



## Meeting Agenda

**Public Protection Committee  
Reception Room, Town Hall  
24 October 2007,  
To commence at the conclusion of the  
Licensing Committee**

# **PUBLIC PROTECTION COMMITTEE**

## **MEMBERSHIP**

CHAIRMAN - Councillor David Eaves  
VICE-CHAIRMAN – Councillor Dawn Prestwich

### **Councillors**

Christine Akeroyd	Elizabeth Clarkson
Barbara Douglas	Angela Jacques
John Davies	Kiran Mulholland
Keith Beckett	Ken Hopwood
Barbara Pagett	

Contact: Peter Welsh, St. Annes (01253) 658502, Email:  
[peterw@fylde.gov.uk](mailto:peterw@fylde.gov.uk)



## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

### PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Legal Services Executive Manager in advance of the meeting. (For the assistance of Members an extract from the pocket guide produced by the Standards Board for England is attached).</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the Minutes of the Public Protection Committee held on 28 June 2007.</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>4. REQUEST FOR ESTABLISHMENT/AMMENDMENT OF HACKNEY CARRIAGE STAND LOCATED ON HASTINGS PLACE, LYTHAM</b>	5 – 8
<b>5. ESTABLISHMENT AND REMOVAL OF HACKNEY CARRIAGE STANDS</b>	9 – 14
<b>6. REQUEST FOR INCREASE IN THE LEVEL OF HACKNEY CARRIAGE FARES</b>	15 – 22
<b>7. PRIVATE HIRE DRIVERS LICENCE</b>	23 – 25
<b>8. PRIVATE HIRE DRIVER APPLICATION</b>	26 – 28
<b>9. PRIVATE HIRE DRIVER APPLICATION</b>	29 – 32
<b>10. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE</b>	33 – 35

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	4

## REQUEST FOR ESTABLISHMENT/AMMENDMENT OF HACKNEY CARRIAGE STAND LOCATED ON HASTINGS PLACE, LYTHAM

### Public item

This item is for consideration in the public part of the meeting.

### Summary

A request has been received from the Fylde Licensed Hackney Drivers Association for an amendment to the Hackney Carriage Stand located on Hastings Place, Lytham.

### Recommendation

1. That the Committee considers the report and makes a recommendation to the Portfolio holder.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing:

Councillor Patricia Fieldhouse

### Report

1. Section 63 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 states that. *"a District Council may from time to time appoint stands for Hackney Carriages for the whole or any part of a day in any highway in the District which is maintainable at the public expense..."*

Continued....

2. Officers from the Consumer Wellbeing and Protection have received a request from the Fylde Licensed Hackney Drivers Association for an amendment to the Hackney Carriage stand located on Hastings Place, Lytham. It is requested that the rank be extended to the full length of the road.
3. Hastings Place benefits from 2 dropped kerbs and as such, it is not possible to extend the rank for the entire length of Hastings Place, but 2 additional stands could be established to ensure the dropped kerbs were not obstructed. Sufficient space is available for stands for 2 and 3 vehicles.
4. It is also requested that the timings of the stand, currently 0700 to 0000 be extended to reflect the later opening hours of licensed premises in the Borough. The latest terminal hour in Lytham is currently 2am at the Ship and Royal, Clifton Street.
5. The Highways Departments of both Lancashire County Council and Fylde Borough Council have been consulted in relation to the request and have no objections to the request.
6. The Lancashire Constabulary have also been consulted and comment that they have no objection to the extension of hours but that *"this rank is underused during the day. However, the memorial area does act as a "waiting" area late in the evening and as such can always be a potential "hot spot". It would therefore appear prudent to increase the rank capability to facilitate a speedier removal of taxi customers."*
7. Officers from the Licensing Team have monitored taxi activity at the stand during June 2007 visiting the stand on some 54 occasions during the day. The feeder stand located to the side of the County Hotel was found to be utilised twice, whilst the main stand on Hastings Place was occupied on 4 occasions.
8. However, during the evenings, particular on Friday and Saturdays, there is an issue in relation to over ranking at the location and additional spaces would be beneficial.
9. As such, in addition to this specific request, Officers are investigating the possibility of additional stands and spaces on Henry Street, Pleasant Street and the utilisation of Bus Stops after midnight.
10. Should the request be approved, the matter will be advertised in local newspaper and any objections or representations may be made within 28 days of the publication of the notice.
11. The Committee is therefore asked to consider the request and make a recommendation as follows:
  - 1) To establish an additional hackney carriage stand on Hastings Place for 2 vehicles commencing approximately 27m from the junction of Hastings Place and Market Square, Lytham for a distance of 14.4m between the hours of 0700 and 0230.
  - 2) To establish an additional hackney carriage stand on Hastings Place for 3 vehicles commencing approximately 45m from the junction of Hastings Place and Market Square, Lytham for a distance of 18m between the hours of 0700 and 0230.

- 3) To amend the timings of the existing stand on Hastings Place from 0700 to 0230.

