

**ELIZABETH II**



**1986 CHAPTER i**

An Act to re-enact with amendments certain local enactments in force within the borough of Poole; to confer further powers on the Poole Borough Council; and for other purposes. [17th February 1986]

**WHEREAS—**

(1) The borough of Poole (hereinafter referred to as “the borough”) is under the management and local government of the Poole Borough Council (hereinafter referred to as “the Council”):

(2) The borough was constituted on 1st April 1974 by virtue of the Local Government Act 1972 (hereinafter referred to as “the Act of 1972”) and comprises the former borough of Poole: 1972 c. 70.

(3) Certain local statutory provisions were in force in the said former borough and by virtue of section 262 of the Act of 1972 and the Non-metropolitan and Welsh Counties (Local Statutory Provisions) Order 1983 such local statutory provisions cease to have effect at the end of 1986 subject to certain exceptions: S.I. 1983/619.

(4) It is expedient that certain of the said local statutory provisions should be re-enacted with amendments:

(5) It is expedient to confer further powers on the Council and that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 have been observed:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

#### PART I PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Poole Borough Council Act 1986.

(2) This Act shall come into operation at the end of three months beginning with the date on which it is passed.

Interpretation.

2. In this Act unless the context otherwise requires—

1936 c. 49.

“the Act of 1936” means the Public Health Act 1936;

1972 c. 70.

“the Act of 1972” means the Local Government Act 1972;

1984 c. 55.

“the Act of 1984” means the Building Act 1984;

“the borough” means the borough of Poole;

“contravention” includes a failure to comply and “contravene” shall be construed accordingly;

“the Council” means the Poole Borough Council;

1971 c. 40.

“fire authority” has the meaning given by section 43 of the Fire Precautions Act 1971;

“owner” has the meaning given by section 343 of the Act of 1936;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;

1981 c. 14.

“public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981;

1949 c. 74.

“seashore” has the meaning given by section 49 (1) of the Coast Protection Act 1949;

1980 c. 66.

“street” has the meaning given by section 329 of the Highways Act 1980.

PART II  
LANDS AND AMENITIES

3.—(1) In this section—

“the adjacent lands” means the lands acquired by the mayor, aldermen and burgesses of the former borough of Poole under section 38 (Purchase of lands adjacent to foreshore by agreement) of the Poole Corporation Act 1919;

“the Sandbanks Recreation Ground” means the lands in the borough vested in the Council and known as the Sandbanks Recreation Ground.

Powers in relation to Sandbanks Recreation Ground and adjacent lands.

1919 c. xliv.

(2) The Sandbanks Recreation Ground shall be deemed to be held by the Council for the purposes of section 164 of the Public Health Act 1875.

1875 c. 55.

(3) The Council may set apart the adjacent lands for the purpose of pleasure grounds.

(4) The Council may erect and maintain on the Sandbanks Recreation Ground beach and other huts and similar structures, shops, tents, booths and stalls and may let the same on such terms and conditions and for such periods as they think fit.

(5) The Council may upon the Sandbanks Recreation Ground and upon the adjacent lands and, with the consent of the owner of the foreshore, upon the foreshore construct and maintain bathing pools, baths, saunas, solariums, leisure or sporting facilities, shelters, pavilions and conveniences and may demand and take such charges for the use thereof or admission thereto as they think fit.

(6) The Council may set apart such part of the Sandbanks Recreation Ground not exceeding in the whole 1.5 hectares as they may think fit as a parking place for vehicles under section 32 of the Road Traffic Regulation Act 1984.

1984 c. 27.

(7) (a) The Council shall not exercise upon the Sandbanks Recreation Ground, except within an area or areas not exceeding in the whole 2.1 hectares in extent, the power to erect beach and other huts and similar structures, shops, tents, booths and stalls conferred by subsection (4) above and the power to construct bathing pools, baths, saunas, solariums, leisure or sporting facilities, shelters, pavilions and conveniences conferred by subsection (5) above.

(b) No erection whatsoever shall be placed by the Council upon the Sandbanks Recreation Ground within—

- (i) 22 metres of the western boundary thereof; or
- (ii) 54 metres of the eastern boundary thereof; or

PART II  
—cont.

(iii) the part of the Sandbanks Recreation Ground which is bounded on the north by the northern boundary thereof, on the east by a line drawn parallel to and at a distance of 54 metres west of the eastern boundary thereof, on the south by a line drawn parallel to and at a distance of 18 metres to the south of the said northern boundary and on the west by a line drawn parallel to and at a distance of 178 metres to the west of the said eastern boundary.

(c) No erection except of beach and other huts shall be placed under the powers of the said subsections by the Council upon the Sandbanks Recreation Ground within 45 metres of the western boundary thereof.

(d) No erection placed under the powers of this section upon the Sandbanks Recreation Ground shall exceed in height 10 metres:

Provided that subject to the provisions of paragraphs (a), (b) and (c) of this subsection the Council may build on any part of the Sandbanks Recreation Ground—

- (i) beach and other huts not exceeding two storeys in height; and
- (ii) a cafe the highest point of which is not more than 14.5 metres above ordnance datum (Newlyn).

(8) The Council shall not exercise the powers conferred by this section upon any part of the adjacent lands situate between the following points:—

- (a) Poole Head and a point 54 metres west of the eastern boundary of the Sandbanks Recreation Ground;
- (b) a point 45.5 metres to the east of the western boundary of the Sandbanks Recreation Ground and the Haven Hotel:

Provided that nothing in this section shall prevent the erection by the Council of tents between any of the said points respectively subject to the following conditions:—

- (i) no tent shall be allowed to remain erected between sunset and sunrise;
- (ii) not more than two tents shall be erected on any section of the said lands and foreshore measuring 24 metres in length along the line of mean high-water springs;
- (iii) no tent shall occupy a greater space than 7.5 square metres;

but nothing in this subsection shall prevent the erection by the Council of beach and other huts between a point 45.5 metres east of the western boundary of the Sandbanks

Recreation Ground and a point 22 metres east of the said boundary.

PART II  
—cont.

4.—(1) The Council may (on land for the time being belonging to them) provide a zoological garden and botanical garden, or either.

Provision of  
zoological  
and  
botanical  
gardens.

(2) For the purposes of subsection (1) above the Council may—

(a) purchase or acquire zoological and botanical specimens and exhibits;

(b) enclose any part of any park provided by them, and may exclude the public from the part so enclosed:

Provided that the Council shall not enclose under this paragraph an area exceeding one-hundredth of the total area of all parks provided by them;

(c) provide such buildings and execute such works as may be necessary or expedient;

(d) at any such zoological garden or botanical garden provide and sell articles and commodities, including refreshments of all kinds, subject to the provisions of all enactments relating thereto;

(e) enter into any agreement or arrangement for the provision and sale at such zoological garden or botanical garden of such articles, commodities and refreshments;

(f) grant upon such terms and conditions and for such periods as they think fit the right to provide and sell such articles, commodities and refreshments;

(g) by themselves or any person appointed by them in that behalf apply for, and hold, licences for the sale of intoxicating liquor at such zoological garden or botanical garden.

