



Meeting Agenda

**Public Protection Committee
Lowther Pavilion, Lytham
28 June 2007, 10:00am**

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: Lyndsey Lacy, St. Annes (01253) 658504, Email: lyndseyl@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
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are 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.</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Public Protection Committee held on 9 January 2007.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. HACKNEY CARRIAGE DRIVER APPLICATION	5 – 7
5. PRIVATE HIRE DRIVER APPLICATION	8 – 10
6. REQUEST FOR DISPENSATION FROM DISPLAYING PRIVATE HIRE VEHICLE SIGNAGE	11 – 14

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	28 TH JUNE 2007	4

HACKNEY CARRIAGE 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 Hackney Carriage 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 & Social Wellbeing

Councillor Mrs Fieldhouse

Report

1. An application has been made by BPC for the grant of a hackney carriage driver's 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 a recent Caution/Reprimand/Warning as detailed below:

DATE	POLICE FORCE	OFFENCES	METHOD OF DISPOSAL
13 th October 2005	Lancashire Constabulary	Assault Occasioning Actual Bodily Harm on 13 th October 2005 Offences against the Person Act 1861 S47	Caution

4. Section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a hackney carriage unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
5. Appendix F of the Council’s Statement of Taxi and Private Hire Licensing Policy comments in Appendix F, point 3.7

“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.”

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

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	

Sustainability	
Health & Safety and Risk Management	

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 658422	11 th June 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 www.fylde.gov.uk/licensing

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	28 TH JUNE 2007	5

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 & Social Wellbeing

Councillor Mrs Fieldhouse

Report

1. An application has been made by AAB 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
24 th February 2000	Blackpool Magistrates	Dangerous Driving on 23 rd May 1999 Road Traffic Act 1988 S2	Fine £130 Costs £120 Disqualified from driving 12 months and until extended driving test passed.
8 th March 2000	Lancaster Magistrates	Dangerous Driving on 5 th September 1999 Road Traffic Act 1988 S2	Fine £50 Costs £100 to CPS Disqualified from driving 18 months. Driving licence endorsed 0 penalty points.
30 th January 2003	Wyre Magistrates	Driving whilst disqualified on 11 th January 2003. Using vehicle whilst uninsured on 11 th January 2003 Road Traffic Act 1988 S.143(2)	Fine £75 Driving Licence endorsed 0 Penalty Points Fine £75 Costs £50 Driving Licence endorsed 7 Penalty Points

4. 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."
5. Appendix F of the Council's Statement of Taxi and Private Hire Licensing Policy comments in Appendix F, point 3.2 that,

"An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years will normally merit refusal with no further application then being considered until a period of 1 to 3 years free from convictions has elapsed. A single conviction for causing death by careless driving or by dangerous driving will be reported to the Public Protection Committee for determination on the merits of the case."

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

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 658422	11 th June 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 www.fylde.gov.uk/licensing

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	28 TH JUNE 2007	6

REQUEST FOR DISPENSATION FROM DISPLAYING PRIVATE HIRE VEHICLE SIGNAGE

Public

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

Summary

A request has been received for dispensation from displaying the required private hire vehicle signage.

The signage requirements set within the Borough are for the protection of the public with regards to the ease of recognising private hire vehicles. However, it is understood that this vehicle is to operate as Chauffeur or Executive hire.

Recommendation

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

Cabinet Portfolio

The item falls within the following cabinet portfolio:

Community & Social Wellbeing

Councillor Mrs Fieldhouse

Report

1. A formal request has been received from GB Chauffeur Services, a licensed Private Hire Operator operating in the Borough, for dispensation from displaying the required signage upon a licensed private hire vehicle.
2. Private Hire vehicles are currently required to display the Fylde Borough Council door stickers and identity plates to the front and rear of the vehicle.
3. However, S75 (3) of the Local Government (Miscellaneous Provisions) Act 1976, does provide Local Authorities with the discretion to provide dispensation from displaying signage, in writing.
4. Dispensation is currently granted to some Private Hire Operators in Fylde Borough involved in the Chauffeur Business. The proprietors of vehicles are still required to display a disc confirming the vehicle to be licensed as a Private Hire vehicle, whilst all signage such as the identity plates and door signs must be conveyed in the boot of the vehicle.
5. The number of such requests is on the increase and an attempt to clarify the situation is laid out in the Hackney Carriage and Private Hire Licensing Policy at Appendix A, paragraph 13.5 which states,

“All applications for dispensation from the requirements to display external vehicle licence plates will be considered by the Public Protection Committee who will take account of the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the committee that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). Such vehicles must display a windscreen badge, provided by the council. These badges will show the details of the vehicle as they appear on the plate. Vehicle licence plates and door signs will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be limousines, executive type cars, such as top range Mercedes, BMW’s etc.”

