



## Meeting Agenda

**Public Protection Committee  
Reception Room, Town Hall  
26 March 2008, 10:00am**

**The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other persons can be admitted.**

# **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 Councils Code of Conduct 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 13 February 2008.</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. STREET TRADER</b>   | 5 – 11  |
| <b>5. REQUEST FOR DISPENSATION FROM DISPLAYING – PRIVATE HIRE VEHICLE SIGNAGE</b>   | 12 – 15 |
| <b>6. ADVERTISING ON HACKNEY CARRIAGES</b>  | 16 – 21 |
| <b>7. FOREIGN APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES</b>   | 22 – 24 |
| <b>8. HACKNEY CARRIAGE STAND – GARDEN ST, ST ANNES</b>  | 25 – 26 |
| <b>9. PRIVATE HIRE DRIVER APPLICATION - DLM</b>   | 27 – 29 |
| <b>10. HACKNEY CARRIAGE DRIVER APPLICATION - SN</b>   | 30 – 32 |
| <b>11. HACKNEY CARRIAGE DRIVER APPLICATION - CM</b>   | 33 – 36 |
| <b>12. PRIVATE HIRE DRIVER APPLICATION - MS</b>   | 37 – 39 |
| <b>13. HACKNEY CARRIAGE DRIVERS LICENCE - BEP</b>   | 40 – 43 |

# REPORT



| REPORT OF                               | MEETING                        | DATE                           | ITEM NO |
|---|--------------------------------|--------------------------------|---------|
| CONSUMER<br>WELLBEING AND<br>PROTECTION | PUBLIC PROTECTION<br>COMMITTEE | 26 <sup>TH</sup> MARCH<br>2008 | 4       |

## STREET TRADER

### Public Item

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

### Summary

1. To consider a representation from the Lancashire Council Highway Authority to prohibit a licensed street trader from trading on the highway at St Georges Park, Kirkham. The representation being as a result of road safety concerns regarding the location.

### Recommendations

2. To determine the request from Lancashire County Council to prohibited street trading on the highway at St Georges Park Kirkham, as defined in the Local Government (Miscellaneous Provisions) Act 1976.

The item falls within the following Cabinet portfolio:  
Community and Social Wellbeing: Councillor Patricia Fieldhouse

### Report

1. Officers of the Consumer Wellbeing and Protection Unit have received a request from Karen Galloway, Chief Traffic & Development Engineer for Lancashire County Council Highway Authority, to prohibit street trading on St Georges Park, Kirkham. The request being as a result of road safety concerns regarding a street trader currently operating on the site as a mobile catering unit, known as 'Mother Hubbard'. A copy of the formal representation is attached at Appendix 1.

2. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976, no person can trade on any street within the Borough without the necessary consent granted by the Council. Consents are granted subject to certain conditions, which include:

- (i) Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
- (ii) No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employee.

The Council may revoke a consent at any time, should one or more of the conditions be breached. There is no direct right of appeal under the Act against the refusal to grant or renew a consent or against the revocation or variation of a consent.

3. In addition to the above, under the provisions of the Act the Council may by resolution designate any street in the district as a prohibited street for the purpose of street trading. Before passing such a resolution the Council shall publish a notice of its intention in the local newspaper and notify the Lancashire Constabulary and Lancashire County Highways Authority. That resolution comes into effect one month beginning with the date on which that resolution was passed. There are a list of streets within the Borough which are currently designated as prohibited streets, all of which are in the Lytham and St Annes area.
4. All existing consents are renewed upon application every Calendar year. Mr Alan Beesley, who operates the catering Unit and in whose name the consent is granted, started trading on the site back in March 2001. When Mr Beesley's current consent was renewed for 2008 he was advised of the concerns expressed by Lancashire County Council regarding road safety issues and that should a formal representation be made by the County Council then the matter would be reported to the Public Protection Committee for their consideration, see letter at Appendix 2.
5. In addition to the above representation from Lancashire County Council, the Consumer Wellbeing and Protection Unit has received a number of complaints during the period Mr Beesley has traded from this site, the Police, local residents and a Borough Councillor on behalf of residents, 5 complaints in total. All the complaints relate to road safety issues i.e. traffic congestion and obstruction.
6. Mr Beesley and a representative for Lancashire County Council will be invited to attend the meeting. Lancashire Constabulary will also be advised of the meeting, should they wish to make representation.
7. There are various options available to the Committee, including:
- (i) Take no further action.
  - (ii) Give the trader due notice that his consent will be revoked should he fail to relocate to a more suitable site. It has been suggested by the County Council that the trader be allowed until June 2008 in which to relocate.
  - (iii) Revoke the consent.
  - (iv) In addition or as an alternative to revocation, designate all the link roads on St Georges Park as Prohibited streets for the purpose of street trading.

| IMPLICATIONS                        |  |
|-------------------------------------|--|
| Finance                             | No direct implications arising from this report  |
| Legal                               | See human rights below   |
| Community Safety                    | No direct implications arising from this report  |
| Human Rights and Equalities         | Although there is no right of appeal against revocation under the Local Government Miscellaneous Provisions Act, the appellant has rights under the Human Rights Act 1998. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. |
| Sustainability                      | No direct implications arising from this report  |
| Health & Safety and Risk Management | No direct implications arising from this report  |

| Report Author  | Tel            | Date           | Doc ID          |
|----------------|----------------|----------------|-----------------|
| Stuart Handley | (01253) 658603 | Date of report | 11th March 2008 |

| List of Background Papers |                     |                                |
|---------------------------|---------------------|--------------------------------|
| Name of document          | Street Trading File | Where available for inspection |
| Document name             |                     | Council offices                |

