

Agenda

Public Protection Committee

Date:	Wednesday, 22 March 2023 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Shirley Green (Chairman) Councillor Ray Thomas (Vice-Chairman)</p> <p>Councillors Frank Andrews, Brenda Blackshaw, Alan Clayton, Gavin Harrison, Karen Henshaw JP, Paul Hodgson, Angela Jacques, Michael Sayward, Stan Trudgill.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 16 November 2022 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
	DECISION ITEMS:	
4	Application for the Grant of a Private Hire Driver's Licence – Mr XX	3-16
5	Caravan Site Licensing – Meadowcroft Caravan Site	17-33
6	Cosmetic Piercing and Semi Permanent Skin Colouring	34-42
7	Caravan Site Working Group – Closure Report	43-44

Contact: Democracy - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	PUBLIC PROTECTION COMMITTEE	22 March 2023	4
APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE – MR XX			

PUBLIC ITEM

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

SUMMARY

Following an application made to Licensing Team for the grant of a Hackney Carriage and Private Hire Driver's 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

That the Committee consider the report and determine the application.

SUMMARY OF PREVIOUS DECISIONS

18th November 2020 – Application for Combined Hackney and Private Hire Drivers licence refused by Public Protection Committee

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. An application has been received from Mr XX for the grant of a Private Hire Driver's licence.
2. Mr XX applied for a Combined Hackney and Private Hire Drivers badge in September 2020. His application was refused by Public Protection Committee in November 2020 because of a recent conviction which he had declared on his application and was confirmed on his Disclosure and Barring Service Certificate. Further information relating to this conviction will be provided to Members at the meeting.

3. Mr XX has submitted a new Disclosure and Barring Service Certificate which has confirmed that he hasn't received any further convictions since 2019.
4. The 2019 conviction and fine were declared by the applicant on his application form for a drivers badge.
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 A of the Council's Statement of Taxi and Private Hire Licensing Policy, concerning the Relevance of Convictions to Applications is attached for members information and use.
7. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

IMPLICATIONS	
Finance	No further implications arising directly from this report
Legal	No further implications arising directly from this report
Community Safety	No further implications arising directly from this report
Human Rights and Equalities	No further implications arising directly from this report
Sustainability and Environmental Impact	No further implications arising directly from this report
Health & Safety and Risk Management	No further implications arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Joanne Gallagher	joanne.gallagher@fylde.gov.uk Tel 01253 658609	20 th February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Fylde Council Taxi and private hire licensing policy		https://new.fylde.gov.uk/business/licensing/taxi-licensing/hackney-carriage-and-private-hire-licensing-policy/

Attached documents

Appendix 1 – Letters from Applicant

Appendix 2 - Appendix A of the Hackney Carriage and Private Hire Licensing Policy

To Whom it may Concern,

I am writing this letter to back up my intended Private Hire badge.

I was advised by the Councillor at the time to re-submit my application after a few years, of which I have done. I still live at home with my family and maintain my job at [REDACTED] where I have worked for the last 13-14 yrs, previously B&M supervisor and before that trainee Asda manager.

I would like this badge to help supplement our income of which to look after my family. I can get numerous character references also letters from different charities and organisations that I have raised money for.

I paid my fine straight away and now feel that by being held back and not be able to do something that I would enjoy doing, as a long time ago I did hold a previous Private Hire badge with "Sands Galaxy" doing airport runs. and have been asked again to work with some people that you will probably know.

I hope this helps, also I'm willing to come in and see you.

Yours Thankfully

[REDACTED]

Joanne Gallagher

From: [REDACTED]
Sent: 18 February 2023 10:20
To: Licensing
Subject: Enhanced DBS
Attachments: PXL_20230218_100909112.jpg; PXL_20230218_100859243.jpg; PXL_20230218_100849240.jpg; PXL_20230218_100809679.jpg; PXL_20230218_100752294.jpg; PXL_20230218_100741036.jpg; PXL_20230218_100729700.jpg; PXL_20230218_100721384.jpg; PXL_20230218_100706458.jpg

Hello

I have enclosed photos of my enhanced DBS form, I would like to point out that the incident whist out with my wife was witnessed by a lot of people, this didn't involve myself hence why I tried to resist arrest, I paid my fine off in court and now I feel that this is holding me back from being a private hire driver, I'm currently employed at [REDACTED] and have been for around 14yrs.