(3) The Council may either—

(a) themselves manage any zoological garden or botanical garden provided under subsection (1) above, making such charges for the use thereof or admission thereto as they think fit; or

(b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The powers of this section shall not be exercised in such a manner as to—

(a) be at variance with an express trust subject to which land or a building is held, managed or controlled by the Council, without an order of the High Court, or of the Charity Commissioners, or of the Secretary of

PART II  
—cont.

State, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

- (b) contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Council, without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Grass  
verges, etc.

5.—(1) The Council may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, any of the following things:—

- (a) allowing horses or cattle to enter land to which this section applies;
- (b) driving or riding a vehicle on to or on such land;
- (c) using any play or other equipment provided by the Council or other person on such land:

Provided that in the case of any such prohibition as is mentioned in paragraph (c) above the Council may exempt a child under such age as may be specified in the notice in respect of that paragraph and may similarly exempt any other person who is in charge of such a child while the child is on the land.

(2) The land to which this section applies is—

- (a) land managed by the Council and mown or otherwise maintained in an ornamental condition; or
- (b) land accessible from a highway being land vested in a person other than the highway authority and mown or maintained as aforesaid.

(3) A prohibition under subsection (1) (b) above shall not extend to a vehicle while used—

- (a) in the course of building operations; or
- (b) by statutory undertakers where reasonably necessary for the exercise of their statutory powers; or
- (c) by the British Railways Board where reasonably necessary for the exercise of their statutory powers:

Provided that the exemption afforded by paragraphs (a) and (c) above shall be conditional upon means being taken to the satisfaction of the Council to minimise injury to the land and to protect persons on the land.

(4) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(5) Notice of a prohibition contained in subsection (1) (b) above, if it relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Road Traffic Regulation Act 1984), shall be indicated by a traffic sign within the meaning of section 64 of the said Act of 1984 and subsection (1) of section 65 of that Act shall have effect as respects the erection and display of the notice by the Council. PART II  
—cont.  
1984 c. 27.

(6) A person who without reasonable excuse contravenes the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Notice of a prohibition relating to land vested in a person other than the Council shall not be given under this section except with the consent of that person.

(8) Where land to which a prohibition contained in subsection (1) (a) or (b) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall—

- (a) limit any right of way, public or private, over land;
- (b) restrict the exercise by any person of any statutory right to enter upon land;
- (c) restrict the entry by horses or cattle on any grass or other margin provided by a highway authority in pursuance of section 71 of the Highways Act 1980 (provision of margins for horses and livestock). 1980 c. 66.

(9) In this section “statutory undertakers” means—

- (a) any person authorised by any enactment to carry on any undertaking for the supply of electricity, gas or water; and
- (b) any person to whom a licence has been granted under section 7 of the Telecommunications Act 1984 and to whom the telecommunications code, as defined in that Act, is applied by that licence. 1984 c. 12.

### PART III

#### PUBLIC ORDER AND PUBLIC SAFETY

6.—(1) This section applies to a stand for the accommodation of spectators of, or participants in, any sport or other competitive activity or any entertainment, exhibition or public gathering, not being a stand— Safety of stands.

PART III  
—cont.

1961 c. 64.

- (a) comprising a work of which plans, sections, specifications or written particulars must be deposited in accordance with building regulations; or
- (b) erected for the purposes of his business by the proprietor of a pleasure fair as defined in section 75 of the Public Health Act 1961.

(2) No person shall in the borough make available or permit the use of a stand to which this section applies for the accommodation of 20 or more persons unless it has been erected in accordance with particulars approved by the Council under the following provisions of this section.

(3) Any person who intends to erect in the borough a stand to which this section applies for the accommodation of 20 or more persons shall—

- (a) give to the Council notice of his intention, stating the period for which the stand is intended to remain erected; and
- (b) submit for approval by the Council such particulars of the intended stand as the Council may require.

(4) On receipt of a notice under subsection (3) (a) above the Council shall consult the fire authority.

(5) The particulars required under subsection (3) (b) above shall not include a plan and section of the intended stand but not more than 7 days after the submission of such particulars the Council may give to the person who gave the notice counter-notice requiring him to submit such a plan and section.

(6) Before the expiration of five weeks after the submission of particulars under subsection (3) (b) above, or four weeks after the submission of a plan and section required under subsection (5) above (whichever is the later), the Council may give to the person by whom the particulars, plan or section were submitted notice specifying—

- (a) such modifications of any plan, section and particulars submitted to them as they may require; and
- (b) such conditions as to maintenance and removal of the stand as they may require;

being modifications and conditions which appear to the Council to be necessary for securing the stability of the stand, the safety of persons to be accommodated on the stand, protection against fire (including access for fire brigade appliances and personnel) and the removal of the stand after the purposes of its erection have been fulfilled.

(7) Unless before the expiration of the said period of five weeks or, as the case may be, the said period of four weeks, the



Council have given notice under subsection (6) above, they shall be deemed for the purposes of this section to have approved the erection of the stand in accordance with the particulars submitted.

(8) Any person aggrieved by the withholding of approval of the erection of a stand or a requirement of the Council under this section may appeal to a magistrates' court which may dismiss or allow the appeal, or may vary any requirement of the Council and may make directions for giving effect to its decision.

(9) If any person—

(a) contravenes subsection (2) above; or

(b) contravenes such requirements as are mentioned in subsection (6) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(10) Where it appears to the Council that any stand to which this section applies has been erected or is in use in the borough in contravention of this section or of any requirement made under this section, they may, after giving to the owner or occupier of the stand such notice as may be practicable in the circumstances that they propose to do so, do such works—

(a) to remedy the condition of the stand; or

(b) to prevent the continued use of the stand until its condition has been remedied; or

(c) to dismantle the stand;

as may reasonably be required to prevent danger arising from the use of the stand, and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(11) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by, or by virtue of, any other enactment.

7.—(1) The Council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the borough as places to which this section applies for any of the purposes of subsection (2) below:—

Touting,  
offering for  
hire,  
photographing,  
etc.

(a) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of the Council;

(b) a street, precinct, esplanade, parade, promenade, marine drive, or way to which the public commonly have access, whether or not as of right;

(c) the seashore:

PART III  
—cont.

Provided that the Council shall not designate for the purposes of subsection (2) (b) (ii) below any street.