#### Attached documents

1. Appendix 1 Letter dated 10<sup>th</sup> March 2008 from Karen Galloway Lancashire County Council.
2. Appendix 2. Letter dated 19<sup>th</sup> December 2007 Stuart Handley Fylde Borough Council

Built Environment Manager  
Fylde Borough Council  
Town Hall  
St Annes Road West  
Lytham St Annes  
FY8 1LW

Tel (01524) 753340  
Fax (01524) 753345  
Email traffic&devnorth@env.lancscc.gov.uk  
  
Your ref  
Our ref T5/KIR KG/DD  
Date 10 March 2008

stuarth@fylde.gov.uk

Dear Stuart

**BOROUGH OF FYLDE  
ST GEORGES PARK, KIRKHAM  
MOTHER HUBBARDS. STREET TRADING CONTROL LICENCE NO 0017**

I refer to previous email communication on the above subject, and thank you, for a copy of your letter dated 19<sup>th</sup> December 2007 detailing renewal of Mr Beesleys' Licence.

The mobile food unit (Mother Hubbards) operating from the carriageway on St Georges Park, Kirkham, continues to give me cause for concern.

The road network on St Georges Park, Kirkham has, after many years of waiting, finally been adopted. St Georges Park has been the subject of a Highways Act Section 38 agreement with the developer, since February 1993. This is a means by which the Highway Authority will adopt a road when it is made up to the required standard. It has taken until October 2007 for the length of road upon which Mother Hubbards operates, to reach adoptable standard. The Highway Authority maintains, and controls usage of the adopted highway by a variety of means. The catering unit, parked on the carriageway, obstructs the running carriageway, which is for the passing and re-passing of traffic.

The unit is undoubtedly a successful business and has many clients, amongst them lorry drivers who park on the link road between Kirkham Bypass and Foxwood Drive. Parking on this link road makes it difficult for drivers to emerge from Foxwood Drive and be able to see round the parked vehicle. Once a commitment to the manoeuvre has been made, oncoming traffic from the bypass must give way, often having to wait on the bypass roundabout. This is a potential conflict point and, while no accidents have yet been recorded, it remains a cause for concern. Other customers park on the Kingfisher pub car park.

Over many years, Councillors, County officers and the Police have received complaints, principally from the residents of St Georges Park about parking associated with the mobile catering unit.

Mother Hubbards (the catering unit) have been aware of the problems and complaints associated with their operation for many years as the Police have previously discussed it with them.

Continued



County Policy is such that the operation of a mobile catering unit from the public highway is disapproved of. The exception is if the unit is operating from a layby, and even then the policy is to disapprove unless the circumstances are such that it poses no danger to other highway users, and does not interfere with the free flow of traffic/ correct use of the layby, which is to stop and rest/take a break etc. In this situation, the County would issue a letter of 'non-disapproval'.

When considering a site, potential catering outlets must firstly obtain a letter of non-disapproval from the County Council, followed by the applicant applying for, and obtaining a street trading consent certificate (assuming the street in question is a 'consent street') from the District Council, Fylde Borough Council in this case. This procedure has been discussed in depth with Fylde, and the particular issue has strengthened the understanding of the process, and relationship between the two councils.

St Georges Park has limited access, turning and parking facilities. The operation of the catering unit from the public highway exacerbates all of these problems by

- Obstructing the public highway
- Attracting additional traffic to the estate, often parking in such a manner as to impede the safe passage of vehicles on the public highway.

The County Council consider that the adopted highways on St Georges Park are unsuitable to be used for street trading of any kind, and would like them designated as prohibited streets.

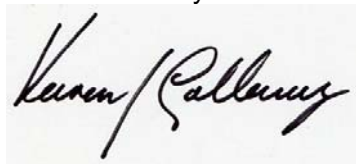
I am requesting that the Public Protection Committee consider my comments and revoke Mr Beesleys' Street Trading Consent. I am also requesting that St Georges Park link roads be designated as prohibited streets for the purposes of street trading.

I had earlier agreed to give Mr Beesley a reasonable length of time to find an alternative location, I had mentioned 6 to 12 months. On this basis any revocation should be effective from May/June 2008.

Parking issues on St Georges Park will be considerably eased if the catering van is removed, as there will be less traffic attracted to the area. It is unlikely that they will disappear entirely, and I am currently investigating the possibility of introducing waiting restrictions on the link road between Kirkham Bypass and Keypack roundabout. These proposals will have to be extended if the catering van is not removed. I am not keen to pursue this option because I don't want to transfer parked vehicles into the residential estate.

The Highway Authority cannot identify alternative locations, but if Mother Hubbards have any suggestions, my staff will be pleased to discuss the issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Galloway', written in a cursive style.

Karen Galloway  
Chief Traffic & Development Engineer (North)



Mr A Beesley  
Beechwood  
White Carr Lane  
Moorside  
Treales  
PR4 3PT

*Our Ref:* 148114srh(1)

*Your Ref:*

*Please Ask For:* Stuart Handley

*Telephone Extension:* 01253 658603

*Email:* [stuarth@fylde.gov.uk](mailto:stuarth@fylde.gov.uk)

*Date:* 19<sup>th</sup> December 2007

Dear Mr Beesley,

**Local Government (Miscellaneous Provisions) Act 1982  
Street Trading Control – Licence No. STC0017**

Thank you for your application to renew your street trading consent for 2008. Your application has been duly processed and I enclose your consent certificate.

