can attach to a licence for the Boarding of Dogs a number of conditions to secure the following objectives:
- i) that dogs are kept in accommodation suitable in respect of construction, size, temperature, lighting, ventilation and cleanliness
  - ii) that dogs are adequately supplied with suitable food and drink, and are visited at suitable intervals
  - iii) that dogs are kept secure
  - iv) that reasonable precautions are taken to prevent the spread of infectious diseases
  - v) that appropriate steps be taken in the event of an emergency
  - vi) that suitable consistent level of management is maintained.
- 4.4 It is recommended that the fees are set lower than those for commercial animal boarding establishments to reflect the fact that it will take less time for officers to process applications and monitor compliance.

### Background Papers

Animal Boarding Establishments Act 1963

Animal Welfare Act 2006

LACORS – Model Conditions for Home Boarding of Dogs

### Contact for further information

Robert Sexton - 01344 352580

robert.sexton@bracknell-forest.gov.uk

### Doc Ref

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**LICENCE CONDITIONS FOR HOME BOARDING (DOGS)  
ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

**1 INTRODUCTION**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

**2 LICENCE DISPLAY**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

**3 NUMBERS OF ANIMALS**

- 3.1 The maximum number of dogs to be kept at any one time is (enter number).
- 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.
- 3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

## **4 CONSTRUCTION**

- 4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access must have no physical or chemical hazards that may cause injury to the dogs.
- 4.5 There must be sufficient space available to be able to keep the dogs separately if required.
- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

## **5 MANAGEMENT**

### **5.1 Training**

- 5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

### **5.2 Cleanliness**

- 5.2.1 All areas where the dogs have access to, including the kitchen etc, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 5.2.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 5.2.3 All bedding areas must be kept clean and dry.
- 5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

### **5.3 Food and Water Supplies**

- 5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.

5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

#### 5.4 **Kitchen Facilities**

5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak-proof containers in the fridge.

5.4.2 All bulk supplies of food shall be kept in vermin-proof containers.

#### 5.5 **Disease Control and Vaccination**

5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

5.5.4 A well stocked first-aid kit suitable for use on dogs must be available and accessible on site.

5.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

## 5.6 **Isolation and Contagious Disease Outbreak**

- 5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 5.6.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at veterinary surgeons premises until the owners return.

## 5.7 **Register**

- 5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date of arrival
  - Name of dog, any identification system such as microchip number, tattoo
  - Description, breed, age and gender of dog
  - Name, address and telephone number of owner or keeper
  - Name, address and telephone number of contact person whilst boarded
  - Name, address and telephone number of dog's veterinary surgeon
  - Anticipated and actual date of departure
  - Proof of current vaccinations, medical history and requirements
  - Health, welfare nutrition and exercise requirements
- 5.7.2 Such a register is to be available for inspection at all times by an officer of the Licensing Authority or a veterinary surgeon.
- 5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 5.7.4 If medication is to be administered, this must be recorded.
- 5.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

## 5.8 **Supervision**

- 5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.
- 5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

- 5.8.3 No home where there are children under 5 years of age will be licensed.
- 5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.
- 5.9 **Exercise**
- 5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.
- 5.9.2 There must be direct access to a suitable outside area. The area/garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.
- 5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 5.9.4 If there is a pond, it must be covered to prevent access by dogs.
- 5.9.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 5.9.6 The Licensing Authority must be informed within one working day if a dog is lost.
- 5.10 **Fire/Emergency Precautions**
- 5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.
- 5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
- 5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

**September 2008**



## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### FILM CLASSIFICATION PROCEDURE (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 The Council recently received an enquiry from a premises that wished to exhibit a film which had not been classified by the British Board of Film Classification (BBFC). At present, the Council's Statement of Licensing Policy only contains reference to the re-classification of films, and therefore there is a need to clarify what the Council's procedure should be in cases where a film has not been subject to classification by the BBFC.

#### 2 RECOMMENDATION

- 2.1 That authority be delegated to the Director of Environment, Culture and Communities, in consultation with the Chairman of the Licensing and Safety Committee, to determine applications for classification of films.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of this recommendation.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of this recommendation.

#### 4 SUPPORTING INFORMATION

- 4.1 The BBFC is an independent, non-governmental body, which has classified cinema films since 1912, and videos since the passing of the Video Recordings Act in 1984. The BBFC use guidance which considers such issues as violence, language, sex, drugs, criminal activity, weapons, horror and bigotry.