(2) Any person who, in a place designated under this section—

(a) importunes any person by touting for an hotel, lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance, not being a public service vehicle, or for a ship or boat; or

(b) without the consent of the Council or in breach of any condition subject to which the Council's consent is given—

(i) photographs any person by way of trade or business; or

(ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The conditions of consent referred to in subsection (2) (b) above include conditions as to the times or period for which the consent is valid, the display of a certificate of the consent and the payment for the consent of such reasonable fee to cover the expenses of the Council in administering this section in relation to that paragraph as the Council may by resolution prescribe; and, subject to any condition as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given.

(4) A person aggrieved by—

(a) the withholding by the Council of consent referred to in subsection (2) above;

(b) the conditions subject to which the Council give such consent; or

(c) the revocation of such consent under subsection (3) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the Council.

(5) (a) Before designating any place for any of the purposes of subsection (2) above, the Council shall give notice of their proposal by advertisement in a newspaper circulating in the borough and by posting a copy of the notice in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the Council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above, the Council may by resolution designate as places to which this section applies for any of the purposes of subsection (2) above all or any, or any part, of the places specified in the notice given under that paragraph.

(6) A resolution under subsection (5) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (5) (a) above, being a day not less than 28 days after the day on which notice is given under this subsection.

(7) This section shall not prohibit—

(a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier or the doing of anything on land forming part of a highway by the owner or occupier of a theatre or other place of amusement fronting that part;

(b) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher of a newspaper or periodical or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

8.—(1) No person shall, without the consent of the Council, erect, provide, place or use any structure, or place any chair, on any part of the seashore belonging or let to the Council unless he is authorised to do so by or under an enactment.

Unauthorised  
structures on  
seashore.

(2) If any person erects, provides, places or uses a structure or places a chair in contravention of subsection (1) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Nothing in this section shall prevent a person placing a chair or chairs or a windbreak on the seashore for his own personal use or for that of other persons otherwise than for private gain.

(4) In this section “structure” means any shed, hut, shelter, tent, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not.

9. Section 231 of the Act of 1936 shall have effect in its application to the borough as if in subsection (1) after paragraph (b) there were added the following paragraph:—

Regulation of  
surfing.

PART III  
—cont.

“(g) regulate for preventing danger to bathers the areas in which and the hours during which surfing by means of surf boards measuring more than 1.5 metres in length and by means of circular surf boards shall be permitted.”.

## PART IV

## FIRE PRECAUTIONS

Parking  
places:  
safety  
requirements.

10.—(1) This section applies to a parking place comprising or within a building which provides—

- (a) parking space, for more than three motor vehicles, being a space of which any part of the floor is situated more than 1.2 metres below the surface of the ground adjoining any wall of the building; or
  - (b) parking space for more than 20 motor vehicles;
- not being in either case a parking place for motor vehicles for the use only of the occupants of a single private dwelling-house.

(2) Where—

- (a) plans of any proposed work are deposited with the Council in accordance with building regulations; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building for the purpose of using all or part of it as a parking place to which this section applies;

1928 c. 32.

the Council shall reject the plans unless, after consultation with the fire authority and, in a case where a licence under the Petroleum (Consolidation) Act 1928 will be required in respect of the building, after consultation with the licensing authority under that Act (if not the fire authority), they are satisfied that they may properly consent to the construction, extension or alteration of the building, either unconditionally, or subject to compliance with any conditions specified in their consent with respect to the matters mentioned in subsection (3) below for preventing or reducing danger from fire or other danger to life.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to the following matters relating to the parking place:—

- (a) construction of the vehicular approaches;
- (b) means of access for fire brigade appliances and personnel;
- (c) means of ingress and egress, including the provision of appropriate signs;

- (d) means of ventilation;
- (e) safety of electrical, mechanical and heating equipment;
- (f) provision of an emergency lighting system;
- (g) fire protection, fire alarms and fire-fighting equipment and appliances; and
- (h) prevention of the admission to drains of flammable substances.

PART IV  
—cont.

(4) Section 16 (6) to (8) and section 36 (2) to (6) of the Act of 1984 (notice of rejection or passing of plans and enforcement of requirements), shall apply as if this section were a section of Part I of that Act.

(5) Any person aggrieved by the action of the Council under subsection (2) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.

(6) If any conditions, subject to compliance with which plans have been passed by them under subsection (2) above in respect of the use of a parking place to which this section applies, have not been or are not being complied with, the Council may, by notice to the owner or occupier of the parking place, prohibit or, as the case may be, require the cessation of its use for the parking of vehicles until those conditions are complied with.

(7) If it appears to the Council, after consultation with the fire authority, that any building or part of a building in the borough—

- (a) has been first brought into use after the commencement of this Act as a parking place to which this section applies;
- (b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections, specifications or written particulars deposited, in accordance with building regulations; and
- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the parking place had been deposited under subsection (2) above, the Council would have given their consent under that subsection without specifying conditions with respect to any of the matters specified in paragraphs (b) to (h) of subsection (3) above;

they may, for the purpose of preventing or reducing danger from fire, or other danger to life, by notice to the owner or occupier of the parking place, require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and

PART IV  
—cont.

(ii) for the purpose of restricting the use of the parking place until those conditions have been complied with, such other conditions as may be so specified.

(8) The provisions of sections 99 and 102 of the Act of 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall so far as material apply in relation to any notice under subsection (7) above and for that purpose shall apply as if—

- (a) references in those provisions to that Act included a reference to that subsection;
- (b) in section 99(2) the words from “and (b) without prejudice” to the end were omitted; and
- (c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) Any person on whom notice is served under subsection (6) above in respect of any parking place owned or occupied by him who uses the parking place or permits it to be used for the parking of vehicles in contravention of the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) Any person on whom notice is served under subsection (7) above in respect of any parking place owned or occupied by him, who contravenes any requirement specified in the notice, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) For the purposes of section 95(1)(a) of the Act of 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

1928 c. 32.

(12) (a) In the case of a building in respect of which a licence, under section 2 or 3 of the Petroleum (Consolidation) Act 1928, is in force or in respect of which application for such a licence has been made before deposit of such plans as are referred to in subsection (2) above no conditions shall be specified under this section in respect of any matter which may be regulated by such a licence.

(b) Subject to paragraph (a) above, where plans in respect of any building have been passed subject to compliance with conditions specified under this section, no conditions shall be attached to any licence in respect of that building under section 2 or 3 of the said Act of 1928 which conflict with the conditions so specified.

Access for fire  
brigade.

11.—(1) Except as provided in subsection (2) below where plans for the erection or extension of a building are deposited with the Council in accordance with building regulations, the

Council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show—

PART IV  
—cont.