I take people to work, drive family around and also look after my grandson, I have also taken on lot's of various charity events to help raise money, last year was Blue Skies and Cancer Research that I was part of.

I can get lot's of character references if needed.

I hope you can take everything into consideration before making your decision.

I appreciate your time and help.
[REDACTED]

Sent via BT Email App

Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1.	Introduction
1.1	The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
1.2	<p>The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:</p> <ul style="list-style-type: none"> • That a person is a fit and proper person. • That the person does not pose a threat to the public. • That the public are safeguarded from dishonest person. • The safeguarding of children, young persons and vulnerable adults.
1.3	<p>The term " fit and proper person" for the purposes of licensing is not legally defined and in assessing whether someone is "fit and proper" the Council will consider the following together with any other relevant information:</p> <ul style="list-style-type: none"> • Criminality • Human rights • Period of holding a driver's licence • Number of penalty points endorsed on driving licence • Right to work • Medical fitness • Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) • Previous licensing history of existing and former licence holders <p>In addition the Council will also consider further information provided by sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.</p>
1.4	<p>This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:</p> <ul style="list-style-type: none"> • Applicants for drivers' licenses • Existing licensed drivers whose licences are being reviewed • Licensing officers • Members of the Public Protection Committee • Magistrates hearing appeals against local authority decisions
1.5	Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

2	General policy
2.1	There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
2.2	<p>A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:</p> <ol style="list-style-type: none"> Remain free of conviction for an appropriate period; and Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). <p>(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).</p>
2.3	Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
3	Appeals
3.1	Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.2	Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.3	Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.
4	Powers
4.1	Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
4.2	The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
4.3	In this policy the term "disqualification" refers to the period served, in order to

	take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
5	Consideration of disclosed criminal history
5.1	<p>Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:</p> <ul style="list-style-type: none"> • How relevant the offence(s) are to the licence being applied for • How serious the offence(s) were • When the offence(s) were committed • The date of conviction • Circumstances of the individual concerned • Sentence imposed by the court • The applicant's age at the time of conviction. • Whether they form part of a pattern of offending • Any other character check considered reasonable (e.g. personal references) • Any other factors that might be relevant
5.2	Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
5.3	Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 658422 in confidence for advice.
5.4	The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
5.5	Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. Applicants for an operator's licence will be required to obtain a standard DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire drivers licence issued by Fylde Council). The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
5.6	The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
5.7	It is an offence for any person knowingly or recklessly to make a false

	declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
5.8	For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
5.9	Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.
6	Serious offences involving violence
6.1	Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
6.2	In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
6.3	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.4	A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application: <ul style="list-style-type: none"> • Arson • Malicious wounding or grievous bodily harm which is racially aggravated • Actual bodily harm which is racially aggravated • Grievous bodily harm with intent • Robbery • Possession of firearm • Riot • Assault Police • Common assault with racially aggravated • Violent disorder • Resisting arrest • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.5	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:</p> <ul style="list-style-type: none"> • Racially-aggravated criminal damage • Racially-aggravated offence • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.6	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:</p> <ul style="list-style-type: none"> • Common assault • Assault occasioning actual bodily harm • Affray • S5 Public Order Act 1986 offence (harassment, alarm or distress) • S.4 Public Order Act 1986 offence (fear of provocation of violence) • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) • Obstruction Page 24 of 49 • Criminal damage • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.7	<p>A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.</p>
6.8	<p>In the event of a licence being granted, a strict warning both verbally and in writing should be administered.</p>
7	Possession of a weapon
7.1	<p>If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.</p>
7.2	<p>Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted</p>
8	Sex and indecency offences
8.1	<p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.</p>
8.2	<p>Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults • Sexual assault