- 4.2 The statutory powers to classify films are held by local councils, which are able to overrule any of the BBFC's decisions, including passing films they reject, banning films they have passed, waiving cuts, instituting new ones, or altering categories for films exhibited within the borough of Bracknell Forest.
- 4.3 The main aim of film classification is to ensure that the public are able to make appropriate viewing decisions and to protect vulnerable persons from the effects of viewing potentially harmful or unsuitable content, while respecting adult freedom of choice.

Background Papers

Video Recordings Act 1984

Licensing Act 2003 Statement of Licensing Policy (Jan 2008)

Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

Doc Ref

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## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### FACE-TO-FACE DIRECT DEBIT COLLECTIONS – SITE AGREEMENT (Chief Officer: Environment and Public Protection)

#### 1 INTRODUCTION

- 1.1 The collection of direct debit mandates or 'face-to-face' collections taking place in the street does not require any formal authorisation from the Council as the Police, Factories etc (Miscellaneous Provisions) Act 1916 only provides for the collections of money or goods.
- 1.2 This report seeks a formal approval of the agreement held with the Public Fundraising Regulatory Association (PFRA) to determine whether it is an appropriate document for the circumstances of Bracknell Forest. The draft agreement is attached as Appendix A.

#### 2 RECOMMENDATION

- 2.1 That the PFRA site agreement at Appendix A is approved as the document governing face-to-face collections within the town centre carried out by members of the PFRA, subject to consideration of the comments made by the Town Centre Manager as specified in paragraph 3.5.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of this recommendation.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of this recommendation.

##### Other Officers

- 3.5 Graham Mountford, Town Centre Manager, has requested that Stanley Walk should not be used by collectors as it is too narrow and therefore not a suitable location.

## **4 SUPPORTING INFORMATION**

- 4.1 The Council is unable to restrict direct debit mandate or 'face-to-face' collections taking place in the street because of the wording of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, which states that permits are required for collections of money or goods. A direct debit mandate has no particular worth at the point of collection, as it is simply a promise to make payment by issuing an order to a bank or building society.
- 4.2 The Charities Act 2006 (due to come into force in 2009) will introduce regulations to permit and control such collections in the future.
- 4.3 The situation is currently monitored and controlled by an agreement with the Public Fundraising Regulatory Association (PFRA), a self-regulating umbrella body with which the Council has worked to ensure that there are no clashes with permitted street collections.
- 4.4 The Licensing Section has liaised with the Town Centre Manager, Graham Mountford, who has agreed in principle with the document with the exception of the location of collectors within the town centre. Mr Mountford's comments are included in paragraph 3.5 and relate to point 2 in the draft site agreement.

### Background Papers

Police, Factories etc (Miscellaneous Provisions) Act 1916

Charities Act 2006

PFRA Site Agreement

### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

### Doc Ref

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Unit 11 Europoint  
5-11 Lavington Street  
Southwark  
London SE1 0NZ



## Site Management Agreement between PFRA and Bracknell Forest Council.

The purpose and spirit of this Site Management Agreement is to facilitate Face-to-Face Fundraising in a given location and provide balance between the right of the charity to fundraise and the right of the public to go about their business without any impression of inconvenience.

Once an agreement is in place it should minimise the administration for all concerned, providing just one channel for information and support, as Licensing Officers & Town Centre Managers only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

The PFRA continually strives to work positively with each Local Authority to develop constructive and deterministic business relationships with all parties.

### Statement of Conformity

1) All fundraisers will carry and abide by the PFRA / Institute of Fundraising abridged code of practice.

### Access Details

2) This agreement pertains to Face-to-Face Charitable Collections to:

Bracknell – Fundraisers should **only** be positioned on the High Street, Charles Square and Stanley Walk avoiding connecting streets **and** where such streets are narrow;

Sandhurst;  
and  
Crowthorne.

Unit 11 Europoint  
5-11 Lavington Street  
Southwark  
London SE1 0NZ



3) Canvassers should be positioned in such a way to offer an adequate 'comfort zone' to those users of the town centre who do not wish to engage. Teams should be limited to a maximum of 4 canvassers and 1 Team-Leader per team, evenly spread with each individual member at least 5-metres from the next member, so as to avoid 'clustering' or the creation of 'slaloms'.