As discussed during my inspection today, I have been advised by Karen Galloway, Traffic and Development Engineer for Lancashire County Council, that they have road safety concerns regarding your trading position. The main problem relates to vehicles parking on the link road between Kirkham bypass and Foxwood Drive. Parking on the link road makes it difficult for drivers to emerge from Foxwood Drive and to be able to see round the parked vehicles. Once a commitment to manoeuvre has been made, oncoming traffic from the bypass must give way, often having to wait on the bypass roundabout.

As you are no doubt aware your consent is granted subject to certain conditions, which includes:

- (i) Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
- (ii) No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employees.

The Borough Council may revoke a consent at any time, for which there would normally be a refund, should one or more of the conditions be breached. In addition, under the provisions of the Act the Council may designate certain streets as prohibited streets for the purposes of street trading.

Town Hall, Lytham St. Annes, Lancashire, FY8 1LW  
Telephone: 01253 658658 Fax: 01253 713113 Web: [www.fylde.gov.uk](http://www.fylde.gov.uk)

In respect of the concerns expressed by Lancashire County Council, I am currently awaiting a formal response from them. Once I have received their formal representation the matter will be put before the Public Protection Committee for their consideration. You will of course also be given the opportunity to make representations to the Committee prior to their determination. I do not wish to pre-empt any decision the Committee may arrive at, but you may wish to consider an alternative trading location. As you will see I have copied this letter to Karen Galloway, as you may wish to discuss alternatives sites with Mrs Galloway, as well as ourselves.

I will advise you once I have received the formal response from Lancashire County Council and a committee date has been arranged. In the meantime if you wish to discuss any of the above please do not hesitate to contact me at this Office.

Yours Sincerely

Stuart Handley  
Commercial and Licensing Manager

# REPORT



| REPORT OF                              | MEETING                     | DATE                        | ITEM NO |
|--|-----------------------------|-----------------------------|---------|
| CONSUMER WELLBEING AND PROTECTION UNIT | PUBLIC PROTECTION COMMITTEE | 26 <sup>TH</sup> MARCH 2008 | 5       |

## 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 from a licensed Private Hire Operator seeking 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 the vehicles for which the dispensation is sought are 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. Members will recall that at the meeting of the Public Protection Committee on the 13<sup>th</sup> February, it was reported that a formal request has been received from Mr D Parkin of

Continued....

1<sup>st</sup> Class Limousine Services, a licensed Private Hire Operator operating in the Borough, for dispensation from displaying the required signage upon licensed private hire vehicles.

2. Mr Parkin failed to attend the meeting and accordingly the matter was deferred. Officers from the Licensing Team have contacted Mr Parkin who confirmed that he still wishes the matter to be considered at the Committees next meeting.
3. 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.
4. 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.
5. 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.
6. 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.”*

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

| IMPLICATIONS |  |
|--------------|--|
| Finance      | There are no implications arising directly from the report.  |
| Legal        | The requirement to display a licence plate is imposed in the interests of public safety and is intended to enable anybody picked up by a private hire vehicle to verify that the vehicle is a genuine licensed PHV. A further reason for plates being required is to enable a passenger or other member of the public to identify the vehicle in the event of an incident or cause for complaint. Allowing vehicles to operate without complying with the normal requirements to display a plate |

|                                     |   |
|-------------------------------------|---|
|                                     | <p>compromises these protections.</p> <p>In summary, members should, in considering whether to grant the dispensation, satisfy themselves that the lowering of the level of protection offered to the public is offset by some advantage offered by allowing the requests. None has been identified in the report, but no doubt the applicants will be able to provide more information to support their request.</p> |
| Community Safety                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | There are no implications arising directly from the report.   |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                        | Doc ID |
|---------------|----------------|-----------------------------|--------|
| Chris Hambly  | (01253) 658422 | 11 <sup>th</sup> March 2008 |        |

| List of Background Papers |                |   |
|---------------------------|----------------|---|
| Name of document          | Date           | Where available for inspection  |
| Taxi Policy               | September 2006 | <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> and licensing office |

### Attached documents

- 1) Request for dispensation from signage

# 1<sup>ST</sup> Class

LIMOUSINE SERVICES

Telephone: 01253 867 125

Danny Parkin: 07860 108 283

Email: [info@1stclasslimoservices.co.uk](mailto:info@1stclasslimoservices.co.uk)

Website: [www.1stclasslimoservices.co.uk](http://www.1stclasslimoservices.co.uk)



FAO Pat Donovan  
Fylde Borough Council  
Taxi Licensing Department  
Town Hall  
Lytham St Annes  
FY8 1LW

FYLDE BOROUGH COUNCIL

21 NOV 2007

Dear Pat

I would like to formally ask permission to use the limousine/s without having to display the relevant door signs, which state that it is a private hire vehicle and also the hackney carriage licence plate which is normally displayed on the rear of the vehicle.

In order to comply with regulations regarding the licence plate, I propose that the plate be kept inside the boot so that it is easily accessible for inspection without spoiling the exterior image of the vehicle, which is so important to this type of business

Finally, please be aware that our chauffeurs will in **ALL** circumstances, open and close the passenger doors on the kerbside, thus ensuring that no passenger leaves the limousine from a roadside door. This will be made clear to clients at the time of booking and will form part of our agreement with clients.

Please note that I would like to commence operation as soon as possible and to this end would be grateful if you could give this matter your earliest attention.

Kind Regards Danny Parkin



# REPORT

| REPORT OF                              | MEETING                     | DATE                        | ITEM NO |
|--|-----------------------------|-----------------------------|---------|
| CONSUMER WELLBEING AND PROTECTION UNIT | PUBLIC PROTECTION COMMITTEE | 26 <sup>TH</sup> MARCH 2008 | 6       |

## ADVERTISING ON HACKNEY CARRIAGES

### Public

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

### Summary

At a meeting of the Public Protection Committee on the 13<sup>th</sup> February 2008, members deferred a request from the Fylde Licensed Hackney Drivers Association relating to advertising on Hackney Carriages, requesting that a mock up vehicle be presented in the requested style prior to making a decision.