	<ul style="list-style-type: none"> • Indecent assault • Exploitation of prostitution • Grooming, Trafficking for sexual exploitation or other sexual exploitation related offences • Possession of indecent photographs, child pornography etc. • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
8.3	<p>Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Indecent exposure • Soliciting (kerb crawling) • Or any similar offences (including attempted or conspiracy to commit).
8.4	In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
8.5	A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.
9	Dishonesty
9.1	<p>A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.</p>
	<p>In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:</p> <ul style="list-style-type: none"> • theft • burglary • fraud • benefit fraud • handling or receiving stolen goods • forgery • conspiracy to defraud <p>Page 26 of 49 Hackney Carriage and Private Hire Licensing Policy 2016</p> <ul style="list-style-type: none"> • obtaining money or property by deception • other deception • taking a vehicle without consent • and any similar offences • Or any similar offences (including attempted or conspiracy to commit)

	offences which replace the above
9.3	A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
9.4	Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.
10	Drugs
10.1	A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
10.2	A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
10.3	A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
10.4	An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
10.5	If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
10.6	A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
11	Driving offences involving the loss of life
11.1	A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
11.2	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> • Causing death by dangerous driving • Causing death by careless driving whilst under the influence of drink or drugs • Causing death by driving: unlicensed, disqualified or uninsured drivers • or any similar offences
12	Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

12.1	As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
12.2	Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they : <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them • fail to see road signs • fail to maintain proper lane position and steady speed • are more likely to 'tailgate' the vehicle in front • react more slowly, take longer to brake and longer to stop • are more likely to enter unsafe gaps in traffic • feel more stressed and frustrated
12.3	There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
12.4	A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
13	Licensing offences
13.1	Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.
13.2	A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
14	Insurance Offences
14.1	A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
14.2	A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

14.3	An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.
15	Outstanding charges or summonses
15.1	If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
15.2	If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
16	Non-conviction information
16.1	If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
16.2	In assessing the action to take, the safety of the travelling public must be the paramount concern.
17	Cautions
17.1	Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
18	Licences issued by other licensing authorities
18.1	Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
18.2	Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.
19	Summary
19.1	To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be

	allowed before 3 years free from conviction have elapsed.
19.2	Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
19.3	While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	PUBLIC PROTECTION COMMITTEE	22 March 2023	5
CARAVAN SITE LICENSING – MEADOWCROFT CARAVAN SITE HOLIDAY CARAVAN SITE LICENCE			

PUBLIC ITEM

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

SUMMARY

An application has been received from the site owner to amend the holiday caravan site licence to reduce the closure period.

RECOMMENDATION

1. That the Committee considers a request to amend condition 23 of the holiday site licence which currently states –

Caravans shall not be stationed on the site for the purposes of human habitation except during the period from 1st March to 31st October in any year

to

Caravans shall be used solely for human habitation as static holiday caravans between 1st March and 4th January the following year.

SUMMARY OF PREVIOUS DECISIONS

20th April 1999 - Holiday caravan site licence granted allowing for 45 holiday caravans to be stationed between 1st March and 31st October annually.

9th August 2000 - Planning application ref 00/0533 granted - Modification of Condition 1 of application 3/7/547 to permit the use of the caravan site to 10 months of each year (to be unoccupied between 4th January and 1st March annually)

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. Meadowcroft Holiday Caravan Site, Garstang Road, Little Eccleston benefits from a holiday caravan site licence allowing for 45 caravans to be stationed on the site (Appendix 1).
2. An application was received on 10th November 2022 (Appendix 2) to amend condition 23 of the holiday site licence issued on 20th April 1999 which states

Caravans shall not be stationed on the site for the purposes of human habitation except during the period from 1st March to 31st October in any year

To

Caravans shall be used solely for human habitation as static holiday caravans between 1st March and 4th January the following year

3. The planning department has granted permission for the site to be used between 1st March and 4th January annually under planning consent ref 00/0533 (Appendix 3).
4. The site owner has confirmed that he has been operating the site during the times approved on the Planning Permission for a number of years but didn't realise that he needed to apply to vary the site licence. This was discovered when licensing officers visited the site to carry out an inspection in October 2022.
5. A letter has been sent to the site owner to ask them to consider agreeing that the following conditions be added to the licence if the variation is approved –

Static holiday caravans shall be occupied for holiday purposes only and not as a person's permanent, sole or main place of residence.

The licence holder must keep the following records for each static holiday caravan on site:

- a. The names and current home address of the owner; and*
- b. Documentary evidence of the current home address of the owner*
- c. and must allow the licensing authority to inspect them at any reasonable time.*

The licence holder must, if requested by the licensing authority, ask the owner of any static holiday caravan on site to give to the licence holder:

- a. The name and current home address of each adult occupier; and*
- b. Documentary evidence of the current home address of each adult occupier and must forward them to the licensing authority when received.*

The site owner has confirmed that he has no objection to the additional condition being added to the holiday site licence.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Joanne Gallagher	joanne.gallagher@fylde.gov.uk Tel 01253 658609	20 th February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

Appendix 1 - Existing site licence
 Appendix 2 - Application to vary site licence
 Appendix 3 - Planning decision notice
 Appendix 4 - location Plan
 Appendix 5 – Aerial Plan

File Copy

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT, 1960

Section 3

Site Licence

To: Mr Alan Rowe
Meadowcroft Caravan Site
Garstang Road
Little Ecclestone
Lancashire.