4) The number of visits PFRA Members can make to each of the towns is 50 per year. This equates to 1 visit per week and each of the sites will remain unused for 2 non-consecutive weeks of the year.

5) Exclusion Dates are to be announced by local Licensing Officers and/or Town Centre Management (e.g. Market Days, Special Promotions Days, etc.)

## Information Required

6) Reporting:

PFRA Allocations Officer will maintain and manage the diary schedule.

Copies of the diary are to be made to

Bracknell Forest Council – Licensing Team:

[licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk)

Bracknell Forest Town Centre Management:

[graham.mountford@bracknell-forest.gov.uk](mailto:graham.mountford@bracknell-forest.gov.uk)

7) Diary/Schedule Information will also provide:

Contact details for PFO; and  
Charity being fundraised for.

Unit 11 Europoint  
5-11 Lavington Street  
Southwark  
London SE1 0NZ



## Working Together

- 8) The local authority agrees to work with the PFRA to publish information regarding the scheme including explanations on what is Face-to-Face Fundraising, the PFRA Code of Practice and facts about Direct Debit.
- 9) The PFRA will inform the local authority of any complaints and conversely all feedback will be forwarded to the PFRA.
- 10) The PFRA will police member organisations, through a programme of random spot-checks, to ensure fundraisers' adherence to the Code of Practice and this Site Management Agreement.

Signed For and On Behalf Of PFRA:

\_\_\_\_\_

Dated:

\_\_\_\_\_

Signed For and On Behalf Of Bracknell  
Forest Council:

\_\_\_\_\_

Dated:

\_\_\_\_\_

## Appendix 1

### CODE OF PRACTICE

1 We always tell potential donors clearly that we are paid to speak with them, and that we are not volunteers - if this is the case - and we explain the basis on which we are paid.

2 We always carry and display ID so that any potential donor can verify who we are, whom we are working for and on whose behalf we are fundraising.

3 We always represent our charity or Not for Profit Organisation (NPO) at the time, in the place, and in the manner that has been previously agreed both with the charity / NPO and with the relevant site owner or Local Authority, and as directed by our team leader or other responsible agency personnel.

4 We always explain to a donor how the Charity or NPO will communicate with them after subscribing, and if they are likely to receive a follow up phone call we inform them of this.

5 We always ensure that forms with personal details provided by donors are handled at all stages in a secure manner.

6 We always end a conversation in a polite and respectful manner as soon as we are asked to.

7 We always ensure, wherever possible, that if a member of the public has a complaint, a full and accurate record of the complaint and the complainant's contact details are taken so that action can be taken promptly and appropriately. We will also offer the complainant contact details for a person in authority who can respond to their concerns.

8 We never say or do anything that could pressurise or harass people and we do not use manipulative techniques.

9 We never confuse or mislead the public and we never say, do or display anything for which we have not been given permission by the charity or NPO

10 We never behave whilst on duty in any way that might bring the charity / NPO or our employer into disrepute.



## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### BRACKNELL LICENSED TAXI FORUM (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF REPORT

- 1.1 On 3 June 2008 the Council Leader, Councillor Paul Bettison, received a petition from a group called the Bracknell Licensed Taxi Forum (BLTF). This petition raised concerns that were held by members of the licensed trade within the Borough in relation to the number of licensed vehicles, the lack of business, the requirement for wheelchair accessible taxis and increasing costs.
- 1.2 The Leader responded to the petition and asked officers to meet with representatives of the BLTF to discuss the issues raised in further detail. A meeting was held on 3 September 2008 and the purpose of this report is to advise members of those discussions and to seek comments.

#### 2 RECOMMENDATIONS

- 2.1 That the Committee notes the contents of the minutes at Appendix A.
- 2.2 That the Committee agrees that officers bring to the Committee meeting on 5 February 2009 a report on a proposal for an unmet demand survey, including the results of any consultation with the trade.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 There are no implications identified.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of the recommendations.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendations.