A further request has been received from that Association, attached at appendix 1 for the information and consideration of the Committee.

### 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. The Public Protection Committee of the 13<sup>th</sup> February considered a report relating to a request for advertising on hackney carriage vehicles. Following consideration, the Committee resolved "that the taxi trade be requested to prepare a hackney carriage vehicle displaying the proposed advertising signs in order that the



committee can view the mock-up vehicle prior to making a decision on the advertising on hackney carriage vehicles.”

2. Information has been received from the Fylde Licensed Hackney Drivers Association reporting that the cost of preparing such a mock up is £237 + vat. It is therefore requested by the Association that the Committee consider the application by viewing computer imagery, superimposed onto an existing licensed hackney carriage.
3. The request from the trade is attached at appendix 1, with the computer imagery at appendix 2.
4. It was identified on the 13<sup>th</sup> February that there were no objections as such to the actual contents proposed within the Taxi and Private Hire Licensing Policy and that the Committee may feel it appropriate to approve the policy as drafted and consider making additions, in relation to the authorisation of third party advertising. The relevant extract from the policy is attached at appendix 3.
5. It was also suggested that should the Committee be minded to authorise third party advertising, any advertising concerning matters sexual, religious, political, or the sale/promotion of alcohol and tobacco be prohibited. Furthermore, the Committee may wish to consider that any advertising to be displayed on vehicles should be in line with the principles of the General Rules laid down by the British Code of Advertising, Sales Promotion and Direct Marketing issued by the Committee of Advertising Practice.
6. The Committee is therefore requested to
  - a) to consider the request from the Fylde Licensed Hackney Drivers Association
  - b) Consider the approval of the Taxi and Private Hire Policy in relation with advertising on Hackney Carriages with any necessary amendments.

| IMPLICATIONS                        |   |
|-------------------------------------|---|
| Finance                             | There are no implications arising directly from the report. |
| Legal                               | There are no implications arising directly from the report. |
| Community Safety                    | There are no implications arising directly from the report. |
| Human Rights and Equalities         | There are no implications arising directly from the report. |
| Sustainability                      | There are no implications arising directly from the report. |
| Health & Safety and Risk Management | There are no implications arising directly from the report. |

| Report Author | Tel            | Date                        | Doc ID |
|---------------|----------------|-----------------------------|--------|
| Chris Hambly  | (01253) 658422 | 13 <sup>th</sup> March 2008 |        |

| List of Background Papers |                |   |
|---------------------------|----------------|---|
| Name of document          | Date           | Where available for inspection  |
| Taxi Policy               | September 2006 | <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> and licensing office |

#### **Attached documents**

- 1) Appendix 1 – E-mail from Mr J McLemon
- 2) Appendix 2 – Computer Imagery
- 3) Appendix 3 – Extract from Policy

Appendix 1

Received by e-mail – 12/3/08

Dear Chris,

I would like you to put this letter forward to the public protection committee on the 26th of March. At the last ppc meeting it was suggested by the committee that they see a mock up of a taxi done with the proposed signage before approving advertising on taxis. After doing some investigating into this (to no surprise to myself ) it works out very expensive to do a mock up with magnetic signage with the view that the public protection committee could reject my request . ive done some costings here as follows :magnetic £237 + VAT and stickers £212 +VAT . so i would like the ppc to consider another option done by computer imagery superimposed onto my taxi with something along those lines of how it will look. Im also very concerned that I have to go through this process with the amount of vehicles in the borough already displaying a lot of signage without having to go through what im experiencing, photographs can be produced to verify my claims and I feel that this tantamount to discrimination by the PPC towards myself and other independent hackney owners.If any members of the PPC want to speak to me directly to answer any queries about advertising or any other matters involving the Taxi Trade they are free to do so on *Address & phone withheld following conversation with Mr McLemon – details available from Licensing Team if required*

yours sincerely

James McLemon  
Chairman of FHLDA



SIGNAGE PROPOSAL FOR:  
**James Mclemon**

Job No: 36230

Date: 12/03/08

Scale:

Estimator: Sali

Designer:

APPROVED BY:

APPROVAL DATE:

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Tel: 01253 749281 Fax: 01253 753849

**GRANTHAM'S**  
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office@granthamsigns.co.uk



## **15 ADVERTISING ETC**

- 15.1 Any advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services is **not** permitted and no art works, slogans or other displays of any kind are permitted
- 15.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- 15.3 Subject to the following provisions of this section, a sign may be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.
- 15.4 Limited advertising, in line with the requirements of 15.1 and 15.2 above may be displayed on a vehicle subject to the following conditions:
- 15.4.1 **Hackney Carriages**
- (i) For saloons, hatchbacks and estate cars the lettering of all advertising/graphics etc must be a maximum height of 15 cm and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the bonnet or the rear of the vehicle. Any signage on hackney vehicles must include the word "Taxi" or "Taxis", to a maximum height of 15 cm.
  - (ii) For minibuses, transits and people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 25 cm and may be displayed on either the sides of the vehicle, front and rear wings, doors or on the rear of the vehicle. In addition, the word "Taxi" or "Taxis", to a maximum height of 30 cm, must be placed on the front and rear of the vehicle.
  - (iii) Any advertising may include details of current fare scales or discounts charged by the owner/proprietor.