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building, or as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) (a) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Town and Country Planning Act 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

1971 c. 78.

(b) No requirement concerning means of access to a building shall be made under this section in the case of a building in respect of which a requirement may be made under subsection (2) (d) of section 15 (Fire precautions in high buildings) of this Act.

(3) Section 16 (6) and (7) and section 36 (2) to (6) of the Act of 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of Part I of that Act.

(4) Any person aggrieved by the action of the Council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

12.—(1) If it appears to the Council that for the purpose of preventing fire in any public or other building in the borough to which section 71 of the Act of 1984 (safeguards for passages) applies or for the purpose of preventing injury or danger to persons resorting to any such building—

Fire and safety precautions in public and other buildings.

- (a) the apparatus or fittings for lighting or heating the building require alteration; or
- (b) the arrangement of the chairs and seating requires alteration; or
- (c) any floor requires strengthening in order to prevent overloading; or

PART IV  
—cont.

(d) any fireplaces, flues, chimney vents or other similar parts of the building require repair or renewal;

then the Council may, after consultation with the fire authority, by notice require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary.

(2) The provisions of sections 99 and 102 of the Act of 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall apply in relation to a notice given under this section as they apply in relation to the notices mentioned in those sections.

(3) A notice under subsection (1) above shall not require any measures to be taken which are more onerous than those necessary to secure conformity, as to matters to which building regulations relate, with the requirement of any of those regulations which would be applicable to the building if it were newly erected for the relevant purpose.

(4) This section shall not apply to any building, or part of a building, in respect of which a licence under the Cinemas Act 1985, the Theatres Act 1968 or Part I (Licensing of Public Entertainments) of the Local Government (Miscellaneous Provisions) Act 1982 is for the time being in force.

1985 c. 13.  
1968 c. 54.  
1982 c. 30.

Buildings  
used for  
storage of  
flammable  
substances.

13.—(1) This section applies to the storage of any highly flammable substance being a substance which, when tested by a method approved by the Secretary of State, gives off a flammable vapour at a temperature less than 21 degrees Celsius, other than—

1928 c. 32.

(a) petroleum spirit as defined in the Petroleum (Consolidation) Act 1928;

(b) any substance to which section 1 or 2 of that Act for the time being applies;

1922 c. 35.

(c) celluloid or cinematograph film as defined in the Celluloid and Cinematograph Film Act 1922;

(d) anything contained in a pressure governor, meter, booster or other apparatus for or in connection with the supply of gas by the British Gas Corporation; and

(e) substances stored in separate glass, earthenware or metal vessels, in good condition and securely closed or stoppered, containing not more than one half litre each, where the aggregate quantity of all such substances stored in any building does not exceed 14 litres.

(2) If the Council are of the opinion that any highly flammable substance to the storage of which this section applies is stored in a building in the borough and that the storage is of



such a quantity and of such a kind as to constitute a fire hazard to persons residing or working in, or resorting to, the building, they may, by notice to the occupier of the building, or of any part of it in which the substance is stored require him—

- (a) to discontinue, after such date as shall be specified in the notice, the whole or part, as shall be so specified, of the storage constituting the hazard; or
- (b) if the storage is not to be wholly discontinued, to do within such reasonable time as may be specified in the notice one or more of the following things:—
  - (i) install such fire alarms and fire-fighting appliances as may be so specified;
  - (ii) provide such means of escape in case of fire as may be so specified;
  - (iii) put up such notices indicating the danger from fire as may be so specified.

(3) An occupier shall not be required under subsection (2) (b) (ii) above to make any structural alteration of a building for the purpose of providing means of escape in case of fire—

- (a) other than an alteration which might have been required under building regulations if at the time of the notice plans of the building were deposited in accordance with those regulations;
- (b) subject to subsection (4) below, in breach of any covenant or obligation relating to the building unless the person entitled to enforce the covenant or obligation consents to the alteration.

(4) (a) If it appears to the Secretary of State, on a representation made by any person, that compliance with any requirement of a notice served under subsection (2) (b) (ii) above would involve a breach of a covenant or obligation relating to the building, he shall direct that the occupier be not required to comply with that requirement until—

- (i) the Secretary of State has given the person entitled to enforce the covenant or obligation, and the occupier, an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
- (ii) the Secretary of State has made an order under paragraph (b) below.

(b) After considering the report of the person appointed under paragraph (a) above, the Secretary of State shall make an order either confirming the requirement with or without modification or quashing it, and where he confirms it the occupier shall thereupon be liable to comply with the requirement or, as the case may be, the requirement as modified.

PART IV  
—cont.

(5) A person served with a notice under subsection (2) above may appeal to the Secretary of State on any of the following grounds:—

- (a) that the requirement is not justified by the terms of this section;
- (b) that there has been some informality, defect or error in or in connection with the notice;
- (c) that the Council have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are unreasonable in character or extent;
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose;
- (e) that the owner of the building, or any other person having an interest therein, should contribute towards the cost of the execution of the works;

and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.

(6) The Council shall, as soon as a person has complied with a notice served under subsection (2) above, issue to him a certificate of compliance.

(7) The certificate issued under subsection (6) above shall, except where the storage constituting the fire hazard is wholly discontinued, be a licence to constitute a fire hazard by the storage, in the building or part of the building to which the certificate relates, of substances of such a kind and in such quantity and stored in such a manner as shall be stated in the certificate.

(8) If, while a certificate is in force in respect of a building or part of a building, the occupier applies to the Council for an alteration of the certificate, the Council may amend the certificate, and, if they refuse the application in whole or in part, the applicant may appeal to the Secretary of State, and the Secretary of State may allow the appeal in whole or in part or reject it. If he allows the appeal he shall give such directions for the amendment of the certificate as he considers appropriate.

(9) A person who—

- (a) contravenes a notice under subsection (2) above, in its original form or, as the case may be, a notice under subsection (2) (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (b) stores anything in a building or part of a building in contravention of the terms of a certificate then in force in respect of the building; or

- (c) refuses to permit a person to comply with a notice served under subsection (2) above, in its original form or, as the case may be, a notice under subsection (2) (b) (ii) above as modified by the Secretary of State under subsection (4) above; or
- (d) contravenes directions given by the Secretary of State under subsection (8) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) The Council shall not serve a notice under subsection (2) above in respect of a building or part of a building—

- (a) put to a use in respect of which a fire certificate is required under the Fire Precautions Act 1971; or 1971 c. 40.
- (b) in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974. 1974 c. 37.

(11) In this section references to a building are references to the building and its curtilage.