TAKE NOTICE THAT WHEREAS

1. On the 10th day of October 1960 you made application for a site licence in respect of land situate at Meadowcroft Caravan Site, Garstang Road, Little Ecclestone, near Preston, Lancashire, indicated on the plan submitted with the application (which land is hereinafter called "the land").
2. You are entitled to the benefit of permission for the use of the land as a caravan site under the Town and Country Planning Acts, 1962 to 1968, otherwise than by a Development Order.

NOW THEREFORE the Council of the Borough of Fylde (hereinafter called "the Council") HEREBY GRANT a site licence in respect of the land pursuant to section 3 of the Caravan Sites and Control of Development Act, 1960, subject to the conditions specified in the Schedule hereto.

All previous site licences are hereby cancelled.

THE SCHEDULE

1. The total number of caravans stationed on the site at any one time shall be such as to enable compliance with the requirements of this schedule to be maintained and in any case shall not exceed forty-five.
2. Every caravan shall be made of aluminium or other materials with similar fire performance properties and shall be stationed not less than 5 metres from any other caravan in separate occupation, 3.5 metres at corners.
3. Every caravan shall be sited not less than 3 metres from any boundary of the site.
4. Roads of suitable material shall be provided so that no caravan standing is more than 50 metres from a road.
5. The roads shall not be less than 3.7 metres wide, or, if they form part of a clearly marked one way traffic system 3 metres wide.
6. All carriageways shall be kept free of parked vehicles and other obstructions so as to ensure, at all times, adequate access for emergency vehicles.

7. Where possible every caravan should stand on a hard standing of suitable materials which should extend over the whole area occupied by the caravan and should project one metre from the entrance of the caravan.
8. Fire points shall be established so that no caravan or site building is more than 30 metres from such a point. They should be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, having means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

9. A means of raising the alarm in the event of fire shall be provided at each fire point. This could be by means of a manually operated sounder, e.g. metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.
10. All alarms and fire fighting equipment shall be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licencing authority. A log book shall be kept to record all tests and any remedial action.
11. All equipment susceptible to damage by frost shall be suitably protected.
12. A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice shall include the following:-

"On discovering a fire

- i. Ensure the caravan or site building involved is evacuated
- ii. raise the alarm
- iii. call the fire brigade (the nearest telephone is sited.....)
- iv. attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment".

13. Long grass and vegetation shall be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings shall be removed from the vicinity of caravans. The space beneath and between caravans shall not be used for the storage of combustible materials.
14. An immediately accessible telephone shall be available on the site for calling the emergency services. A notice by the telephone should include the address of the site.
15. LPG storage supplied from tanks shall comply with Guidance Booklet HSG 34 "The Storage of LPG at Fixed Installations" or, where LPG is supplied from cylinders, with Guidance Note CS4 "The Keeping of LPG in Cylinders and Similar Containers" as appropriate.

Where there are metered supplies from a common LPG storage tank, then Guidance Note CS11 "The Storage and Use of LPG at Metered Estates" provides further guidance. In this case and where a British Gas mains supply is available, then the Gas Safety (Installation and Use) Regulations 1984 and the Pipe-lines Act 1962 may also be applicable.

Exposed gas bottles or cylinders shall not be within the separation boundary of an adjoining unit.

LPG installations shall conform to British Standard 5482, "Code of Practice for domestic butane and propane gas burning installations, Part 2: 1977 Installations in Caravans and non-permanent dwellings".

For mains gas supply, the 1984 Regulations will be relevant for the installation downstream of any service pipe(s) supplying any primary meter(s) and such service pipes are subject to the Gas Safety Regulations 1972.

In cases where the site owner supplies gas to caravans on the site, he may need an authorisation to do so from OFGAS under the Gas Act 1986.