# REPORT



| REPORT OF                              | MEETING                     | DATE                        | ITEM NO |
|--|-----------------------------|-----------------------------|---------|
| CONSUMER WELLBEING AND PROTECTION UNIT | PUBLIC PROTECTION COMMITTEE | 26 <sup>TH</sup> MARCH 2008 | 7       |

## FOREIGN APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES

### Public

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

### Summary

The purpose of the report is to consider an amendment to the policy relating to application procedures, in relation to applications for hackney carriage and private hire driver licences from foreign applicants and applicants who have lived abroad.

### 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. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a fit and proper person to hold a hackney carriage or private hire driver's licence. It is entitled to take account of several factors in reaching such a conclusion, so long as they are relevant to the role and functions of a driver of such vehicles.

2. Section 57 (1) of the Act of 1976 provides the power for an authority to require applicants to submit such information under this part of the Act as it may reasonably consider necessary to enable it to be determined whether to grant the licence and whether conditions should be attached to any such licence.
3. Section 17 of the Crime and Disorder Act 1998 imposes a general duty on local authorities to exercise their functions in such a manner as to have regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in their areas.
4. Our current requirements for ensuring an applicants fitness and propriety to drive are:
  - a. To be aged at least 20 years
  - b. Held a DVLA Licence for at least 12 months
  - c. To supply a medical certificate
  - d. Knowledge of the Borough Test (wef 1/4/08)
  - e. An enhanced Criminal Records Bureau check
  - f. Application Fee
5. The Licensing Team have noted a recent increase in the number of enquiries for driver licences from persons who have previously been resident outside the UK and there are concerns as to how the background details of such applicants may be verified.
6. For information, driving licences from countries within the European Union are acceptable by virtue of the Driving Licences (Community Driving Licence) Regulations 1996 which amended sections 51 and 59 to the Local Government (Miscellaneous Provisions) Act 1976 allowing full driving licences issued by European Economic Area states (EEA) to count towards the 12 month qualification period. Such a person is however, only allowed to drive with such a driver's licence for a period not exceeding three years after becoming a resident in the UK. They must then make application to DVLA for a new UK driver's licence.
7. However, the Criminal Records Bureau (CRB) check only relates to offences that have occurred in the UK and the Council is unable to verify whether or not information as to any offences committed abroad (or the lack of them) is correct.
8. It is possible from the CRB application form to ascertain applicants' addresses for the previous 5 years and some Authorities now request that the applicant supplies a "certificate of conduct" from the Embassy of the applicant's country of origin or where they have resided for a number of years.
9. It is therefore requested that the Committee give consideration to updating Appendix D of the Taxi and Private Hire Licensing Policy to include a requirement that any applicant who has been resident outside the UK be required to obtain a Certificate of Conduct from the Embassy of the applicants country of origin or place of recent residence.

| IMPLICATIONS                        |   |
|-------------------------------------|---|
| Finance                             | There are no implications arising directly from the report.   |
| Legal                               | The Councils duties in relation to the ensuring an applicants propriety are laid down in points 1-3   |
| Community Safety                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | The proposal seeks as far as reasonably practicable to ensure the safety of the travelling public, whilst applying the same standard of background checks without adverse effect upon any specific group. |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                        | Doc ID |
|---------------|----------------|-----------------------------|--------|
| Chris Hambly  | (01253) 658422 | 12 <sup>th</sup> March 2008 |        |

| List of Background Papers |                |   |
|---------------------------|----------------|---|
| Name of document          | Date           | Where available for inspection  |
| Taxi Policy               | September 2006 | <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a> and licensing office |

#### Attached documents



# REPORT

| REPORT OF                               | MEETING                        | DATE                              | ITEM NO |
|---|--------------------------------|-----------------------------------|---------|
| CONSUMER<br>WELLBEING AND<br>PROTECTION | PUBLIC PROTECTION<br>COMMITTEE | 26 <sup>TH</sup><br>MARCH<br>2008 | 8       |

## HACKNEY CARRIAGE STAND – GARDEN ST, ST ANNES

### Public item

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

### Summary

A complaint has been received by the Highways Authority in relation to the Hackney Carriage Stand located on Garden St, St Annes. The complaint relates to the stand obstructing the dropped kerb which facilitates pedestrian access.

The length of the stand could be reduced, without affecting the number of hackney carriages that may ply for hire on the stand.

It is therefore requested that the Committee gives consideration to amending the length of the stand.

### 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 P 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. Garden St, St Annes currently benefits from a Hackney Carriage Stand which is described as being located *"On the north east side of Garden Street from a point 12m from the junction of St Annes Rd West for a distance of 14m in north-westerly direction"*
3. Following the establishment as Garden St as a one way street and with the previous installation of a pedestrian dropped kerb as a crossing facility for mobility impaired persons, the taxi stand now obstructs the dropped kerb.
4. The existing stand is some 14 metres in length and to avoid the pedestrian kerb should be reduced by 3 metres. The Highways Department of Fylde Borough Council have confirmed that 11 metres is sufficient in length for 2 vehicles.
5. The Trade Associations operating in the Borough have been notified of this proposal and any comments received will be provided to Members.
6. Should the Committee recommend the approval to the Portfolio Holder of the amendment, the amendment will be advertised in a local newspaper and any objections or representations may be made within 28 days of the publication of the notice.
7. The Committee is therefore asked to consider the request and make a recommendation to the Portfolio Holder.

| IMPLICATIONS                        |  |
|-------------------------------------|--|
| Finance                             | Any cost relating to the removal of the markings will be met by Lancashire County Council. |
| 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 | 6 <sup>th</sup> March 2008 |        |

| List Of Background Papers |      |                                   |
|---------------------------|------|-----------------------------------|
| NAME OF DOCUMENT          | DATE | WHERE AVAILABLE FOR INSPECTION    |
| None                      |      | Council office or website address |

# REPORT

| REPORT OF                                    | MEETING                        | DATE                           | ITEM NO |
|--|--------------------------------|--------------------------------|---------|
| CONSUMER<br>WELLBEING AND<br>PROTECTION UNIT | PUBLIC PROTECTION<br>COMMITTEE | 26 <sup>TH</sup> MARCH<br>2008 | 9       |

## PRIVATE HIRE DRIVER APPLICATION - DLM

### 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 application and determine if they consider the applicant fit and proper to hold such a licence.

