

# Agenda

## Public Protection Committee

Date:

Friday, 12 December 2014 at 10:00am

Venue:

Town Hall, St Annes, FY8 1LW

Committee members:

Councillor Angela Jacques (Chairman)  
Councillor Dawn Prestwich (Vice-Chairman)  
  
Councillor Christine Akeroyd, Frank Andrews, Keith Beckett ISO, Alan Clayton, John Davies, Tony Ford JP, Gail Goodman JP, Ken Hopwood, Barbara Nash.

Item		Page
1	<b>Declarations of Interest:</b> 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	<b>Confirmation of Minutes:</b> To confirm the minutes of the previous meeting held on 23 September 2014 as a correct record, as attached.	3 - 6
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 23(c).	1
4	<b>Hackney Carriage Driver Licence – AC</b>	7 - 12
5	<b>Request to Licence Smart Cars as Private Hire Vehicles</b>	13 - 20
6	<b>Private Hire Vehicle Signage</b>	21 - 25
7	<b>Street Trading</b>	26 - 51
8	<b>Caravan Licensing – Greenacres Caravan Site</b>	52 - 70
9	<b>Caravan Licensing – Lawnsdale Country Park</b>	71 - 92

Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: [sharon.wadsworth@fylde.gov.uk](mailto:sharon.wadsworth@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at [www.fylde.gov.uk/council-and-democracy/constitution](http://www.fylde.gov.uk/council-and-democracy/constitution)

**© Fylde Borough Council copyright 2014**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

# Minutes

## Public Protection Committee



<b>Date:</b>	Tuesday, 23 September 2014
<b>Venue:</b>	Town Hall, St Annes
<b>Committee members:</b>	Councillor Angela Jacques (Chairman) Councillor Dawn Prestwich (Vice-Chairman) Councillors Christine Akeroyd, Frank Andrews, Susan Ashton, Keith Beckett ISO, Alan Clayton, John Davies, Tony Ford JP, Ken Hopwood, Barbara Nash.
<b>Other councillors:</b>	None
<b>Officers:</b>	Michael Duck, David Gillett, Chris Hambly, Clare Holmes, Andrew Stell, Sharon Wadsworth
<b>Other attendees:</b>	EZ, A Howarth, K Allen, C Dholakie, L Johnson

### 1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members. Councillor Tony Ford declared a personal interest in that he was a touring caravan owner.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Public Protection Committee meeting held on 19 March 2014 as a correct record for signature by the Chairman.

### 3. Substitute members

The following substitutions were reported under Council procedure rule 23(c):

Councillor Susan Ashton for Councillor Gail Goodman.

### 4. Hackney Carriage and Private Hire Driver Application EZ.

Chris Hambly, Principal Licensing Officer, presented an application for the grant of a Hackney Carriage and Private Hire Driver's Licence, for the Committee to consider and determine. The applicant had previously held a Hackney Carriage and Private Hire Driver's Licence until prosecuted

for a drink driving offence in June 2013. It was also noted that there had been a conviction in August 2013 for a speeding offence that occurred in February 2013 and resulted in six penalty points being accrued on the applicants licence.

The applicant EZ was invited to address the committee and responded to questions from members in relation to the offences.

Members of the committee were then invited to consider passing a resolution to exclude the public from the meeting in accordance with the provisions of section 100A (4) of the Local Government Act 1972, on the grounds that the business to be discussed was exempt information defined in paragraph 6 of Schedule 12A of the Act (information which reveals that the authority proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or b) to make an order or direction under any enactment.)

It was resolved to exclude the public whilst the committee consider the application.

The committee considered the matter and RESOLVED to refuse the application.

5. Application for a Pavement Café Licence.

Mr Hambly presented an application for a Pavement Café Licence outside Le Roti, 12a Park Street, Lytham which would include two tables and eight chairs. Representations had been received from the Highways Department of Lancashire County Council.

The applicant, Andrew Howarth, his agent Keith Allen of Keystone Design Associates Ltd and Chandra Dholakia from the Highways Department of Lancashire County Council were invited to address the committee and responded to questions from members in relation to the application. Councillor Beckett proposed an amendment to the application for a maximum distance for use as a pavement café of 1.8 metres (six feet) from the shop front to the carriageway with L-shaped barriers at both ends. This would increase the depth of the footway for pedestrian use from 1.8 metres to 2.3 metres. Councillor Clayton seconded the proposal.