16. Sites shall be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.

Such electrical installations, other than Electricity Board works and circuits subject to regulations made by the Secretary of State under Section 16 of the Energy Act 1983 and section 64 of the Electricity Act 1947, should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers' (IEE) Regulations for Electrical Installations for the time being in force, and where appropriate, to be the standard which would be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1988, Statutory Instrument 1988 No.1057.

Work on electrical installations and appliances should be carried out only by competent persons such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations should be inspected periodically: under IEE Wiring

Regulations, every year or such longer period (not exceeding 3 years) as is considered appropriate in each case. When an installation is inspected, it should be judged against the current regulations.

The inspector should, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which should be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report should be met by the site operator or licence holder.

If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies should be rectified. Any major alterations and extensions to an installation and all parts of the existing installation affected by them should comply with the latest version of the IEE Wiring Regulations.

If there are overhead electric lines on the site, suitable warning notices should be displayed at the entrance to the site and on supports for the line. Where appropriate, particular attention should be drawn to the danger of masts of yachts or dinghies contacting the line.

17. All sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.
18. Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
19. For caravans without their own water supply and water closets, communal toilet blocks shall be provided, with adequate supplies of water, on at least the following scales:

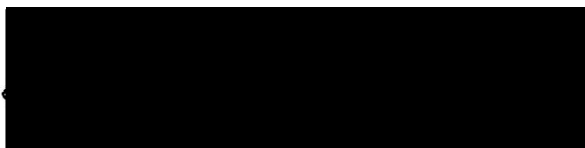
Men: 1 WC and 1 urinal per 15 caravans
Women: 2 WCs per 15 caravans
1 wash basin for each WC or group of WCs
1 shower or bath (with hot and cold water) for each sex per 20 caravans

Toilet blocks shall be sited conveniently so that all site occupants may have reasonable access to one by means of a road or footpath.

Laundry facilities shall be provided in a separate building adequate to meet the demands of the caravans stationed on the site.

20. Every caravan standing shall have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements should be made for the bins to be emptied regularly. Where communal refuse bins are also provided these should be of similar construction and housed within a properly constructed bin store.
21. One car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats should not be parked between units.
22. Where children stay on the site, space equivalent to about one-tenth of the total area should be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans, but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible.
23. Caravans shall not be stationed on the site for the purposes of human habitation except during the period from 1st March to 31st October in any year.
24. At all times when caravans are stationed on the site for the purposes of human habitation, all facilities and equipment required to be provided by these conditions shall be properly maintained.
25. A suitable sign shall be prominently displayed at the site entrance indicating the name of the site.
26. A copy of the site licence with its conditions should be displayed prominently on the site.
27. Notices and a plan should be displayed on the site setting out the action to be taken in the event of an emergency. They shall show where the police, fire brigade, ambulance and local doctors can be contacted, and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
28. All notices shall be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.

Dated this Twentieth day of April 1999

A large black rectangular box redacting the signature of the Director of Environmental Health and Housing.

Director of Environmental Health and Housing

Caravan Sites and Control of Development Act 1960 Site Licence Variation Form

1. Brief Site Details

Name of Site: MEADOWCROFT CARAVAN SITE	
Postal address of Site: GARSTANG ROAD LITTLE ECCLESTON PRESTON	
Post Code: PR3 0ZQ	Phone: [REDACTED] Fax: e-Mail:

2. Applicants Details

Name: ALAN ROWE	
Postal address of Applicant (If different from above): 	
Post Code:	Phone: Mobile: e-Mail:

3. Is the applicant the:

Freeholder	<input checked="" type="checkbox"/>	Tenant	<input type="checkbox"/>
Leaseholder	<input type="checkbox"/>	Other	<input type="checkbox"/>

If applicant is the leaseholder of a tenant, please give details of the agreement:

4. Existing Licence Conditions:

Type of unit	Please Tick as appropriate	Number
Permanent residential	<input type="checkbox"/> Caravans
Static Holiday	<input checked="" type="checkbox"/>	43..... Caravans
Holiday Chalets	<input type="checkbox"/> Chalets
Touring Holiday	<input type="checkbox"/> Units

Opening Season:

Static Sites	<input checked="" type="checkbox"/>	1 MARCH to 1 OCTOBER
Touring Sites	<input type="checkbox"/> to

5. Proposed Application to alter Licence Condition:

Type of unit	Please Tick as appropriate	Number
Permanent residential	<input type="checkbox"/> Caravans
Static Holiday	<input checked="" type="checkbox"/>	43..... Caravans
Holiday Chalets	<input type="checkbox"/> Chalets
Touring Holiday	<input type="checkbox"/> Units

Opening Season:

Static Sites	<input checked="" type="checkbox"/>	1 MARCH to 4 th JANUARY
Touring Sites	<input type="checkbox"/> to

Is this a temporary amendment to the opening season for 2020/2021 following the coronavirus restrictions in force in 2020?