### Recommendation/s

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 DLM 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 a matter of concern which is detailed below:

| DATE                      | COURT | OFFENCES   | SENTENCE OR ORDER OF COURT        |
|---------------------------|-------|--|-----------------------------------|
| 5 <sup>th</sup> July 2007 | N/A   | Using a vehicle uninsured against third party risks (IN10) | 6 Penalty Points<br><br>£200 fine |
| 5 <sup>th</sup> July 2007 | N/A   | Driving otherwise than in accordance with a licence (LC20) | £100 fine                         |

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 3.1 in relation to driving convictions,

### **3.1 Minor Traffic Offences**

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc will not prevent a person from proceeding with an application. Multiple occurrences of similar current offences, however, merit the issue of a warning as to future driving standards. If sufficient penalty points have been accrued to require a period of disqualification of the applicant’s driving licence then a hackney carriage or private hire vehicle driver’s licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction. A warning will, however, be given about future driving standards.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the magistrates’ court, the driver’s hackney carriage or private hire licence may still be revoked or suspended. Such a matter will always be dealt with by way of a disciplinary hearing (see Appendix M).

### 3.2 Major Motoring Offences

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                             | There are no implications 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                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | There are no implications arising directly from the report.   |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                           | Doc ID |
|---------------|----------------|--------------------------------|--------|
| Chris Hambly  | (01253) 658422 | 26 <sup>th</sup> February 2008 |        |

| 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 | 26 <sup>TH</sup> MARCH 2008 | 10      |

## HACKNEY CARRIAGE DRIVER APPLICATION - SN

### 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 application 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 SN for the grant of a Hackney Carriage 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 as detailed below:

Continued....

| DATE                      | COURT                 | OFFENCES  | SENTENCE OR ORDER OF COURT                         |
|---------------------------|-----------------------|---|--|
| 23 <sup>rd</sup> May 2005 | Blackpool Magistrates | Battery on 22 <sup>nd</sup> January 2005<br><br>Criminal Justice Act 1988 S39 | Fine £100<br><br>Compensation £50<br><br>Costs £70 |

4. A conviction has also been disclosed for a matter which occurred in 2000 and a caution from 1988. Details of these matters can be made available to members at the meeting if they so wish.
5. 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."
6. Appendix F of the Council's Statement of Taxi and Private Hire Licensing Policy comments in Appendix F, point 3.7 in relation to violence,

### **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                             | There are no implications 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                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | There are no implications arising directly from the report.   |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                           | Doc ID |
|---------------|----------------|--------------------------------|--------|
| Chris Hambly  | (01253) 658422 | 20 <sup>th</sup> February 2008 |        |

| 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 | 26 <sup>TH</sup> MARCH 2008 | 11      |

## HACKNEY CARRIAGE DRIVER APPLICATION - CM

### 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 application 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 CM for the grant of a Hackney Carriage 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 a matter of concern which is detailed below:

Continued....

| DATE                          | COURT                       | OFFENCES   | SENTENCE OR ORDER OF COURT   |
|-------------------------------|-----------------------------|--|--|
| 17 <sup>th</sup> October 2006 | Trafford Magistrates        | Battery on 7 <sup>th</sup> July 2006<br><br>Criminal Justice Act 1988 S39  | Conditional Discharge 12 mths<br><br>Compensation £250<br><br>Costs £70  |
| 16 <sup>th</sup> July 2002    | City of Salford Magistrates | Battery on 27 <sup>th</sup> December 2001<br><br>Criminal Justice Act 1988 S39   | Conditional Discharge 12 mths<br><br>Compensation £100<br><br>Costs £55  |
| 15 <sup>th</sup> July 2002    | City of Salford Magistrates | Failing to specimen for analysis (driving or attempting to drive) on 17/2/02<br><br>Driving without due care and attention on 17/2/02<br><br>Using vehicle while uninsured on 17/2/02<br><br>Road Traffic Act 1988 | Community Rehabilitation Order 18mths participate specified activity<br><br>Disqualified from driving – obligatory 3 years.<br><br>Driving licence restored wef 1/10/04 early removal granted at Salford Magistrates Court on 27/8/04<br><br>Fine £200 Costs £69 |
| 30 <sup>th</sup> May 2000     | City of Salford Magistrates | Driving a motor vehicle with excess alcohol on 13/3/2000<br><br>Using vehicle while uninsured on 13/3/00<br><br>Using vehicle with no test certificate on 13/2/00<br><br>Road Traffic Act 1988                     | Fine £300.<br>Disqualified from driving 12 mths.<br>Reduced disqual from driving on completing course 30/12/00 reduce by 3mths.<br><br>Fine £100<br><br>Fine £40   |

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 in relation to violence,

### **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, whichever 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 Policy also comments at point 3.4.1 in relation to drunkenness with a motor vehicle:-

#### **3.4.1 With a motor vehicle**

*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.*

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

| IMPLICATIONS                        |   |
|-------------------------------------|---|
| Finance                             | There are no implications 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                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | There are no implications arising directly from the report.   |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                           | Doc ID |
|---------------|----------------|--------------------------------|--------|
| Chris Hambly  | (01253) 658422 | 14 <sup>th</sup> February 2008 |        |

| 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<br>WELLBEING AND<br>PROTECTION UNIT | PUBLIC PROTECTION<br>COMMITTEE | 26 <sup>TH</sup> MARCH<br>2008 | 12      |