14.—(1) In this section—

- (a) reference to the use of a building for a purpose to which this section applies is a reference to the use of any building for the purpose of trade or manufacture or storing or depositing goods or materials where more than 7,000 cubic metres of the building are so used, not being the use for the parking of vehicles of a parking place to which section 10 (Parking places: safety requirements) of this Act applies;
- (b) a change of use of a building from use for the storage of goods or materials of the kind specified in any condition imposed in relation to that building under subsection (3) (d) below, to use for the storage of goods or materials of another kind, shall be taken to be a material change of use of the building.

Fire precautions in certain large buildings.

(2) Where—

- (a) plans are deposited with the Council in accordance with building regulations in respect of any proposed work or material change of use of a building; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of a building used, or to be used, for a purpose to which this section applies or, as the case may be, the change of use is for use for a purpose to which this section applies;

PART IV  
—cont.

the Council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or change of use of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (3) below for preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building.

(3) The conditions subject to compliance with which plans may be passed under subsection (2) above are conditions with respect to any of the following matters relating to the building in respect of which those plans are deposited:—

- (a) the division of the building or any part of the building into compartments with a cubic extent not exceeding 7,000 cubic metres by compartment walls or compartment floors, or by both such walls and floors (including any openings in such walls and floors), being walls and floors having a fire resistance of not less than two hours for the purposes of building regulations;
- (b) the provision of not less than two hours' fire resistance for any external wall of the building which encloses the storage space within the building used for the purpose to which this section applies, or is at a distance from that space less than the height of that space as ascertained in accordance with subsection (11) (a) below, due allowance being made for unprotected areas of the wall permitted for the purposes of building regulations;
- (c) the vertical extension of any such walls as are referred to in paragraph (a) or (b) above to such height above the roof of the building as may be required to prevent the spread of fire from a building of which the roof has a fire resistance of less than two hours for the purposes of building regulations;
- (d) the kind of goods or materials to be stored in any such storage space in respect of which consent is given;
- (e) except where the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended or altered, will be put, after the proposed work or change of use has been carried out, will be a use in respect of which a fire certificate is for the time being required under the Fire Precautions Act 1971, the means of ingress to, and egress from, the building or any part of the building, including provision for safe ingress and egress in case of emergency;

(f) the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the Council to be necessary:—

PART IV  
—cont.

(i) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;

(ii) fire extinguishing systems;

(iii) effective means of removing smoke in case of fire;

(iv) adequate means of access for fire brigade appliances and personnel.

(4) (a) To the extent to which any conditions imposed by the Council in relation to any building in respect of the matters specified in subsection (3) (e) above conflict with the requirements of section 9A of the Fire Precautions Act 1971, those conditions shall not have effect; and to the extent to which any conditions imposed by the Council under this section in relation to any building in respect of the matters specified in subsection (3) (f) above conflict with any conditions imposed in relation to that building in respect of the matters specified in subsection (2) of section 15 (Fire precautions in high buildings) of this Act, those conditions imposed under this section shall not have effect.

1971 c. 40.

(b) Sub-paragraphs (i) and (ii) of paragraph (f) of subsection (3) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(5) Section 16 (6) to (8) and section 36 (2) to (6) of the Act of 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of Part I of that Act.

(6) A person aggrieved by the action of the Council under subsection (2) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.

(7) If it appears to the Council, after consultation with the fire authority, that any building in the borough—

(a) has been first brought into use after the commencement of this Act for a purpose to which this section applies;

(b) has been so brought into use in circumstances in which no notice had to be given, or plans, sections,

PART IV  
—cont.

specifications or written particulars deposited in accordance with building regulations; and

- (c) is not so constructed or equipped that, if plans of the work consisting of, or including, the building had been so deposited, the Council would have passed the plans without specifying conditions with respect to any of the matters specified in subsection (3) above;

they may, for the purpose of preventing the outbreak or spread of fire in or from the building or reducing danger from fire in the building, by notice to the owner or occupier of the building require compliance with—

- (i) such conditions with respect to any of those matters as may be specified in the notice; and  
(ii) for the purpose of restricting the use of the building until those conditions have been complied with, such other conditions as may be so specified.

(8) The provisions of sections 99 and 102 of the Act of 1984 (enforcement of, and appeals against, notices requiring the execution of works) shall so far as material apply in relation to any notice under subsection (7) above and for that purpose shall apply as if—

- (a) references in those provisions to that Act included a reference to that subsection;  
(b) in section 99 (2) (b) the words from “and to a further fine” to the end were omitted; and  
(c) for the reference in section 102 to the court there were substituted a reference to the Secretary of State.

(9) For the purposes of section 95 (1) (a) of the Act of 1984 as applied by this Act the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

(10) If any person, without reasonable excuse, obstructs any means of ingress or egress provided in pursuance of a condition imposed under subsection (3) (e) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) (a) For the purpose of paragraph (a) of subsection (1) above, the aggregate cubic extent of a building, or part of a building, used for any purpose mentioned in that paragraph (hereafter in this subsection referred to as “the relevant purpose”) shall be ascertained by measuring the volume of the space therein so used contained within—

- (i) the inner finished surfaces of the external walls of the building and any internal enclosing wall which (including any openings therein) has a minimum fire

resistance of two hours for the purpose of building regulations, or, on any side where there is no such wall, a vertical plane at the limit of the space used for the relevant purpose;

- (ii) the upper surface of the lowest floor used for the relevant purpose in the building; and
  - (iii) the under surface of the roof of the building, or any floor over the space used for the relevant purpose which has a minimum fire resistance of two hours for the purpose of building regulations.
- (b) For the purpose of this subsection—
- (i) no deductions shall be made for any space which is used for ingress or egress or for placing or removing contents of the building, or for any space less in width than the height between the floor and roof specified in paragraph (a) (ii) and (iii) above which is between that used for the relevant purpose and an external wall of the building; and
  - (ii) where the part of the space used for the relevant purpose, when ascertained in accordance with paragraph (a) above, consists of a number of separate spaces, those spaces and any intervening spaces used for any other purpose shall, except as provided in sub-paragraph (iii) below, be taken as one space wholly used for the relevant purpose; but
  - (iii) there shall be excepted from sub-paragraph (ii) above any space which is separated from another space by a distance, or by walls or floors, adequate to prevent a spread of fire to or from that other space.

**15.—(1) Where—**

- (a) plans are deposited with the Council in accordance with building regulations in respect of any proposed work or material change of use of a building; and
- (b) the plans show that the proposed work will include or consist of the construction, extension or alteration of, or, as the case may be, that the building is, a building of which the floor of any storey is more than 18.3 metres above the surface of the ground on any side of the building;

Fire precautions in high buildings.

the Council shall reject the plans unless they are satisfied, after consultation with the fire authority, that they may properly consent to the construction, extension, alteration or, as the case may be, the change of use of the building, either unconditionally or subject to compliance with any conditions, specified in their consent, with respect to the matters mentioned in subsection (2) below for preventing the outbreak or spread of

PART IV  
—cont.

fire in or from the building or reducing danger from fire in the building.