#### **4 SUPPORTING INFORMATION**

- 4.1 On 3 September 2008, officers met with representatives of the Bracknell Licensed Taxi Forum (BLTF). The minutes of the meeting are attached as Appendix A. Officers were advised that the majority of taxi owners had joined the GMB union and were to be represented at the meeting by Mick Hildreth, GMB Professional Drivers Branch National (Provincial) Hackney Carriage Secretary. Mr Hildreth had contacted officers shortly before the meeting to apologise that he would not be able to attend.
- 4.2 At the meeting, the BLTF requested a suspension on the issue of any new hackney carriage vehicle licences. They acknowledge that this will require a survey to be carried out to assess whether there is unmet demand. They understand that the cost of the survey would be met by increasing the fees for hackney carriage licences.

#### Background Papers

Bracknell Licensed Taxi Forum petition

#### Contact for further information

Robert Sexton - 01344 352580

robert.sexton@bracknell-forest.gov.uk

#### Doc Ref

G:\SECS1\WinwordM\Lic & Safety Ctte\2008\Oct\Bracknell Licensed Taxi Forum\9.9.08



**MINUTES OF THE MEETING**

**MEETING NAME:** Bracknell Licensed Taxi Forum

**MEETING DATE AND TIME:** 11.00 hours Wednesday 3 September 2008

**PRESENT:** Laura Driscoll (LD)  
 Robert Sexton (RJS)  
 Andy Watson (AW)  
 John Yexley (JY)

<p><b>1.</b></p>	<p><b>Apologies</b></p> <p>Mick Hildreth (MH)</p>	
<p><b>2.</b></p>	<p><b>Wheelchair Accessibility Policy</b></p> <p>BLTF wished to raise concern that since the wheelchair accessible vehicle policy has been introduced there has been an increase in the number of cabs and therefore an increased waiting time for a job of up to one hour. Further increase in the number of cabs could damage the livelihood of existing drivers, most of whom are self-employed, and could also damage the quality of the service provided. Drivers are working long hours, 60 to 80 hour weeks, and as much as 50% of earnings are going on costs as WAVs are expensive to run.</p> <p>BLTF also pointed out that they had lost certain types of work as a result of the WAV policy, as they could not compete with private hire and 'chauffeurs'. Also, businesses are saving money by using coaches to transport staff instead of individual taxi fares.</p> <p>RJS mentioned that the Taxi Accessibility Regulations under the DDA has been delayed as there is still discussion on the specifications of WAVs; had been due for full implementation in 2010 but no firm date at present. Mixed fleets are seen by some as the way forward, but difficult to implement.</p> <p>BLTF mentioned that there used to be a 'waiting list' for plates, and that you previously needed to have held a badge for at least two years prior to being issued with a plate, and that this policy was in place as recent as the mid 1990s. RJS was not aware of any waiting list or policy, and said that since 2000, numbers of taxis have reduced from 120 to 87.</p>	
<p><b>3.</b></p>	<p><b>Survival of the Hackney Carriage Trade</b></p> <p>BLTF wish to call for an immediate suspension on the issue of any new hackney carriage vehicle licences. The ultimate aim is for a survey to be carried out to assess levels of unmet demand.</p>	

	<p>RJS outlined the OFT report which recommended to Government that no local authority should be able to impose a limit on the number of taxis, as this would be a restriction of trade. The Government have not implemented this recommendation, but have said that if a limit is to be introduced or maintained, a survey would need to be carried out every 3 years. The fees for this survey, which might cost in the region of £10k-£20k would need to be paid by increasing the licence fee for hackney carriage vehicle licences.</p> <p>BLTF said that their members were in favour of this and understood that they would have to cover the cost through licence fees. BLTF's belief is that if the limit was introduced, natural wastage would reduce numbers of cabs to a level which is more appropriate for the area.</p> <p>RJS reiterated that there had been a downward trend in taxi numbers in recent years, and that the trade needed to be sure that a survey, and the cost, was worth the benefit they think would be achieved.</p> <p>BLTF believe that with the forthcoming recession, more people would apply for taxi licences and this would drive down profitability for taxis and standards for customers.</p> <p>RJS will take a report to the next Committee to look at the way forward, which would include consultation with all drivers.</p>	RJS
4.	<p><b>Rank Provision</b> BLTF would like to be involved in discussions over rank provision with the regeneration of the town centre, and asked about the rumours of a feeder rank for the main station rank.</p> <p>RJS/LD have not had any recent contact in respect of rank provision, and were not aware of any confirmed proposals. LD will ensure that the Regeneration project team are aware of the existence of BLTF for consultation purposes.</p> <p>BLTF mentioned the problem of private cars parking on ranks. LD will mention to Parking Services to see if more enforcement can be done in that area.</p> <p>LD reminded BLTF that it is illegal to leave a hackney carriage unattended on a rank for any reason, and that a fine/warning/penalty points may be issued depending on which officer witnesses the offence. Ranks are not to be used as parking areas. If a driver feels he has been treated unfairly, there is an appeals process available.</p>	LD  LD
5.	<p><b>Private Hire Vehicles Plying for Hire</b> BLTF mentioned that some drivers are illegally plying for hire near the bus station rank. RJS requested specific details so that any allegations can be investigated. BLTF would like more enforcement to be carried out by Licensing Officers. LD explained that Licensing receiving a high level of complaints about drivers at the moment, that each must be taken seriously and investigated, and that this was taking up the majority of the time of the Licensing Officer.</p>	
6.	<p><b>Any Other Business</b> LD mentioned that the Institute of Licensing were in the process of consulting on a review of taxi legislation, and that some suggested changes included a 'merge' of the hackney carriage and private hire trades, with a possibility that only wheelchair accessible vehicles could</p>	