Yes ☐

No ☒

6. Does the site have planning permission?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Applied For	<input checked="" type="checkbox"/>

Date: JANUARY 1960

If yes, please give relevant permissions and references:

HG / JK / PMN 03/07/1907

0010533.

7. How is drinking water provided?

Mains supply to unit ☒43..... Units
Standpipes ☐ Units

8. How are toilets and wash hand basins provided?

Communal toilet blocks ☐ Units
Units have their own facilities ☒43..... Units

9. How are showers provided?

Communal shower blocks ☐ Units
Units have their own showers ☒43..... Units

10. Type of foul drainage?

Mains drainage ☒43..... Units
Cesspool or cesspit ☐ Units

11. How is kitchen waste water disposed of?

Units have their own sinks connected to foul drainage. ☒43..... Units
Communal washing up sinks/waste water disposal points connected to foul drainage. ☐ Units
Other (Please give details) ☐ Units

No waste water disposal ☐ Units

12. How is surface water drainage provided?

MAINS SEWAGE

13. How is refuse stored on the site?

Individual bins at each unit ☐ Units
Communal wheeled bins or skips ☒ 43 Units
Communal bin store ☐ Units

14. Do units use liquefied petroleum gas (LPG) cylinders?

Yes ☒
No ☐

15. Is there a LPG storage area on the site?

Yes ☒
No ☐

16. Has the applicant held a site licence which has been revoked at any time in the last three years?

Yes ☐
No ☒

17. Was the site in use as a caravan site:

On 9th March 1960 ☒
On 29th March 1960 ☐
At any other time since 9th March 1958 ☐

If so, when:

18. Address for correspondence:

Caravan site ☒
Applicants address ☒
Other (please state below) ☐

Name:

Address:

Post Code:

Phone:

Mobile:

e-Mail:

Signed: [REDACTED]

Dated: 8-11-22

With the application form, please send the following:

A layout plan of the site at 1:500 scale including:

A. Site Boundaries

B. Position and numbering of touring/holiday caravans and residential park homes.

C. Roads and footpaths

D. Toilet blocks, stores and other buildings

E. Water Supplies

F. Recreational spaces

G Fire points

H. Parking spaces

I. Foul and surface water drainage

If you are proposing to amend, add or remove site licence conditions then please provide the information on an additional sheet attached to the application.

Please return this completed form to:

The Licensing Team
Town Hall
Lytham St Annes
Lancashire
FY8 1LW

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on internal databases and electronic document management systems and included in such public registers as the Council may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about that that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to:

- Verify the accuracy of information,
- Prevent or detect crime, or
- Protect public funds.

We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.

Fylde Borough Council is the data controller. You can contact us by email at listening@fylde.gov.uk, by phone on 01253 658658, or at the Town Hall, St Annes Road West, Lytham St Annes FY8 1LW or see our website at <http://www4.fylde.gov.uk/licensing-privacy-notice.pdf> . Our Data Protection Officer can be contacted at the same address, or at dpo@fylde.gov.uk or on 01253 658506

FYLDE BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Part 1 - Particulars of application: Application reference no: 00/0533

U.P.R.N. 01025-NO11-000-1

Location: MEADOWCROFT CARVAN PARK, GARSTANG ROAD, LITTLE ECCLESTON

Description: MODIFICATION OF CONDITION 1 OF APPLICATION 3/7/547 TO PERMIT THE USE OF THE CARAVAN SITE TO 10 MONTHS OF EACH YEAR

Part 2 - Particulars of decision

The Fylde Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED only for the carrying out of development referred to in Part 1 hereof in accordance with the actual development proposal specified on your submitted application form and the relevant plans, a stamped copy of which is returned with this notice, subject to the following condition(s) and reason(s):

1. No caravan shall be occupied between 4 January and 1 March in each year

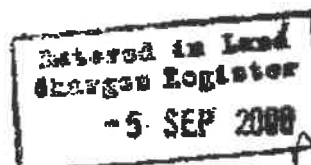
To ensure that the site is for holiday use only and not permanently residential.

