

Public Protection Committee



Date	29 March 2010
Venue	Town Hall, St Annes
Committee members	Angela Jacques (Chairman) Dawn Prestwich (Vice-Chairman) Christine Akeroyd, John Davies, Barbara Douglas, David Eaves, Ken Hopwood
Other Councillors	Cheryl Little
Officers	Ian Curtis, Chris Hambly, Michael Duck, Annie Womack,
Others	Mr M Bond FICS; members of the public

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 held on 19 January 2010 as a correct record for signature by the chairman.

3. Substitute members

None

4. Bank Lane Caravan Park, Warton

Michael Duck (Environmental Health Officer) presented a report on Bank Lane Caravan Park, Warton to enable Members to further consider an application to vary and remove the following conditions of the existing licence 1a) - relating to the increase of the total number of caravans from 200 to 230; and removal of condition 2b) to allow full time holiday occupancy of touring caravans during the season.

This matter had been debated at the previous committee meeting on 19 January 2010, and subsequently a number of members of the committee had attended a site visit to the Caravan Park. Additionally, legal advice had been sought regarding the imposition of conditions on the licence, which in the owner's opinion restricted his ability to trade.

The legal advice was included in full in the report. Mr Duck explained that effectively, conditions could not be imposed for planning reasons, but must be required, for example, for reasons of public health or safety connected with living conditions. He said that this could include issues such as poor thermal comfort of the caravans during the winter months.

Members raised several concerns regarding the management of the site during the winter months, amongst which were issues around the lack of fire extinguishers and attendant fire risks, whether the water supply and toilet facilities would remain on, whether caravan owners could visit the site out of season, and whether it was feasible to negotiate a restriction to continuous occupation or an extension to the existing close season for touring caravans, for health and safety reasons.

Mr Michael Bond, who was representing the site owner, was invited by the Chairman to comment.

He argued that imposing conditions such as a change to the close season would be outside existing planning permissions. He did not agree that there were health and safety grounds for limiting the period of continuous occupation or reducing the open season, and that the close season as it stood was reasonable. He said that there was no evidence that he was aware of, of people living in caravans during the close season, although he was not involved with the running of the site.

Members suggested that the periods of occupancy and the

The committee debated the matter and RESOLVED:

- 1 To agree to vary the licence conditions to allow an increase to the total number of caravans on site from 200 to 230
- 2 To accept the site owner's offer (made previously) to initiate and maintain a register of caravan owners' permanent addresses
- 3 To defer the decision on condition 2b) pending discussions and negotiation with the site owner and to return the matter to the committee within 2 months

The Chairman indicated that she felt the matter was not controversial and that no useful purpose would be served by having a recorded vote. The resolution was carried by a show of hands.

5. Designated Public Place Orders (DPPOs) as amended

Chris Hambly (Licensing Officer) introduced a report to advise the members of the results of the consultation which was agreed at the last meeting of the committee, which concerned the introduction of a DPPO along Lytham Green and the Lancashire Coastal Path between the old Land Registry Building and Fairhaven Lake.

The local authority has the power to so designate a public place if it is satisfied that nuisance or annoyance to the public, or disorder has been caused due to the consumption of intoxicating liquor in that place. He reminded the committee that a DPPO is not a ban on the consumption of alcohol, but is a tool for the police to deal with issues arising from nuisance or annoyance associated with alcohol consumption.

Mr Hambly explained that the consultation process was now complete, and there had been contact with interested parties, and a Public Notice placed in the Lytham St Annes Express. A schedule of responses was attached to the report.

As a result of the consultation, it was requested that the order was extended to the mean low water mark, to prevent persons from simply stepping through the fence, onto the beach and out of the designated area.

Members queried whether there would be sufficient resource to provide enforcement, and were advised that the power is a discretionary power which is only used when the need

arises, particularly on specific event days. If problems arose at other times, then police could be deployed as appropriate and would have the power to resolve the issues.

The committee considered the matter and RESOLVED:

1. To approve the Designated Public Place Order as outlined.

The Chairman advised that she felt that the decision was not controversial, the committee agreed and the resolution was carried by a show of hands.

6. Street Trading Policy

Chris Hambly (Licensing Officer) presented a report on Street Trading Policy.

He reminded members that at their previous meeting on 19 January 2010, the committee had requested that a policy should be prepared by officers to give effect to conditions proposed by the committee, which would need to be approved before any permissions to trade on the redesignated streets could be granted.

Those redesignated areas were:

Inner Promenade between Ansdell Road South and St Pauls Ave
Lowther Gardens and Car Park
East Beach, Central Beach and West Beach, Lytham
Wood St and Wood Street Car Park, St Annes
Ashton Gardens, St Annes

Mr Hambly explained that the existing Street Trading Policy already consisted of three schedules - A, B and C - and that the newly redesignated areas would fall under the new Schedule D, which was attached to the report. He said that in formulating the Schedule, officers had met with the Chairman of this committee, the Portfolio Holder for Social Wellbeing, Mr John Moxham (Chamber of Trade) and Ms Amanda Del Masso.

A question was raised whether applications under this schedule should be considered by a sub-committee of the Public Protection Committee, but overall members preferred consideration by full committee.

The committee considered the matter and RESOLVED:

- 1 To approve the policy to be applied to all applications for street trading consents in the above-mentioned areas

The Chairman advised that she felt that the decision was not controversial, the committee agreed and the resolution was carried by a show of hands.

7. Hackney Carriage and Private Hire Drivers Licence - DB

Chris Hambly (Licensing Officer) reported that DB had recently been disqualified from driving under the totting up procedure. He is currently licenced as a Hackney Carriage and Private Hire driver, with the licence due to expire on 14 August 2010.

The matter had been brought before the committee for consideration as to whether the person is fit and proper to hold a licence.

The applicant was not present when the agenda item came to be considered. However, Mr Hambly told the committee that DB had been made aware that the matter was to be heard

at this meeting. He advised members that they could consider and determine the matter in DB's absence if they so wished. The committee elected to do so.

The committee considered the matter and RESOLVED:

- 1 To revoke the licence and to require DB to come before the committee to reapply at the appropriate time, should he wish to do so.

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