IMPLICATIONS	
Finance	To comply with signage regulations, each individual stand (if approved) will require lining and appropriate signage putting in place. Any costs arising from this Report will be met from existing budgets.
Legal	None arising directly from the report.
Community Safety	Hackney Carriage stands play a vital role in the removing of persons from Town Centres, particularly late at night and by placing at places of public resort should facilitate a speedier removal of taxi customers.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc Id
Chris Hambly	(01253) 658422	25 <sup>th</sup> September 2007	

List Of Background Papers		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
		Council office or website address

#### Attached documents

- 1) Hastings Place site plan





- ✦ Highlighted Feature
- ✦ Selected Features

## Hastings Place



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	5

## ESTABLISHMENT AND REMOVAL OF HACKNEY CARRIAGE STANDS

### Public item

This item is for consideration in the public part of the meeting.

### Summary

Following a recent review of the location of Hackney Carriage Stands in the Borough, it has been ascertained that a number of stands are located where there is little demand for vehicles. Furthermore, a number of places of public resort do not benefit from sufficient stand spaces in the locality and as such, it is sought to create a number of additional stands.

### Recommendation

1. That the Committee considers the report and makes a recommendation to the Portfolio Holder.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing:

Councillor Patricia fieldhouse

### Report

1. Section 63 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 states that. *“a District Council may from time to time appoint stands for Hackney Carriages for the whole or any part of a day in any highway in the District which is maintainable at the public expense...”*

2. The last review of Hackney Carriage Stands in the Borough took place some years ago, and it is now found that a number of stands are in locations where there is little or demand for Hackney Carriages, and that some stands whilst still a recognised stand in terms of licensing are actually turned over to car parking or street parking restrictions, and that there is a shortage of stands where they are actually required.
3. As such, Officers from the Consumer Wellbeing and Protection have identified a number of locations for additional stands as listed below which would provide an additional usable 14 spaces for Hackney Carriages to utilise. Those proposed stands are
  - a) Henry St, Lytham. Stand for 8 vehicles on the north side of Henry St, for 45m in a westerly direction, from approximately 2m from the junction of Henry St and Dicconson Terrace, between 1800 and 0200.
  - b) Pleasant St, Lytham. To extend the existing stand by 1 vehicle on the west side of Pleasant St from a point 10m from the junction with Clifton St for distance of 20m for 3 vehicles. The additional space to be available between 1800 and 0900.
  - c) Wood St, St Annes. Stand for 2 vehicles on the northwest side of Wood St, from a point 30m southeast of Park Road for 11m in a south easterly direction, between the hours of 1800 and 0600.
  - d) Wood St, St Annes. Stand for 3 vehicles on the northwest side of Wood St, from a point 60m southeast of Park Road for 22m in a south easterly direction between the hours of 1800 and 0600 to feed the stand referred in point c.
4. Location plans of the proposals are appended for the information of Members.
5. The reasoning of the 2 suggested stands at points c and d, as opposed to one consistent rank, is to ensure access areas are kept clear. S63(3) of the Local Government (Miscellaneous Provisions) Act 1973 states, *"Nothing in this section shall empower a district council to appoint any such stand.. so as unreasonably to prevent access to any premises."*
6. The Highways Departments of Lancashire County Council and Fylde Borough Council, together with the Police have been consulted in relation to the proposals and have no objections.
7. A number of ranks have been identified as obsolete and it is asked that the Committee give consideration to the cancellation of the following stands:
  - a) New Road, St Annes
  - b) Smithy Lane, St Annes
  - c) Anchorage, Lytham
  - d) Clegg St, Kirkham
8. Should the Committee recommend the approval to Cabinet of the appointment and cancellation of the stands, the proposals will be advertised in local newspaper and

any objections or representations may be made within 28 days of the publication of the notice.