Following a show of hands it was RESOLVED to approve the application for a pavement café licence with the proposed amendments.

6. Deregulation Bill.

Mr Hambly presented the report regarding the proposed changes to taxi and private hire licensing contained within the proposed Deregulation Bill. Mr Hambly briefly explained to members the potential impact to the Council if the proposals were passed.

It was RESOLVED to note the report and for Mr Hambly to report back to the committee once the Bill had progressed through Parliament.

7. Caravan Site Licensing – Little Orchard.

Michael Duck, Senior Environmental Health Officer, introduced the report relating to Little Orchard Caravan Park, Back Lane, Weeton which was licensed, under the Caravan Sites and Control of Development Act 1960, for 45 touring caravans. The applicant was seeking to remove part of Condition 3 of the touring site licence, to allow caravans to remain on the site all year round for storage on allocated storage pitches, and the removal of condition 4 of the touring licence which permits caravans to stay on site for no more than 28 days without the proviso for not returning within 48 hours.

The removal of both these conditions would bring the site licence in line with the planning permission granted on 13th February 2014, 12/0701, for removal of condition 7 of planning permission 09/0095; to allow touring caravans to be stored on site and condition 9 of planning

permission 06/0621 to allow caravans to remain on the site for more than 28 consecutive days with the proviso for not returning within 48 hours.

Staining and Weeton Parish Council and Lancashire Fire and Rescue Services had been consulted and not raised any objections to the application.

Andrew Stell, Development Manager, addressed the committee and responded to questions from members concerning the planning permissions.

After discussion, it was RESOLVED :

- 1) To approve the removal of part of Condition 3, of the touring site licence, to allow touring caravans to be stationed on their allocated pitches for storage all year round.
- 2) To approve removal of Condition 4, of the touring licence, to allow touring caravans to stay on site for more than 28 days.

#### 8. Caravan Site Licensing - Merlewood Country Park.

Mr Duck presented the report relating to Merlewood Country Park, situated just off Cartford Road, Little Eccleston, within the Larbreck and Little Eccleston Ward.

The use of the land as a holiday caravan site had been in existence since 1952 with the current site licence holder operating the site since 1998. The current site licence was for the total number of one hundred and sixty three (163) holiday caravans and was issued on the 24th January 2002.

The site owner was seeking the removal of Condition 23, of the holiday site licence, which stated that "caravans shall be used solely for human habitation as static holiday caravans and shall not be occupied from 16th January to 1st March in any one year".

The removal of the condition would bring the site licence in line with the planning approval granted on the 3rd March 2014, 14/0022, for the "Removal of condition 1 on application 3/7/0527 to allow all year round (12 months) holiday site".

Larbreck with Little Eccleston Parish Council and Lancashire Fire and Rescue Services had been consulted and not raised any objections to the application.

Mr Stell responded to questions from members concerning the planning permissions.

After discussion, it was RESOLVED to approve the removal of Condition 23, of the holiday site licence, to allow all year round use of the holiday site.

#### 9. Caravan Site Licensing – Mowbreck Park.

Mr Duck presented the report relating to Mowbreck Park, Mowbreck Lane, Wesham which was licensed under the Caravan Sites and Control of Development Act 1960 as a holiday caravan site.

An application had been received to amend Condition 2 of the holiday site licence issued on 24th July 2007 "Caravans shall be used solely for human habitation as static holiday caravans and no caravan shall be occupied between 16th January and 1st March in any one year." The removal of the condition would bring the site licence in line with Planning Consent 12/0459, granted on 20<sup>th</sup> November 2012 to allow year round occupation of static caravans for holiday use.

The owner was seeking to retain a two week closure period on the site between the 16th January and 30th January in the same year.

Medlar with Wesham Town Council and Lancashire Fire and Rescue Services had been consulted and not raised any objections to the application.

Councillor Beckett raised his concerns about residents occupying the site as their main residence.

Andrew Stell noted the comments and confirmed that he would formally investigate the matter under planning enforcement and keep the committee updated.

It was RESOLVED to amend Condition 2 of the site licence to read "Caravans shall be used solely for human habitation as static holiday caravans and no caravan shall be occupied between 16th January and 29th January in any one year".

10. Caravan Site Licensing – Lyndale.

Mr Duck introduced the report relating to Lyndale Caravan Park, Preston New Road, Westby which was licensed under the Caravan Sites and Control of Development Act 1960 for fourteen Residential Park Homes. The Licensing Department requested that the site licence issued on the 4th September 2007 be amended to reflect the 2008 Model Standards for Residential Park Home sites.