	<p>use certain ranks.</p> <p>BLTF requested that there be no more fare increases in the near future as fares are already too high. RJS reminded that the fare on the meter is the maximum and drivers are welcome to charge less if they so wish. A report is to go forward to Committee on 2 October 2008 recommending no increase in the fares in the near future in any case.</p> <p>LD passed information on the NVQ for Road Passenger Transport to BLTF for consideration. BLTF to feed back on this at the next meeting.</p> <p>All agreed that it was very positive that all parties have been able to meet and open the channels of communication, and hope to be able to move forward in the future.</p>	<b>AW</b>
<b>8.</b>	<p><b>Date of Next Meeting</b> To be confirmed, between 2 and 17 October</p>	

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## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### HACKNEY CARRIAGE FARE TARIFF (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 At its meeting on 8 July 2008 the Committee received a report on the inflationary pressures placed upon the taxi trade due to the high price of oil on the international market. Due to the uncertainties in the market, the Committee asked for a further report to be brought back to this meeting to determine whether there should be further changes to the authorised fare tariff for hackney carriages.

#### 2 RECOMMENDATIONS

##### 2.1 That the Committee agrees:

- (i) to accept the advice of the trade and not implement a change to the hackney carriage fare tariff at this time; and
- (ii) that officers will bring a further report on the tariff to the Committee at its meeting on 23 April 2009.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of the recommendations.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendations.

## **4 SUPPORTING INFORMATION**

- 4.1 At the time of submitting the report in July, this was based upon the average price of fuel at the end of May 2008, namely:

Unleaded	113.1p
Diesel	124.4p

- 4.2 The Committee agreed an increase in the tariff which allowed for an upward movement of fuel prices which did occur with unleaded reaching 120p and diesel 132p in July 2008. Since July there has been a downward pressure on fuel prices with crude oil prices falling from \$150 a barrel to \$97 (data correct as at 17 September 2008). This has resulted in the average fuel prices in August 2008 being:

Unleaded	112.8p
Diesel	124.3p

- 4.3 Whilst general inflationary pressure appears to be rising, the price of fuel at present appears to be falling, and further drops in fuel prices are widely anticipated for the coming weeks and months.
- 4.4 At its meeting with the Council on 3 September 2008, the Bracknell Licensed Taxi Forum requested that there be no further increase in the hackney carriage fare tariff at this time.

### Background Papers

AA Fuel Price Data

### Contact for further information

Robert Sexton - 01344 352580  
robert.sexton@bracknell-forest.gov.uk

### Doc Ref

G:\SECS1\Licensing\2008\Oct\Taxi Tariff\9.9.08



## LICENSING AND SAFETY COMMITTEE 2 OCTOBER 2008

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### FIRST AID TRAINING FOR LICENSED DRIVERS (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 Dual and private hire drivers who were first licensed prior to 1 August 2001 are not presently required to participate in first aid training. It is recommended that in the interests of fairness and consistency, all licensed drivers should be required to attend a first aid course every five years to ensure that they are capable of providing emergency first aid or life support if necessary.
- 1.2 It is proposed that from April 2009, all drivers who have not yet attended a first aid course will be booked onto a course and notified of the details in writing. Failure to attend the course without good reason will lead to the driver's licence being suspended until a course is attended.