9. The Committee is therefore asked to consider the request and make a recommendation to Cabinet.

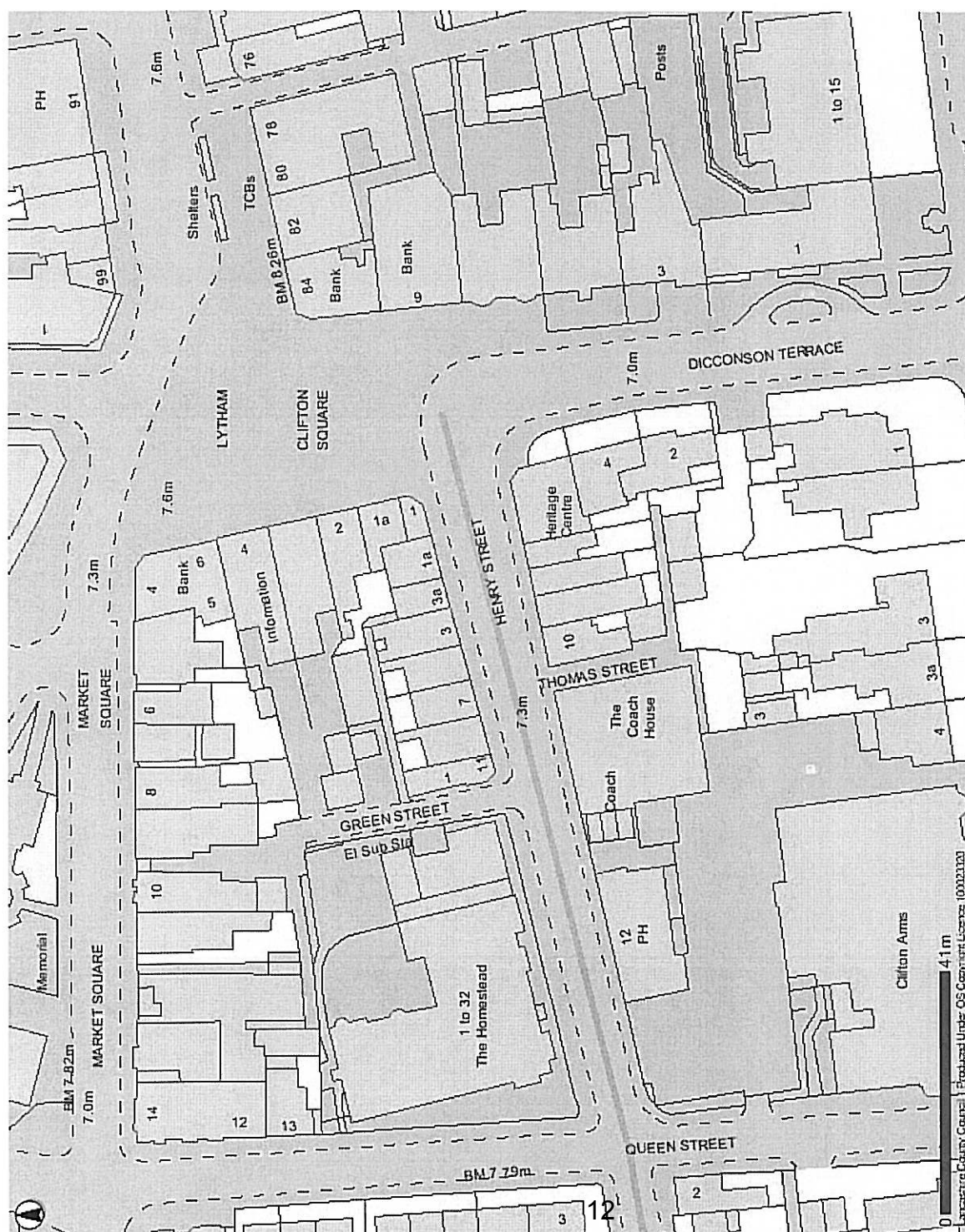
IMPLICATIONS	
Finance	To comply with signage regulations, each individual stand (if approved) will require lining and appropriate signage putting in place. Any costs arising from this Report will be met from existing budgets.
Legal	None arising directly from the report.
Community Safety	Hackney Carriage stands play a vital role in the removing of persons from Town Centres, particularly late at night and by placing at places of public resort should facilitate a speedier removal of taxi customers.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc Id
Chris Hambly	(01253) 658422	12 <sup>th</sup> October 2007	

List Of Background Papers		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
		Council office or website address