## PRIVATE HIRE DRIVER APPLICATION - MS

### 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 application 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 MS 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 as detailed below:

| DATE                           | COURT | OFFENCES  | SENTENCE OR ORDER OF COURT |
|--------------------------------|-------|---|----------------------------|
| 1 <sup>st</sup> February 2004  | N/A   | Common Assault<br><br>Criminal Justice Act 1988 S39       | Formal Caution             |
| 14 <sup>th</sup> December 2004 | N/A   | Obtaining Property by Deception<br><br>Theft Act 1968 S15 | Formal Caution             |

4. A conviction has also been disclosed for a matter which occurred in 1992. Details of this matter can be made available to members at the meeting if they so wish.
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 in relation to violence,

### **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, whichever 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 Policy also comments at point 3.8 in relation to dishonesty:-

### 3.8 Dishonesty

*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.

| IMPLICATIONS                        |   |
|-------------------------------------|---|
| Finance                             | There are no implications 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                    | There are no implications arising directly from the report.   |
| Human Rights and Equalities         | There are no implications arising directly from the report.   |
| Sustainability                      | There are no implications arising directly from the report.   |
| Health & Safety and Risk Management | There are no implications arising directly from the report.   |

| Report Author | Tel            | Date                           | Doc ID |
|---------------|----------------|--------------------------------|--------|
| Chris Hambly  | (01253) 658422 | 14 <sup>th</sup> February 2008 |        |

| 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> |

# REPORT



| REPORT OF                                    | MEETING                        | DATE                              | ITEM NO |
|--|--------------------------------|-----------------------------------|---------|
| CONSUMER<br>WELLBEING AND<br>PROTECTION UNIT | PUBLIC PROTECTION<br>COMMITTEE | 26 <sup>TH</sup><br>MARCH<br>2008 | 13      |

## HACKNEY CARRIAGE DRIVERS LICENCE - BEP

### Public

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

### Summary

A current driver benefiting from a Hackney Carriage Hire Drivers Licence has been convicted of number of motoring offences.

The number of convictions has resulted in 12 points being endorsed upon the driver licence, but no disqualification has been issued by the Court due to exceptional hardship.

However, 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 P Fieldhouse

### Report

1. BEP is an existing licensed driver, benefiting from a Hackney Carriage drivers licence issued by Fylde Borough Council.



2. On the recent renewal of the Hackney Carriage Drivers Licence, convictions for speeding were declared, the latest being conviction being dated October 2007. Those convictions are detailed below:

| <b>Court Code</b> | <b>Offence</b>  | <b>Date of Offence</b>            | <b>Fine</b> | <b>Penalty Points</b> |
|-------------------|---|-----------------------------------|-------------|-----------------------|
| 1992              | Exceeding Statutory speed limit on public road (SP30) | 17/5/2007<br>(convicted 17/10/07) | £200        | 3                     |
| 2012              | Exceeding Statutory speed limit on public road (SP30) | 1/7/2006                          | Not known   | 3                     |
| 2012              | Exceeding Statutory speed limit on public road (SP30) | 21/10/2005                        | Not known   | 3                     |
| 1173              | Exceeding Statutory speed limit on public road (SP30) | 14/9/2005                         | Not known   | 3                     |

3. It is noted from the applicants driving licence that no disqualification was issued under the totting up process “due to exceptional hardship.”
4. 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. BEP 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 | 13 <sup>th</sup> March 2008 |        |

| 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 |

#### **Attached documents**

## Public Protection Committee



|                   |   |
|-------------------|---|
| Date              | 13 February 2008  |
| Venue             | Reception Room, Town Hall   |
| Committee members | David Eaves (Chairman)<br>Dawn Prestwich (Vice-Chairman)<br>Christine Akeroyd, Elizabeth Clarkson; Barbara Douglas, Angela Jacques, Ken Hopwood, Barbara Pagett |
| Other Councillors | None  |
| Officers          | Chris Hambly, Clare Holmes, Christopher Kitchin, Peter Welsh  |
| Others            | Representatives from the taxi/private hire trade  |

### 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 24 October 2007 as a correct record for signature by the chairman.

### 3. Substitute members

There were no substitute members.

### 4. Request for Dispensation from Displaying Private Hire Vehicle Signage

Chris Hambly (Licensing Officer) reported receipt of two requests from licensed Private Hire Operators that sought dispensation from displaying the required private hire vehicle signage. The requests were submitted by Mr D. Parkin of 1st Class Limousine Services and Mr A. Humpage of the Check In Group.

Mr Humpage provided the committee with further background of his business along with the current contracts in place and also provided one of his vehicles for inspection by the committee.

Following consideration it was RESOLVED:-

1. To approve the dispensation request from Mr Humpage, subject to the production to the Licensing Officer of a booking log that confirms that the majority of bookings for the Check In Group are of a corporate nature and also subject to the private hire vehicle licence

plates being displayed in the boot of vehicles that have been granted dispensation from displaying the required private hire vehicle signage.

2. That the application from Mr Parkin of 1<sup>st</sup> Class Limousine Services be deferred until such time as the applicant was able to attend before the committee.

#### 5. Advertising on Hackney Carriage Vehicles

Chris Hambly (Licensing Officer) presented a report on advertising on Hackney Carriage vehicles. At the Public Protection Committee meeting held on 20 September 2006, the Committee deferred an item in relation to advertising on Hackney Carriages. The matter had been discussed at the Quality Taxi Partnership without a general consensus of opinion and the matter was referred back to Committee for consideration.