(2) The conditions subject to compliance with which plans may be passed under subsection (1) above are conditions with respect to the provision and maintenance of such of the following as may, after consultation with the fire authority, appear to the Council to be necessary:—

- (a) automatic fire alarms (that is to say, devices which, without manual intervention, originate an alarm of fire) or other fire alarms;
- (b) fire extinguishing systems;
- (c) effective means of removing smoke in case of fire;
- (d) adequate means of access for fire brigade appliances and personnel.

(3) Paragraphs (a) and (b) of subsection (2) above shall not apply to any building in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

(4) Section 16 (6) to (8) and section 36 (2) to (6) of the Act of 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of Part I of that Act.

(5) A person aggrieved by the action of the Council under subsection (1) above in rejecting plans, or in imposing any conditions, may appeal to the Secretary of State and on an appeal under this section the Secretary of State may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.

(6) For the purposes of section 95 (1) (a) of the Act of 1984 as applied by this Act, the provisions of this section shall be provisions which it is the duty of the fire authority as well as the Council to enforce.

(7) In the case of a building or part of a building used only by the Post Office for purposes which include use as a postal sorting office a condition imposed under this section with respect to automatic fire alarms or fire extinguishing systems shall be of no effect if it conflicts with the precautions described in a code of practice (including appendices) issued by the Property Services Agency of the Department of the Environment which is then applicable to any such use of the building or part of the building.

Amendment  
of section 72  
of Act of  
1984.

**16.**—(1) Section 72 of the Act of 1984 shall have effect in its application to the borough as if—



(a) in subsections (1) and (6) thereof the words "4.5 metres" were substituted for the words "twenty feet";

PART IV  
—cont.

(b) in the said subsection (6)—

(i) in paragraph (a) for the words "let in flats or" there were substituted the words "used in whole or in part as a flat or";

(ii) the following paragraph was added:—

"or

(d) is used for the holding of dancing classes other than any premises in respect of which a licence has been granted under Part I (Licensing of Public Entertainments) of the Local Government (Miscellaneous Provisions) Act 1982."

1982 c. 30.

(2) (a) The Council may by notice require the person having control of a building to which the said section 72, as amended by subsection (1) above, applies (other than a house used, in whole or in part, as a flat or flats) to keep unobstructed such passages and gangways as are specified in the notice and if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(b) A person served with a notice under this subsection may appeal to a magistrates' court on any of the following grounds:—

(i) that the requirement is not justified by the terms of this subsection;

(ii) that there has been some material informality, defect or error in, or in connection with, the notice;

(iii) that the requirement of the notice is unreasonable in character or extent or is unnecessary;

and the court may dismiss or allow the appeal or may vary the requirement of the notice against which the appeal is made and may make directions for giving effect to its decisions.

(3) The said section 72 of the Act of 1984, as having effect in accordance with this section, shall not apply to any premises to which section 9A of the Fire Precautions Act 1971 applies.

1971 c. 40.

PART V

PUBLIC HEALTH

17.—(1) In this section the expression "houseboat" means any vessel (whether or not the same shall be floating at any stage of the tide) which is used for human habitation but does not include—

Byelaws as to houseboats.

PART V  
—cont.  
1894 c. 60.

- (a) any ship registered under the Merchant Shipping Act 1894, or any vessel bona fide used for navigation; or
- (b) any vessel which is not used for human habitation for more than 56 consecutive days in any period of 12 months.

(2) The Council as port health authority may make byelaws with respect to houseboats within the port health district of Poole—

- (a) for promoting cleanliness in, and ensuring the habitable condition of, houseboats;
- (b) for preventing overcrowding of houseboats;
- (c) for securing the adequate ventilation and lighting of, and an adequate water supply to, houseboats;
- (d) for requiring the provision and maintenance of—
  - (i) adequate sanitary and washing facilities; and
  - (ii) adequate accommodation for the storage, preparation and cooking of foods;
 in houseboats;
- (e) for securing that proper arrangements are made for the storage and disposal of refuse from houseboats and the disposal of the content of closets in houseboats;
- (f) for ensuring that houseboats are maintained in a watertight and weatherproof condition;
- (g) for securing the safety of persons residing in houseboats;
- (h) for prohibiting mooring, placing or keeping of houseboats in the proximity of tanks used for the bulk storage of petroleum spirit (as defined in the Petroleum (Consolidation) Act 1928).

1928 c. 32.

(3) Any person who contravenes any byelaw made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Provision of  
bulk refuse  
containers  
by Council.

18. The Council may at the request of the owner or occupier of any premises within the borough provide and maintain at such premises a bulk refuse container on such terms and conditions and at such monthly, quarterly or annual charge as may be agreed between such owner or occupier and the Council.

Maintenance  
of and  
access to  
bulk refuse  
containers.

19.—(1) Where the owner or occupier of any premises within the borough from which the Council collect refuse provides a bulk refuse container for holding the refuse for the purpose of such collection, or where the Council at the request of the owner or occupier provide a bulk refuse container for the purpose of such collection, the Council may by notice require him to

provide and maintain to the satisfaction of the Council a good and sufficient stand or base for the bulk refuse container, and to provide and maintain to the satisfaction of the Council such means of access from a highway to the bulk refuse container as are sufficient to allow the passage and to bear the weight, with a full bulk refuse container, of any trolley or other vehicle of the Council constructed to convey bulk refuse containers to and from refuse vehicles.

(2) A notice under subsection (1) above may require the owner or occupier of the premises to execute such work and to make such provision in regard to the matters aforesaid as may be necessary.

(3) The provisions of section 290 of the Act of 1936 shall apply to notices given under this section as they apply to the notices mentioned in subsection (1) of that section, and subsection (3) (f) of that section as so applied shall have effect as if—

- (a) references to premises included references to parts of premises;
- (b) the reference to work for the common benefit of the premises in question and other premises included a reference to work for the sole benefit of those other premises; and
- (c) the reference to contribution towards the cost of the works included a reference to undertaking the whole of that cost.

20.—(1) Section 108 (3) of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to the provisions of this Part of this Act mentioned in subsection (2) below as if this Act had been passed before the Control of Pollution Act 1974.

Saving for  
Control of  
Pollution Act  
1974.

1974 c. 40.

(2) The provisions referred to in subsection (1) above are the following:—

Section 18 (Provision of bulk refuse containers by Council);

Section 19 (Maintenance of and access to bulk refuse containers).