#### 2 RECOMMENDATIONS

- 2.1 That Committee approves the proposal that all licensed drivers who have not yet attended a first aid course be required to do so as part of a programme introduced from April 2009, that the cost of the course is to be paid by the licensed driver and that the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers be amended accordingly.

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

##### Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of the recommendations.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendations.

## **4 SUPPORTING INFORMATION**

- 4.1 Under section 51(2) of the Local Government, Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a driver's licence such conditions as the Council may consider reasonably necessary.
- 4.2 All new dual and private hire drivers are required, as a condition of their licence, to attend a first aid course run by the Council, unless they can provide documentation stating that they have passed a recognised first aid course within the last five years. Where a new driver fails to attend a first aid course within twelve months of the issue of their licence, their licence will be suspended until the course is passed. Drivers must also attend refresher first aid courses, five years after the date of their initial course or when their current certificate expires.
- 4.3 The Council did set aside free places for drivers licensed prior to August 2001 to attend first aid courses, with the aim of having all drivers first aid trained by 2010, but to date the Licensing Section are not aware of any drivers that have taken up this opportunity.
- 4.4 The Council runs one first aid course each month using an external training provider. The course lasts approximately half a day and covers emergency first aid and life support.

### Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2008)

### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517  
laura.driscoll@bracknell-forest.gov.uk

### Doc. Ref

G:\SECS1\WinwordM\Lic & Safety Ctte\2008\Oct\First Aid Courses\9.9.08

**LICENSING AND SAFETY COMMITTEE  
2 OCTOBER 2008**

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**ADVERTISING ON HACKNEY CARRIAGES  
(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 The Committee is requested to consider whether the provision in respect of advertising on hackney carriages is still appropriate and if so, it is recommended that the criteria attached at Appendix A be used to assess all applications to place advertisements on wheelchair accessible hackney carriages.

**2 RECOMMENDATIONS**

**2.1 That the Committee approves with immediate effect:**

- (i) the use of the criteria at Appendix A to assess all applications for advertisements on wheelchair accessible hackney carriages,
- (ii) that any vehicles which currently display advertising be required to apply for authorisation of the advert at the time of their next licence renewal application,
- (iii) that authority is delegated to the Director of Environment, Culture and Communities to determine such applications, and
- (iv) that the fee in the current year for consideration of such applications be set at £30.00 per advert for new applications, and £20.00 for renewal applications.

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the adoption of the recommendations.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the adoption of the recommendations.

## **4 SUPPORTING INFORMATION**

- 4.1 Under section 47 (1) of the Local Government, Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a hackney carriage licence such conditions as the Council may consider reasonably necessary.
- 4.2 The Council has recently received a number of enquiries from companies wishing to attach advertisements to licensed hackney carriages. It is estimated that each enquiry can take up to an hour of an officer's time, including checking of the proposed advert, liaison with the applicant and an inspection of the vehicle.
- 4.3 The current 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' document does not contain any provision for adverts to be attached to hackney carriage vehicles, other than details of any operator if appropriate.
- 4.4 In 2001, the Committee approved a provision to allow advertising on wheelchair accessible vehicles to aid the drivers with the cost of investing in those vehicles. It was agreed that no advertisement could be used without prior approval of officers. There were no guidelines agreed by the Committee as to the procedure for authorisation and content of the advert.

### Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2008)

### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517  
laura.driscoll@bracknell-forest.gov.uk

### Doc Ref

G:\SECS1\WinwordM\Lic & Safety Ctte\2008\Oct\Taxi Advertising\9.9.08

**CRITERIA FOR ADVERTISING ON HACKNEY CARRIAGES**

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
  - a) Those with political, ethnic, religious, sexual or controversial texts;
  - b) Those for escort agencies or massage parlours;
  - c) Those displaying nude or semi-nude figures;
  - d) Those which seek to involve the driver as an agent of the advertisers;
  - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);
  - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the Council and proposals must be accompanied by full colour, three-view art work.
4. The hackney carriage may be required to attend the Council offices for inspection of the finished livery.
5. The bodywork of the hackney carriage must be maintained in good condition. If any panels on the vehicle are damaged, they must be replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

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