#### Attached documents

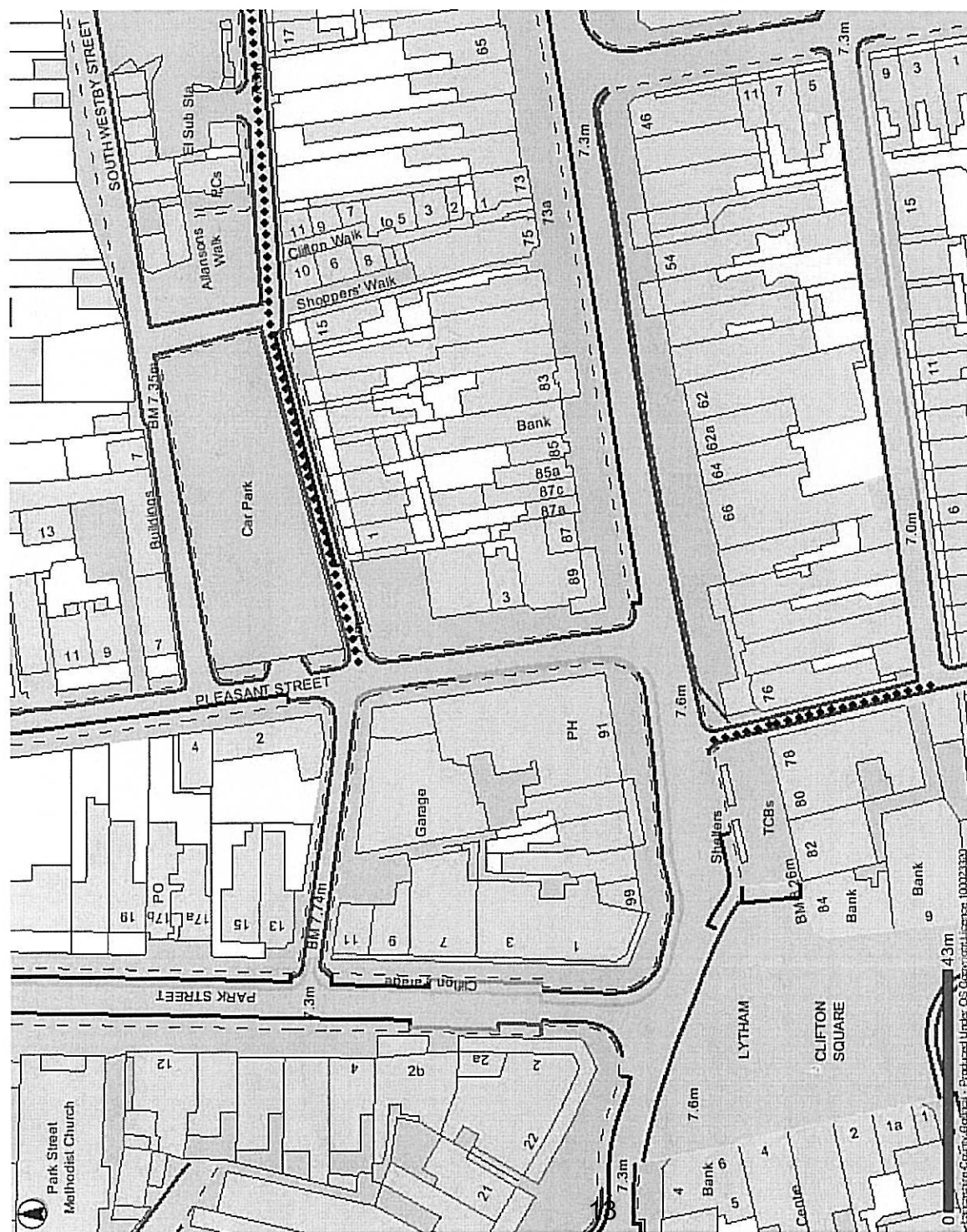
- 1) Area Plans of the proposed locations.



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Date: 25/06/2007





# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	6

## REQUEST FOR INCREASE IN THE LEVEL OF HACKNEY CARRIAGE FARES

### Public item

This item is for consideration in the public part of the meeting.

### Summary

A request has been received from the Fylde Licensed Hackney Drivers Association for a 15% increase in the level of hackney carriage fares and an amendment to the Hackney Carriage and Private Hire Licensing Policy suggested formula for calculating fares.

### Recommendation

1. That the Committee considers the report and makes a recommendation to the Portfolio Holder.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing

Councillor Mrs Patricia Fieldhouse

### Report

1. The provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allow Local Authorities to fix the level of fares that may be demanded in connection with the hire of a Hackney Carriage.



2. Officers from the Licensing Team within the Consumer Wellbeing and Protection Unit have received a request from the Fylde Licensing Hackney Drivers Association requesting a 15% increase in the level of fares.
3. The request provided little information as to how the 15% increase should be calculated, whether by increasing initial hiring charges, reducing the distance between flag drops or by increasing the amount of incremental charges.
4. As such, Officers have attempted to calculate an average 15% increase in the level of fares on behalf of the Association, and it was confirmed by the Association at a meeting of the Fylde Quality Taxi Partnership that the calculations achieved their aims.
5. A proposal was therefore put to the members present at the meeting by Mr J McLemon that the fare increase of 15% be put forward as the formal request of the trade, to the Public Protection Committee for consideration. The proposal was seconded by Mr J Whiteside and agreed by the members of the trade present.
6. Details of how the increase could be applied are shown below:

	Tariff 1 Initial Hiring	Subsequent Yardage	Tariff 2 Initial Hiring	Subsequent Yardage	Waiting Time
Existing	£2.20 for first 548 yards	20p for 274 yards	£2.40 for first 424 yards	20p for 212 yards	20p for 60 seconds
15% increase	£2.40 for first 454 yards	20p for 227 yards	£2.70 for first 360 yards	20p for 180 yards	20p for 60 seconds

7. The Hackney Carriage and Private Hire Licensing Policy makes reference to fare increases and comments at 10.4.2 that,

*“Although the views of the taxi trade were sought on this important aspect of taxi licensing, no consensus view emerged regarding the formula which should be used to set tariffs. In general the trade supported proposals to review fares annually and wished to see some simple formula used to help the council determine the level of fare increases.*

*Fare scales will, accordingly, be reviewed no more than once per year between January and March with any change agreed being implemented on 1<sup>st</sup> April following. In reviewing the scale of maximum fares to be charged locally, consideration will be given to the percentage by which the “National Average” of Tariff One and Tariff Two, 2 mile journey fares (as published in Private Hire & Taxi Monthly magazine) increased over the previous calendar year (i.e. January to January). In general, this average percentage will constitute the maximum Tariff One and Tariff Two percentage increase in fares above which the authority would not generally consider any application for a tariff increase.”*

8. As shown, the policy comments initially that fares will be reviewed between each January and March for implementation in April. However, the previous fare increase came into effect on the 1<sup>st</sup> June 2005, and therefore the matter has been brought to Committee for immediate consideration.