Date of Decision :- 09/08/2000

Signed

Director of Planning and Technical Services
 Council Offices
 Derby Road
 Wesham
 PR4 3AJ

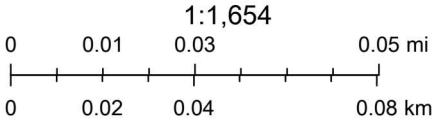
MR. A. ROWE
 MEADOWCROFT CARVAN PARK
 GARSTANG ROAD, LITTLE ECCLESTON



Meadowcroft location plan



12/20/2022, 11:57:45 AM





DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	PUBLIC PROTECTION COMMITTEE	22 MARCH 2023	6
COSMETIC PIERCING AND SEMI PERMANENT SKIN COLOURING			

PUBLIC ITEM

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

SUMMARY

To advise Members of the changes in legislation relating to Cosmetic Piercing and Semi-Permanent Skin Colouring and to seek Committee approval for the adoption of Model Byelaws to effectively regulate activities relating to Cosmetic Piercing, Acupuncture, Tattooing, Semi Permanent Skin Colouring and Electrolysis.

RECOMMENDATIONS

1. Apply Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 to the council's area in respect of the regulation of Cosmetic Piercing, Acupuncture, Tattooing, Semi Permanent Skin Colouring and Electrolysis, with effect from 1 May 2023.
2. Recommend that the Council carry out the necessary procedures to make, and seek confirmation by the Secretary of State of, byelaws as set out in the appendix, which will add cosmetic piercing and semi-permanent skin colouring to the scope of the council's byelaws.

SUMMARY OF PREVIOUS DECISIONS

Environmental Health and Control Committee 6th February 1986:

(i) Resolved to apply sections 14, 15, 16 & 17 of the Local Government (Miscellaneous Provisions) Act 1982 to the Council's area with effect from 14th April 1986 and that those provisions shall apply to any person, carrying on the practise of acupuncture, or the business of tattooing or of ear piercing or of electrolysis.

(ii) Resolved to make That the byelaws respect of acupuncture, tattooing, ear piercing and electrolysis and apply to the Secretary of State for confirmation.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓

Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

THE 1982 ACT POWERS AND EXISTING BYELAWS

1. In 1986, the council adopted sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 act'), which then applied to the practices of acupuncture, tattooing, ear piercing and electrolysis. Adopting the provisions meant that anyone carrying out these practices would need to be registered with the council. The council also made [byelaws](#) to secure the cleanliness of premises, operators, instruments and equipment used in these activities.
2. The 1982 act did not originally extend to cosmetic piercing other than of the ear, or to semi-permanent skin colouring. Amendments made by the Local Government Act 2003 brought businesses carrying out those processes within the scope of the 1982 act. But those amendments did not automatically extend the registration scheme as it applied in Fylde, or the scope of the existing byelaws.
3. The registration scheme and existing byelaws therefore cover acupuncture, tattooing, ear piercing and electrolysis, but not other cosmetic piercing or semi-permanent skin colouring. To extend the coverage of the registration scheme and the byelaws, the council would need to re-adopt the relevant parts of the 1982 act and make new byelaws. The remainder of this report sets out why officers consider that these changes should be made and the procedure for making them.

THE NEED TO EXTEND THE SCOPE OF THE PROVISIONS

4. Like ear piercings, acupuncture and tattooing, other cosmetic piercings and semi-permanent skin colouring carry a potential risk of Blood Borne Virus transmission if infection control procedures are not observed such as the use of sterile equipment for each client. The risks¹ can be minimised by ensuring safe working practices such as good cleanliness of the premises where the operations are taking place, and of the fixtures and fittings, good personal hygiene of the practitioners, correct cleaning and sterilisation or disposal of instruments, materials and equipment processes.
5. Extending the scope of the registration requirement and byelaws would ensure that all businesses are all equally registered, following safe procedures, and would ensure uniformity to the same standard, in order to protect the public.
6. It would be an offence to carry on such a business without complying with the registration requirements and an offence to breach the byelaws.