Members raised several issues relating to the aesthetics of hackney vehicles displaying adverts. It was suggested that it would be beneficial for the Committee to see a mock-up of a Hackney Carriage vehicle displaying adverts before making a final decision.

Following consideration it was RESOLVED that the taxi trade be requested to prepare a hackney carriage vehicle displaying the proposed advertising signs in order that the committee can view the mock-up vehicle prior to making a decision on the advertising on hackney carriage vehicles.

#### 6. Establishment of Hackney Carriage Stands

Chris Hambly (Licensing Officer) presented a report on the establishment of Hackney Carriage Stands. At a meeting of the Public Protection Committee held on 24 October 2007 to discuss the establishment stands in Lytham, it was agreed that, "The Chairman in consultation with Officers investigate possible sites for additional hackney ranks in the Henry Street/Dicconson Terrace locality and report back thereon".

A number of additional stands had been identified and presented to the Committee for consideration.

Members raised concerns relating to the proposed Henry Street proposal noting that this area was residential and that the stand could affect the wellbeing of the residents.

Following consideration it was RESOLVED:-

1. That the provision of a new hackney rank on Park Street (stand for 6 vehicles on the east side of Park Street, Lytham, from a point 23m north of the centre line of Clifton St, for a distance of 34m between 1800 and 0300 hours) be approved.
2. That the provision of a new hackney rank on Henry Street (stand for 4 vehicles on the north side of Henry Street, from its junction with Dicconson Terrace for a distance of 23.5m in a westerly direction between the hours of 1800 and 0300 hours) be approved.
3. That the provision of a new hackney rank on Clifton Street (stand for 4 vehicles at the bus stop located on the south side of Clifton Street, Lytham at its junction with Dicconson Terrace for a distance of 24m in an easterly direction between the hours of 0000 and 0300 hours) be approved.

4. That the portfolio holder for community and social wellbeing be requested to approve the implementation of the hackney carriage ranks referred to above by way of an individual cabinet member decision.
5. That subject to the above, the executive manger for consumer wellbeing and protection in consultation with the portfolio holder and the chairman of the public protection committee be given delegated authority to consider any representations received following the advertisement of the above proposals.

7. Calendar Controlled Meters

Chris Hambly (Licensing Officer) presented a report and an explanation on calendar controlled meters. As part of the Hackney Carriage and Private Hire Licence Policy, it was a requirement that all Hackney Carriages were equipped with a calendar controlled meter by the 1<sup>st</sup> January 2008.

The introduction and merits of calendar meters had been discussed at the Quality Taxi Partnership at which concern was expressed from trade as to how they may be operated.

Following discussion members RESOLVED:

1. That the Hackney Carriage and Private Hire Licensing Policy be amended to read,  
"it is a requirement that all Hackney Carriages are equipped with a Calendar Controlled Meter when vehicles are submitted for their vehicle inspection on or after 1st April 2008.

The calendar controlled meter must be set at a tariff not exceeding the table of fares and that said meter should be sealed/tamper proof."

(During the above debate the committee adjourned for a short period following disruption from a member of the public present at the meeting)

8. Private Hire Driver Application - RSB

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application. The application was referred to the committee because of a conviction in March 2001. (A copy of the report had previously been circulated to each member of the committee).

As the applicant was not present at the meeting the committee RESOLVED to defer the application.

9. Private Hire Driver Application - KCB

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application. The application was referred to the committee following concerns over the applicants' medical check. (A copy of the report had previously been circulated to each member of the committee).

Mr KCB addressed the committee in support of his application and answered questions from committee members.

Following consideration the committee RESOLVED to approve the application subject to the applicant producing satisfactory proof of his previous chauffeur driving history and subsequent ratification by the Chairman and Licensing Officer.

#### 10. Private Hire Driver Application - GDD

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application from Mr GDD. The application was referred to the committee because of a conviction in June 2007. (A copy of the report had previously been circulated to each member of the committee).

Mr GDD addressed the committee in support of his application and answered questions from committee members.

The committee discussed the application and RESOLVED to refuse the application on the grounds that Mr GDD was not a fit and proper person to hold a private hire drivers licence and the applicant be advised to submit (if he so wished) a further application in 4 years time.

#### 11. Private Hire Driver Application - DRE

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application from Mr DRE. The application was referred to the committee because of a conviction in October 2002. (A copy of the report had previously been circulated to each member of the committee).

Mr DRE addressed the committee in support of his application and answered questions from committee members.

The committee discussed the application and RESOLVED to refuse the application on the grounds that Mr DRE was not a fit and proper person to hold a private hire drivers licence and the applicant be advised to submit (if he so wished) a further application in 12 months time.

#### 12. Private Hire Driver Application - CL

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application from Mr CL. The application was referred to the committee because of previous convictions. (A copy of the report had previously been circulated to each member of the committee).

Mr CL addressed the committee in support of his application and answered questions from committee members.

The committee discussed the application and RESOLVED to refuse the application on the grounds that Mr CL was not a fit and proper person to hold a private hire drivers licence

#### 13. Private Hire Driver Application - AV

Chris Hambly (Licensing Officer) reported receipt of a Private Hire driver application from Mr AV. The application was referred to the committee because of convictions in April 2003 and March 2007. (A copy of the report had previously been circulated to each member of the committee).

Mr AV addressed the committee in support of his application and answered questions from committee members.

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

#### 14. Exclusion of the Public

During the consideration of each of the private hire driver applications the committee RESOLVED that under section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Local government Act 1972. Following which the public were re-admitted to the meeting.

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