9. Officers have calculated that the average increase in the level of fares utilising the formula above, and believe that taxi fares have increased by an average of 10% country wide following the previous increase in Fylde. It is understood that it is the intention of the Fylde Licensed Drivers Association to seek no further increases until April 2009, should this proposal be accepted. As such, it may well be the case that by April 2009, the national level of taxi fares has increased by a further 5%.
10. The Fylde Licensed Hackney Drivers Association have also made a formal request that the policy in relation to fare increases quoted above, be amended so that future increases are equal to the annual percentage increase in the level of Council Tax set by Fylde Borough Council.
11. It is felt that the current formula for calculating fares takes into account relevant factors on a national basis of the costs borne by Hackney Carriage Proprietors and Drivers such as increases in fuel, vehicle insurance, fees, costs of purchasing vehicles, whilst as Members will be aware, Council Tax is one of the methods by which the Authority raises money for the services to the Community it provides and is not comparative or relevant to taxi fares.
12. Furthermore, the formula contained within the Hackney Carriage and Private Hire Licensing Policy was only approved by the Public Protection Committee in September 2006. The opportunity has not been provided to ascertain whether the formula is a successful indicator for the level of fares and as such, such a change may be premature. However, members may wish to introduce additional elements into the formula, such as increases detailed in the Retail Price Index.
13. Should the Committee be minded to approve any increase in the level of fares for consideration by Cabinet, it is a requirement of S65 of the Local Government (Miscellaneous Provisions) Act 1976 that the amendment to the table of fares is published in at least one local newspaper and that objections to the increase may be made within 14 days from the date of publication.
14. Further communication has also been received from the Fylde Licensed Hackney Drivers Association requesting that the waiting time element of the Table of Fares is amended from 20p for every 60 seconds to 20p for every 50 seconds. This request was not raised at the Quality Taxi Partnership meeting and as such has not been discussed. However, Officers are seeking comments from the trade.
15. Members of the Committee are therefore asked to consider the following:
  - 1) the request for an increase in the level of taxi fares by 15% as detailed above
  - 2) An amendment to the Policy so that all future increases in the level of fares are equal to any percentage increase in the level of Council Tax.
  - 3) the request for a decrease in waiting time to 20p for 50 seconds

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc Id
Chris Hambly	(01253) 658422	12 <sup>th</sup> October 2007	

List Of Background Papers		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Hackney Carriage and Private Hire Licensing Policy		Town Hall / <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

### Attached documents

- 1) Submissions of Fylde Hackney Drivers Association
- 2) Tariff Comparison

**FYLDE LICENSED HACKNEY DRIVERS' ASSOCIATION**  
**{F. L. H. D. A}**

**Chairman**

Mr. James McLemon  
9 Folkestone Close  
Warton  
Lancashire  
PR4 1YY  
Tel: 07989 614431

**Secretary**

Mr. Andros Loizou  
95 St Anne's Road East  
Lytham St Anne's  
Lancashire  
FY8 3NF  
Tel: 07813 157414

**Treasurer**

Mr. James W. Donley  
8 Longwood Close  
Hall Park  
Lytham  
Lancashire  
FY8 4RW  
Tel: 07885 434644

Dear Chris

7<sup>th</sup> Sept 2007

We the FLHDA would like to propose a formula for a fare increase based on the Council Tax charged by Fylde Borough Council, i.e. if Fylde don't put up the Council Tax then we wouldn't expect an increase for that year. As we haven't had an increase since June 2005 we would like to apply for a 15% increase now, with the view that the proposed formula be implemented no later than April 2009. Based on figures over the last 8 years there wouldn't be much difference between the % rate of Council Tax and the Taxi fare increases. We would like this formula to be put forward to the PPC for consideration please find attached some figures of increases which Fylde Borough Council have imposed on the Taxi Trade over the fore mentioned period

Copies to: Cllr Akeroyd

Cllr Bennet  
Cllr Davies  
Cllr Douglas  
Cllr Eaves  
Cllr Hopwood  
Cllr Jacques  
Cllr Mulholland  
Cllr Pagett  
Cllr Prestwich

**COUNCIL TAX INCREASE OVER 8 YEARS.APPROX 44%**

**F.B.C VEHICLE LICENCE INCREASE OVER 8 YEARS APPROX 21%**

**BADGE INCREASE OVER 8 YEARS APPROX 60%**

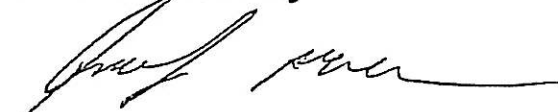
**C.R.B.CHECKS INCREASE OVER 8 YEARS APPROX 200%**

**MEDICALS FOR DRIVERS OVER THE AGE OF 45 YEARS INCREASE OVER 8 YEARS APPROX 300%**

**MEDICALS FOR DRIVERS OVER THE AGE OF 60 YEARS THIS INCREASE OF 300% IS GOING TO BE YEARLY**

A grand total of 581% + running costs increase over the last 8 years. We have also neglected to include such costs as fuel, insurance, tax and running costs as all these are equated through the Brighton Formula which the leader of the Council, Councillor John Coombes proposed and the Licensing Department rejected as flawed, but other Councils around the country already use with no problems.