## PART VI

### FINANCE AND RATING

21. The Council may pay to the sheriff of the borough such remuneration as they think reasonable.

Sheriff's  
allowances.

## PART VI

—cont.

As to  
repayment of  
loans under  
Small  
Dwellings  
Acquisition  
Acts 1899 to  
1923.

1899 c. 44.

22. Notwithstanding anything in subsection (5) of section 1 of the Small Dwellings Acquisition Act 1899, where any person repays any part of any advance of money made to such person by the Council under the Small Dwellings Acquisition Acts 1899 to 1923, in a case where the periodical payments are by way of an annuity of principal and interest combined the amount of each periodical payment subsequently to be made by such person need not be reduced in accordance with the table referred to in the said subsection, but may remain unvaried, and in that event the period during which the advance is to be repaid shall be appropriately reduced.

Recovery of  
rates from  
tenants and  
lodgers.

1967 c. 9.

23. For the purposes of section 61 of the General Rate Act 1967 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within one month after lawful demand in writing has been made for the same.

## PART VII

## MISCELLANEOUS

Robes of  
office.

24.—(1) The Council may provide and maintain robes of office for the use of the mayor and councillors of the borough.

(2) Robes provided by the Council under this section shall remain the property of the Council.

Placing  
registers on  
computer, etc.

25.—(1) Where the Council are under a statutory obligation to keep a register they shall not be in default of any such obligation by reason of the register being kept by means of a computer, word processor, microfilm equipment or other similar apparatus.

(2) Any duty imposed on the Council to allow inspection of, or to furnish a copy of, a register or any part of it shall as respects any register so kept be treated as a duty to allow inspection of, or to furnish, a reproduction of that register or of the relevant part of it in a legible form.

Recording of  
documents.

26. Section 229 of the Act of 1972 (photographic copies of documents) in its application to the Council shall have effect as if—

(a) at the end of subsection (1), there were inserted the words “or a recording in non-legible form from which a facsimile of the document may be reproduced”;

(b) in subsections (2) and (4) to (7), there were inserted after the words “photographic copy” the words “or a facsimile produced from a recording”; and

(c) in subsection (6) the words “or facsimile” were added

27.—(1) Notwithstanding anything contained in any enactment, the Council may destroy any documents of the Council other than minute books, of which they have made and retained microfilm recordings:

PART VII  
—cont.  
Microfilming  
of documents.

Provided that the Council shall not under this section destroy records deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 2 of the Local Government (Records) Act 1962.

1958 c. 51.  
1962 c. 56.

(2) In this section “microfilm recording” means a reproduction of a document by any process which reproduction is in general beyond legibility with the naked eye.

28.—(1) The Council may, either alone or in co-operation with any association or body dealing with the promotion or control of any recreation, organise or conduct any competition.

Competitions,  
etc.

(2) The Council may, in connection with any such competition, charge such entrance fees as they think fit to any entrants for that competition.

(3) The Council may expend on the provision of trophies and prizes to be awarded to participants in any such competition such sum as they may think fit not exceeding in any one year £3,500.

(4) For the purposes of this section “competition” means any competition, tournament or contest held in connection with any physical recreation, sport or game and includes any display or exhibition given in connection therewith.

29.—(1) Except as provided in subsection (2) below, there shall not be displayed in the borough on or from any motor vehicle constructed or adapted to seat more than two and less than 9 passengers, not being a hackney carriage or public service vehicle—

Signs on  
vehicles.

(a) any sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a hackney carriage that the vehicle is used for the purpose of carrying passengers for hire or reward;

(b) without prejudice to the generality of paragraph (a) above in the case of a private hire vehicle any sign or notice which consists of or includes—

(i) the word “taxi”, “tax” or “cab” (whether in the singular or plural) or “hire” or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or

PART VII  
—cont.

(ii) any telephone number or address, or any number or words which appear to be, or resemble, a telephone number or address.

(2) Subsection (1) above shall not apply to—

(a) a sign displayed on or from a private hire vehicle prescribed or expressly permitted by condition attached to the grant of a licence for that vehicle under section 48 of the Local Government (Miscellaneous Provisions) Act 1976; or

1976 c. 57.

(b) a sign displayed on or from a vehicle when it is stationary—

(i) which contains no words or numbers other than the name and address of the person owning or operating the vehicle or the name under which he carries on his business and its address and, in either case, the name of a passenger to be carried in the vehicle; and

(ii) is displayed in pursuance of a prior arrangement made for the carriage of the passenger named on the sign.

(3) No advertisement—

(a) indicating that motor vehicles can be hired on application to a specified address or telephone number being the address or telephone number of premises in the borough; or

(b) on or near any such premises indicating that motor vehicles can be hired at those premises;

shall include the words “taxi”, “tax” or “cab”, whether in the singular or plural and whether alone or as part of another word, unless the vehicles offered for hire are licensed hackney carriages or the advertisement makes it clear that they are not.

(4) If any person knowingly—

(a) drives a vehicle in respect of which this section is contravened; or

(b) causes or permits this section to be contravened in respect of any vehicle; or

(c) subject to subsection (5) below, issues, or causes to be issued an advertisement which contravenes subsection (3) above;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) When a person is charged with an offence under paragraph (c) of subsection (4) above, it shall be a defence to prove that he is a person whose business it is to publish or

arrange for the publication of advertisements and that he received the advertisement in question for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that paragraph.

(6) In this section—

“advertisement” includes every form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs or a cinematograph film, or by way of sound broadcasting or television, and references to the issue of an advertisement shall be construed accordingly;

“private hire vehicle” has the meaning given by section 80 of the said Act of 1976.

## PART VIII

### GENERAL

30. A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry.

Local inquiries.

31. Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act.

Appeals to magistrates' court.

32.—(1) On an appeal to the Secretary of State under any of the provisions of this Act mentioned in subsection (2) below, the Secretary of State may at his discretion afford to the appellant and the Council an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

Appeals to Secretary of State.

(2) The provisions referred to in subsection (1) above are the following:—

In section 10 (Parking places; safety requirements), subsection (5);

In section 13 (Buildings used for storage of flammable substances), subsection (5);

In section 14 (Fire precautions in certain large buildings), subsection (6);

In section 15 (Fire precautions in high buildings), subsection (5).

PART VIII  
—cont.

(3) The time within which an appeal to the Secretary of State may be brought under any of the provisions referred to in subsection (2) above shall be 21 days from the date on which the relevant notice was served on the person desiring to appeal.

(4) On determining any such appeal, the Secretary of State shall give such directions, if any, as he considers appropriate for giving effect to his determination.

(5) Where the Secretary of State gives a decision in proceedings on any such appeal the appellant or the Council may appeal to the High Court against the decision on a point of law.