PROCEDURE

7. The Public Protection Committee has the power to adopt the relevant provisions of the 1982 act, which would extend the scope of the registration scheme. A resolution to adopt the relevant provisions of the 1982 act must specify a date for the resolution to come into force, which must be at least one month after the date of the resolution. In contrast, only a full council meeting can authorise the making or amendment of byelaws
8. The committee is therefore asked (i) to pass a resolution applying sections 14 to 17 of the 1982 act to the council's area and (ii) to recommend the council to revoke the existing byelaws made on 8 April 1986 and replace them by byelaws that reflect the model byelaws as set out in the appendix.
9. Once the full council meeting has resolved to make the byelaws, they must be submitted to the Secretary of State for confirmation. At least one clear month before applying for confirmation, notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating the area to which the byelaws will apply. A copy of the byelaws must be deposited at the Council offices

¹ See generally [Tattooing and Body Piercing Toolkit](#) published by Public Health England and the Chartered Institute of Environmental Health, 2013.

and be open to public inspection without charge, at all reasonable times of the month. The byelaws could not come into effect until they have been confirmed.

IMPLICATIONS	
Finance	No further implications arising directly from the report.
Legal	The Council has a duty to protect public safety and prevent transmission of diseases.
Community Safety	The Council has a duty to protect public safety and prevent transmission of diseases.
Human Rights and Equalities	No further implications arising directly from the report.
Sustainability and Environmental Impact	No further implications arising directly from the report.
Health & Safety and Risk Management	The Council has a duty to protect public safety and prevent transmission of diseases.

LEAD AUTHOR	CONTACT DETAILS	DATE
Anita Elliott	Email – anita.elliott@fylde.gov.uk	28 February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Current byelaws for acupuncture, ear piercing, electrolysis, and tattooing.	8 th April 1986	https://new.fylde.gov.uk/wp-content/uploads/2019/05/documents-original-10.pdf
Tattooing and body piercing guidance toolkit	July 2013	https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf

APPENDIX TO THE REPORT	
Model Byelaw	

MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilised for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilised.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilised before re-use.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilisation, unless only pre-sterilised items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture (see section 14(8) of the Act).***

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
CHIEF EXECUTIVE	PUBLIC PROTECTION COMMITTEE	22 MARCH 2023	7
CARAVAN SITE WORKING GROUP – CLOSURE REPORT			

PUBLIC ITEM

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

SUMMARY

The current term of office for the Council will end in May 2023 with the Borough elections and the return of a new group of elected Members. The Boundary Commission Review means that there will be a reduction in the number of elected members from 51 to 37 and the governance review undertaken in response to the reduced membership of the Council will see the creation of an Executive Policy Committee and Scrutiny arrangements. The Council from May 2023 will have new Governance that will require different working arrangements.

At the final meeting of each Committee for the current term of office the working groups and boards that have been established and appointed by the committee will be formally closed and disbanded where appropriate to create the opportunity for the new council to review and determine the most appropriate arrangements under the new governance structure.

RECOMMENDATIONS

That the Committee disband the Caravan Working Group and acknowledges that the members of the Group appointed by the committee have fulfilled the intended objectives and aims set by the committee.

SUMMARY OF PREVIOUS DECISIONS

The Public Protection Committee established the Caravan Site Working Group at the meeting on 18th July 2018, and has appointed Members to the Working Group on annual basis since 2018.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. The Caravan Working Group was established in July 2018 by this committee. The terms of reference for the group are included below:
- 2.

Review proposed conditions on new and existing site licenses regarding registers and evidence proof to ensure a consistent approach, and to ensure that holiday caravan sites are not used as main residences.

3. Whilst the efforts of the Working Group were hampered by the pandemic, it became apparent following the requirement for holiday sites to close and residents to return to primary addresses that some residents had provided an address for a close family member and in fact did not have a primary address. Suggested updated draft conditions, tailored to each premises have been drafted and brought to the attention of applicants which are generally being agreed to.
4. Furthermore, with the support of the Working Group, Officers have now commenced a schedule of inspections for holiday sites where any breach of licence condition are subject to further action and investigation.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	There are no legal implications
Community Safety	There are no community safety implications
Human Rights and Equalities	There are no human rights or equalities implications
Sustainability and Environmental Impact	There are no sustainability or environmental implications
Health & Safety and Risk Management	There are no health & safety or risk management implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk	9 th March 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Public Protection Committee	Various dates / most meetings	www.fylde.gov.uk