**Yours Sincerely**



**James McLemon**

**Chairman of FLHDA**

**Hambly, Chris**

---

**From:** mclemon. [mailto:mclemon.1@att.net]

**Sent:** 01 October 2007 15:13

**To:** Hambly, Chris

hi chris after our conversation today i would like you to put forward to the ppc that they also consider altering waiting time pro rata to the 15 percent increase that we have asked for. thanks jimmy.

### Comparison of Existing Fares to include 15% increase

Distance	Existing Tariff 1	15% Average Increase
Flag	£2.20	£2.40 (9%)
1 mile	£3.20	£3.60 (12.5)%
2 m	£4.40	£5.20 (18%)
5m	£8.40	£9.80 (16.5%)
10m	£14.80	£17.60 (19%)

Distance	Existing Tariff 2	15% Average Increase
Flag	£2.40	£2.70 (12.5%)
1m	£3.80	£4.30 (13.16%)
2m	£5.50	£6.30 (16.67%)
5m	£10.40	£12.10 (16.35%)
10m	£18.80	£21.90 (16.49%)



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	7

## PRIVATE HIRE DRIVERS LICENCE

### Public

This item is for consideration in the public part of the meeting.

### Summary

A current licensed Private Hire Driver has been convicted of number of offences.

In light of the convictions, and the failure to notify the Licensing Authority of the convictions, the matter has been referred to the Public Protection Committee for consideration as to whether the driver is fit an proper to hold a licence.

### Recommendation

1. That the Committee considers the report and determines the application.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing

Councillor Mrs Patricia Fieldhouse

### Report

1. On the 14<sup>th</sup> December 2006, the driver AL made application for the renewal of his private hire drivers licence. The licence was duly issued, to expire on the 17<sup>th</sup> December 2007.

2. Information came to light in September of this year that AL had been convicted of three counts of perverting the course of justice. Enquiries were commenced with the Disclosures Unit of Lancashire Constabulary to establish the facts and on the 20th September 2007, Officers from the Licensing Team observed AL driving a licensed private hire vehicle. They spoke with him and reminded him of the need to formally notify the Council of
3. The Officers spoke with AL in relation to the matter and reminded him that in accordance with the conditions of his licence he is required to notify the Council of all convictions received. The cover letter used to issue all drivers licences makes reference to this, along with condition 2 of the Private Hire Drivers Licence which states, *"Any change affecting this licence must be notified within 14 days to the Chief Executive."*
4. Following the conversation, AL assured the officers that he would attend the Licensing Office the following day to formally notify of the convictions he had incurred. AL did not attend as promised, and at the time of submitting this report has still failed to provide the formal notification.
5. The Hackney Carriage and Private Hire Licensing Policy comments in relation to convictions involving dishonesty that,

### **3.5 Convictions for dishonesty**

*The penalty imposed for such contraventions must be proportionate to the gravity of the offence. Again the purpose is not to punish an individual twice but to ensure that the licensee is made absolutely clear as to the level of trust expected of licensed drivers and operators. In serious cases a lengthy suspension or revocation may be justified particularly if the offence was connected with his work. If the offence was less serious or isolated a lesser penalty including a shorter suspension or even a warning may be sufficient to make a driver realise the importance of honesty in his chosen profession.*

7. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states, "a district council may suspend or revoke or ... refuse to renew the licence of a driver of a Hackney Carriage or a Private Hire vehicle on any of the following grounds:-
  - a) that he has since the grant of the licence:-
    - i) been convicted of an offence involving dishonesty, indecency or violence
    - ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of the Act; or
  - b) any other reasonable cause."
8. Confirmation of the offences and the method of disposal of them is currently being sought from the Lancashire Constabulary and as such, full details shall be provided to the members at the meeting.

9. AL has been invited to the Meeting and the Committee is therefore requested to consider the report and determine whether to:
- a) note the report,
  - b) issue a warning letter,
  - c) suspend the licence
  - d) revoke the licence.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention on Human Rights in reaching its decision.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	5 <sup>th</sup> October 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
Statement of Hackney Carriage and Private Hire Licensing Policy		<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> / Town Hall

#### Attached documents

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	8

## PRIVATE HIRE DRIVER APPLICATION

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

Following an application made to the Licensing Team for the grant of a Private Hire Drivers Licence, the Committee is requested to consider the report and determine if they consider the applicant fit and proper to hold such a licence.