6. As such, the matter is referred to the Public Protection Committee so that consideration may be given to the request.
5. The applicant has been invited to attend the meeting.

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk	

Management	
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REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	(01253) 658422	11 th June 2007	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Taxi Policy	September 2006	www.fylde.gov.uk and licensing office

Attached documents

- 1) Request for dispensation from signage

Mr Gavin L Booth
T/a GB Chauffeur Services
3 Myerscough Avenue
Blackpool, Lancs
FY4 3RD

Dated 16th May 2007
Tel : 07919 883955

Dear Mr C Hambly

With regards to conversations with Mrs Pat Donovan in relation to my Private Hire Vehicle namely Mercedes S320 Limo, Reg: P590 UGK.

Please accept this letter as my application for exemption of livery and plates to said vehicle. My reason for this being that said vehicle is not going to be used in the usual manner of private hire ie taxi runs to airports, pub runs, shopping ect, but for the use of contract business work plus the occasional wedding.

I would also like to add that as i have currently been offered work from one Mr Peter Barnet T/a Executive Services & Helpline, Blackpool on condition that permission is granted for the exclusion of livery and plates due to the security aspects of his government clients.

As I am only starting out in this field I feel this will be a great opportunity for myself and family, and one that I hope will a stepping stone in my future as being self employed.

I am fully aware that any decision made on behalf of myself will be decided at the next committee meeting to which I will hopefully be able to be given the chance to explain my reasons in a more in depth way.

Yours Sincerely



Mr G L Booth

Public Protection Committee



Date	9 January 2007
Venue	Reception Room, Town Hall
Committee members	Dawn Prestwich (Chairman) Christine Akeroyd (Vice-Chairman) Susan Fazackerley, Karen Henshaw JP, Ronald Wilson, Keith Wright
Other Councillors	None
Officers	Chris Hambly, Stuart Handley, Lyndsey Lacey
Others	Mr Brian O Neil

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 20 September 2006 as a correct record for signature by the chairman.

3. Substitute members

Nil

4. Meadfoot Caravan Site

Stuart Handley (Commercial and Licensing Manager) presented an updated report on a previous decision of the committee to impose an additional condition to the existing caravan site licence to Meadfoot Caravan Park.

The committee was reminded that the additional condition related to ensuring safe distances between caravans, which are situated at the boundary wall to an adjacent caravan site. The condition states:

“Every caravan shall not be less than 3 metres from the boundary of the site, which is not adjacent to open rural land or water course

(The above condition must be fully complied with, within 5 years from the date of this Licence)”

It was further reported that as a result of consultation on the above resolution, Mrs Garner, site owner to Meadfoot, made written representation (detailed on the agenda) appealing against the building of a wall, which was suggested as an alternative to the above condition, by the Fire Officer for Lancashire Fire and Rescue Service. A further written representation dated 14/12 generally expressing her objection and difficulty in meeting the requirements of the condition was read out to the committee.

Following detailed consideration, the committee RESOLVED:

1. To confirm the decision to impose the condition as detailed above.
2. That the Officers consult the Lancashire Fire and Rescue Service on the fire risk implications prior to full compliance with the condition and the undertaking of a suitable fire risk assessment by the site owners of both Meadfoot and the adjoining caravan site.

5. Hackney carriage driver application

Chris Hambley (Licensing Officer) reported receipt of a Hackney hire driver application. The application was referred to the committee because of various convictions between the period 2002 and 2004. 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.

The committee then discussed the application and RESOLVED to approve the application of Brian O Neil as the applicant was considered to be fit and proper person to hold a hackney carriage drivers' licence subject to the receipt of satisfactory references from Darlington Council.

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