(6) At any stage of the proceedings on any such appeal the Secretary of State may state any question of law arising in the course of proceedings in the form of a special case for the decision of the High Court; and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section 16 of the Supreme Court Act 1981 (jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

1981 c. 54.

Suspension of  
proceedings  
pending  
appeal.

33. Where a requirement, refusal or other decision of the Council against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;

then, until the time for appealing has expired, or if an appeal is lodged, until it is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work, or to take the action, nor shall the Council themselves execute the work or take the action; and
- (ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.

Restriction  
on right to  
prosecute.

34. The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, the Council or a police officer.



35.—(1) Where an offence under this Act, or against any byelaw made under this Act committed by a body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

PART VIII  
—cont.  
Liability of directors, etc.

(2) Where the affairs of a body corporate are managed by its members, the foregoing subsection shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

36. Any person who intentionally obstructs any officer of the Council acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Penalty for obstruction.

37.—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defence of due diligence.

(2) The provisions referred to in subsection (1) above are the following:—

Section 6 (Safety of stands);

Section 7 (Touting, offering for hire, photographing, etc.);

Part IV (Fire precautions).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

38.—(1) The sections of the Act of 1936 mentioned in Schedule 1 to this Act shall have effect as if references therein to that Act included references to this Act.

Application of general provisions of Acts of 1936 and 1984.

(2) Section 95 of the Act of 1984 (powers of entry) shall have effect as if references therein to that Act included a reference to Part IV (Fire precautions) of this Act:

Provided that, before entry on any operational railway of the British Railways Board in pursuance of Part IV of this Act and of the said section 95 as it has effect by virtue of this section, not

PART VIII  
—*cont.*

less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board and any person entering on any such railway in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of the British Railways Board for the protection of their undertaking.

Saving for  
Health and  
Safety at  
Work etc.  
Act 1974 and  
Act of 1984.  
1974 c. 37.

**39.**—(1) Subsection (1) of section 80 (repeal or modification of certain provisions by regulations) of the Health and Safety at Work etc. Act 1974 shall apply to any provision of this Act and to any byelaw made under it as it applies to any provision to which it applies.

(2) Nothing in the following sections of this Act shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the said Act of 1974:—

Section 12 (Fire and safety precautions in public and other buildings);

Section 13 (Buildings used for storage of flammable substances);

Section 14 (Fire precautions in certain large buildings);

Section 15 (Fire precautions in high buildings).

(3) Sub-paragraph (1) of paragraph 11 of Schedule 1 to the Act of 1984 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that sub-paragraph applies to any enactment mentioned therein.

Saving for  
Fire  
Precautions  
Act 1971.  
1971 c. 40.

**40.** Subsection (2) of section 30 of the Fire Precautions Act 1971 (avoidance of duplication by local Act provisions) shall apply to this Act as if passed before the coming into operation of that subsection.

Repeals and  
savings.

**41.**—(1) The Acts specified in Part I of Schedule 2 to this Act and the confirmation Act and Orders specified in Part II of that Schedule are hereby repealed to the extent specified in that Schedule.

(2) The saving provisions in Schedule 3 to this Act shall have effect in relation to repeals effected by this Act.

**SCHEDULES**

**SCHEDULE 1**

Section 38.

**SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT**

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
283 (1)	Notices to be in writing; forms of notice, &c.
285	Service of notices, &c.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
294	Limitation of liability of certain owners.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.
341	Power to apply provisions of Act to Crown property.

## SCHEDULE 2

Section 41.

## ENACTMENTS REPEALED

## PART I—LOCAL ACTS

Chapter (1)	Short title (2)	Extent of repeal (3)
6 Edw. 7 c. clxxix.	Poole Corporation Water Act 1906.	Section 67 (Sinking fund), section 70 (Appointment of receiver), section 72 (Sinking fund for debenture stock), section 73 (Return to Local Government Board as to repayment of debt), section 76 (Power to use one form of mortgage for all purposes), section 78 (Local Government Board may prescribe form of rates &c.), section 79 (Power to appropriate lands for purposes other than those for which they were acquired) and section 81 (Authentication and service of notices).
9 & 10 Geo. 5 c. xliv.	Poole Corporation Act 1919.	The whole Act except Part II (Purchase Maintenance and Management by Corporation of Bridge Undertaking), section 96 (Crown rights), section 97 (Crown Minerals) and the First Schedule.
18 & 19 Geo. 5 c. cxiv.	Poole Corporation Act 1928.	The whole Act.
1 Edw. 8 & 1 Geo. 6 c. cxviii.	Poole Corporation Act 1937.	The whole Act except Part II (Poole Bridge), and section 50 (Crown rights).
9 & 10 Eliz. 2 c. xl.	Poole Corporation Act 1961.	The whole Act except section 45 (Notice of street pro- cessions) and section 84 (Boundary of Poole Harbour).
1965 c. xxx.	Poole Corporation Act 1965.	The whole Act except Part II (Poole Bridge).

PART II—CONFIRMATION ACT AND ORDERS

SCH. 2  
—cont.

Chapter (1)	Short title (2)	Extent of repeal (3)
—	Poole and District Light Railway Order 1899.	The whole Order.
—	Poole and District Light Railway (Extension) Order 1903.	The whole Order.
5 Edw. 7 c. cviii.	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1905.	The Poole (Extension) Order 1905.

SCHEDULE 3

Section 41.

SAVING PROVISIONS

1. In so far as anything done under an enactment in force which is repealed by this Act could have been done under any public general Act, relating to the same matter, it shall not be invalidated by the repeal but shall have effect as if done under that public general Act.

2. Where an instrument or document refers, either expressly or by implication, to an enactment in force which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any enactment in this Act relating to the same matter.

3.—(1) Anything begun under an enactment repealed by this Act may be continued under any enactment in this Act or in any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, an enactment repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if that period began to run under that provision.

4. References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between an enactment in force which is repealed by this Act and any enactment in this Act relating to the same matter, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

SCH. 3  
—cont.

5. Where an Act is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from repeal, the repeal shall not affect the interpretation of the Act.

6. The repeal by this Act of any enactment shall not affect the operation of any byelaw, registration or licence made or issued under that enactment if the byelaw, registration or licence is one which could be made or issued under any provision of this Act and any such byelaw, registration or licence shall have effect as if made or issued under this Act.

7. Nothing in this Act shall affect the operation of section 254 of the Act of 1972.

8. The mention of particular matters in this Schedule shall not be held to prejudice or affect the general application of sections 15, 16 and 17 of the Interpretation Act 1978.

1978 c. 30.

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PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and  
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£4.40 net

ISBN 0 10 510186 9

S/502

# Poole Borough Council Act 1986

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