### Recommendation

1. That the Committee considers the report and determines the application.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing

Councillor Mrs Patricia Fieldhouse

### Report

1. An application has been made by SC for the grant of a Private Hire Drivers licence.
2. In accordance with the standard procedure for all applications, the applicant was requested to submit a Criminal Records Bureau check and undergo a medical examination.
3. The Disclosure has revealed matters of concern which are detailed below:

Continued....

DATE	COURT	OFFENCES	SENTENCE OR ORDER OF COURT
23 <sup>rd</sup> October 2005	N/A	Assault occasioning Actual Bodily Harm	Formal Caution

4. The applicant has also declared a pending matter of Section 34 Common Assault which is due before the Magistrates in November 2007.
5. Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, "a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence."
6. Appendix F of the Council's Statement of Taxi and Private Hire Licensing Policy comments in Appendix F, point 3.7 that,

### **3.7 Violence**

*As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for offences involving violence. Applicants with a conviction or caution for grievous bodily harm, wounding, serious assault, possession of a dangerous weapon or other serious offence involving violence or where the offence involved loss of life, will normally be refused a licence. At least 5 years free of such conviction or caution, from either the date of conviction or caution, or from completion of any custodial sentence imposed, which ever is the latter must be shown before an application is entertained and even then careful consideration will be given to the circumstances of the offence and a strict warning will be administered. Convictions for minor violence related offences, e.g. threatening, abusive or insulting behaviour will not necessarily prevent a person from proceeding with an application. In deciding whether to grant such an application the authority will consider the nature of the offence, how long ago it was and what age the applicant was when it was committed and any other factors, which may be relevant.*

7. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention on Human Rights in reaching its decision.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	8 <sup>th</sup> October 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
Statement of Hackney Carriage and Private Hire Vehicle Licensing Policy		Licensing Office, Town Hall, St Annes and <a href="http://www.fylde.gov.uk/licensing">www.fylde.gov.uk/licensing</a>

#### Attached documents

NONE

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	9

## PRIVATE HIRE DRIVER APPLICATION

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

Following an application made to the Licensing Team for the grant of a Private Hire Drivers Licence, the Committee is requested to consider the report and determine if they consider the applicant fit and proper to hold such a licence.

### Recommendation

1. That the Committee considers the report and determines the application.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing

Councillor Mrs Patricia Fieldhouse

### Report

1. An application has been made by NH for the grant of a Private Hire Drivers licence.
2. In accordance with the standard procedure for all applications, the applicant was requested to submit a Criminal Records Bureau check and undergo a medical examination.
3. The Disclosure has revealed matters of concern which are detailed below:

Continued....



DATE	COURT	OFFENCES	SENTENCE OR ORDER OF COURT
19 <sup>th</sup> September 2003	Blackpool Magistrates	Driving a mechanically propelled vehicle while unfit through drink or drugs (drugs)	Fine £100  Disqualification from driving 1 year.

4. A pending matter has also come to light which has not been declared by the applicant in relation to matters under the Theft Act 1968 and the Security Administration Act 1992. Further information in relation to these matters will be provided to Members at the time of meeting.
5. Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, "a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence."
6. Appendix F of the Council's Statement of Taxi and Private Hire Licensing Policy comments in Appendix F, in relation to the relevance of convictions that,

<b>3.4</b>	<b>Drunkenness</b>
<b>3.4.1</b>	<b>With a motor vehicle</b>
	A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink. Where a disqualification has been imposed as a result of a drink-driving offence, an application will generally be refused unless a period of 5 years free of conviction has passed since the return of the DVLA licence. More than one conviction for such offences will raise grave doubts as to the applicant's fitness to hold a licence and will normally require at least a 10 year clear period from conviction before an application is likely to be considered favourably. If there is any suggestion that the applicant is an alcoholic, a special medical examination will be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years must elapse after treatment is complete before a further licence application is considered.
<b>3.4.2</b>	<b>Not in a motor vehicle</b>
	An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

<b>3.5</b>	<b>Drugs</b>
	An applicant with a conviction for a drug related offence is required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

7. Furthermore, appendix F, at point 3.8 comments as follows,

<b>3.8</b>	<b>Dishonesty</b>
	Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of 5 years free of convictions will be required before an application is entertained.

8. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

<b>IMPLICATIONS</b>	
Finance	None arising directly from the report.
Legal	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention on Human Rights in reaching its decision.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	8 <sup>th</sup> October 2007	

### List of Background Papers

Name of document	Date	Where available for inspection
Statement of Hackney Carriage and Private Hire Vehicle Licensing Policy		Licensing Office, Town Hall, St Annes and <a href="http://www.fylde.gov.uk/licensing">www.fylde.gov.uk/licensing</a>

### Attached documents

NONE

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> OCTOBER 2007	10

## HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

### Public

This item is for consideration in the public part of the meeting.

### Summary

A current driver benefiting from both a Hackney Carriage and a Private Hire drivers Licence has been convicted of number of motoring offences.

In light of the number of convictions, over a relatively short period of time, the matter has been referred to the Public Protection Committee for consideration as to whether the driver is fit and proper to hold a licence.

### Recommendation

1. That the Committee considers the report and determines the application.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Community and Social Wellbeing

Councillor Mrs Patricia Fieldhouse

### Report

1. SM is an existing driver, benefiting from both a Hackney Carriage and a Private Hire drivers licence issued by Fylde Borough Council.

2. SM has recently notified the Licensing Department of a number of motoring convictions incurred as detailed below.

<b>Court Code</b>	<b>Offence</b>	<b>Date of Offence</b>	<b>Fine</b>	<b>Penalty Points</b>
2012	Exceeding Statutory speed limit on public road	1/10/2006	Not known	3
1992	Exceeding Statutory speed limit on public road	13/12/2006 (convicted 7/3/07)	£150	5
2012	Contravention of Pedestrian Crossing Regulations with moving vehicle	9 <sup>th</sup> March 2007	Not known	3

3. The Hackney Carriage and Private Hire Licensing Policy comments in relation to convictions incurring during the period of a licence that,

### **3 MATTERS TO BE DEALT WITH BY THE PUBLIC PROTECTION COMMITTEE**

The Public Protection Committee will be asked to deal with the more serious offences and/or to determine the most appropriate action where further offences occur within 2 years of the issue of a warning or other informal action. The committee may choose to take any actions open to the licensing officer. Whilst it is not possible to cover every conceivable offence, listed below are those specific matters which will always be referred to the Committee. The Public Protection Committee may decide to take any of the actions open to them dependent on the facts of each particular case. However also listed below are some general suggestions as to appropriate sanctions to be imposed.

#### **3.1 Conviction of a major traffic offence or insurance offences**

The actions taken will be dependent on the facts of the case and the representations made. In principal the Committee will not seek to punish an offender twice but to take measures to ensure that the licensee is aware of the importance of maintaining a high standard of driving. A warning will generally be an appropriate decision. However, if the offence is particularly serious or the circumstances warrant it, a short suspension of the licence may be imposed

7. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states, “a district council may suspend or revoke or ... refuse to renew the licence of a driver of a Hackney Carriage or a Private Hire vehicle on any of the following grounds:-

a) that he has since the grant of the licence:-

- i) been convicted of an offence involving dishonesty, indecency or violence
- ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of the Act; or

b) any other reasonable cause.”

8. SM has been invited to the Meeting and the Committee is therefore requested to consider the report and determine whether to:

- a) note the report,
- b) issue a warning letter,
- c) suspend the licence
- d) revoke the licence.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	The Committee should have regard to the requirements of fairness and proportionality and to the European Convention on Human Rights in reaching its decision.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	11 <sup>th</sup> October 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
Hackney Carriage and Private Hire Licensing Policy	September 2006	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> or Town Hall

## Public Protection Committee



Date	28 June 2007
Venue	Lowther Pavilion, Lytham
Committee members	David Eaves (Chairman)  Dawn Prestwich (Vice-Chairman)  Councillors Christine Akeroyd, Keith Beckett, Elizabeth Clarkson, John Davies, Barbara Douglas, Ken Hopwood, Angela Jacques
Other Councillors	None
Officers	Chris Hambly, Clare Holmes, Lyndsey Lacey

### 1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Public Protection Committee meeting held on 9 January 2007 as a correct record for signature by the chairman.

### 3. Substitute members

Nil

### 4. Hackney carriage driver application

Chris Hambly (Licensing Officer) reported receipt of a Hackney Carriage driver application. The application was referred to the committee because of a conviction in October 2005. A copy of the report had previously been circulated to each member of the committee.

It was subsequently reported that the applicant was unable to attend the meeting and had asked the committee to consider adjourning the meeting.

The committee RESOLVED to defer consideration of this matter to the next appropriate meeting of the committee.

### 5. Private Hire driver application



Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application. The application was referred to the committee because of various convictions between the period 2000 and 2003. The applicant addressed the committee in support of his application and answered questions from committee members. A copy of the report had previously been circulated to each member of the committee. In addition, letters in support of the application and other appropriate information was circulated at the meeting.

The committee then discussed the application and RESOLVED to approve the application of Alan Andrew Bates as the applicant was considered to be fit and proper person to hold a private hire drivers' licence.

#### 6. Request for dispensation from displaying private hire vehicle signage

Chris Hambly (Licensing Officer) reported receipt of a letter from Mr G.L Booth requesting dispensation from displaying the required private hire vehicle signage. A copy of the letter was circulated with the agenda. Various letters in support of the application were circulated at the meeting.

Following discussion the committee RESOLVED to agree to the dispensation from displaying private hire vehicle signage subject to a windscreen badge being displayed on the vehicle at all times.

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