It was RESOLVED to approve to update the existing site licence conditions to reflect the Department of Communities and Local Government 2008 Model Standards for Residential Caravan Sites.

---

**Fylde Borough Council copyright [2014]**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication was also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

# REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## HACKNEY CARRIAGE DRIVER LICENCE - AC

### PUBLIC ITEM

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

### SUMMARY

AC is an existing hackney carriage licence holder and has recently accepted a Certificate of Caution for an offence, the details of which will be reported to the Committee.

### RECOMMENDATION

That the Committee considers the report and determine whether they consider AC to be a fit and proper person to hold a licence.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing

-

Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

### REPORT

1. AC is a current licensed driver, benefiting from a Hackney Carriage drivers licence issued by Fylde Borough Council which is due to expire on the 9<sup>th</sup> May 2015.
2. He has recently accepted a caution for an offence which occurred on the 4<sup>th</sup> October 2014, the details of which will be provided to members at the meeting.
3. 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.”
4. Appendix F 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.
5. AC 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	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. Where the council has adopted a policy which applies to a particular matter, it must take the policy into account when making its decision. Although it is not bound to follow the policy, any decision that is contrary to it should be supported and explained by clear and adequate reasons for departing from the policy.
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 and Environmental Impact	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	25 <sup>th</sup> November 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

Appendix 1      Appendix F - Relevance of Convictions to Applications



## APPENDIX F

### RELEVANCE OF CONVICTIONS TO APPLICATIONS

The following guidelines will be used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licences. In so stating, this Authority has adopted the guidelines set out in the DOT Circular 2/92 and HO Circular 13/92, subject to certain limited modifications.

#### General Policy

1. Each application will be determined on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. Listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles which will generally be followed where convictions are admitted.

#### 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.

### **3.3 Applications where Minor Traffic Offences are not Declared**

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the licensing officer may, if he thinks fit, still issue the licence subject to a warning regarding future conduct. If, however, he considers that there was a premeditated intent to deceive, he will normally refer the matter to the Public Protection Committee to be dealt with by way of a disciplinary hearing (see Appendix M).

## **3.4 Drunkenness**

### **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.

### **3.4.2 Not in a motor vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

## **3.5 Drugs**

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

## **3.6 Sexual or Indecency Offences**

The drivers of hackney carriages and private hire vehicles often carry passengers who are alone or may be vulnerable. Applicants who have convictions for rape, indecent assault, any sexual offence involving children or other vulnerable victims or any conviction for an offence under the Sexual Offences Act 2003, will, therefore normally be refused a licence. No application will be considered from a person currently on the Sex Offender's Register. Where an applicant has a conviction for a lesser sexual offence, such as indecent exposure, they will normally be refused a licence until they can show a substantial period, usually at least 5 years, free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed. More than one conviction of this kind 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. In all cases, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence. When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

### **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.

### **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.

### **3.9 Persistent Criminality**

Due to the potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property rights, would normally be refused.

### **3.10 Other Offences and special circumstances**

If the applicant has declared any other offences not listed above or the circumstances of the case justify it, the licensing officer will, if he considers it appropriate, refer the application to the Public Protection Committee for determination.

# REPORT



REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## REQUEST TO LICENCE SMART CARS AS PRIVATE HIRE VEHICLES

### PUBLIC ITEM

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

### SUMMARY

This report is to inform Members of a request received by the Licensing Team to licence a type of vehicle which does not currently meet the Councils specification.

### RECOMMENDATIONS

1. That the Committee considers the request to deviate away from the existing vehicle specification to permit the licensing of one passenger vehicles.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

### REPORT

1. The Council has received a request from John Coombes of Fylde Executive Cars to licence Smart Cars as one passenger private hire vehicles for a new initiative "Just for One". The request is attached at appendix 1.
2. The provisions of S48(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows an authority to licence vehicles as private hires which are "suitable in type, size and design for use as a private hire vehicle; in a suitable mechanical condition, safe and comfortable" but must "not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage."
3. An extract from the relevant part of the Hackney Carriage and Private Hire Licensing Policy relating to the current specification for licensed vehicles is attached at appendix 3.

4. The Department for Transport's Best Practice Guidance relating to Taxi and Private Hire Licensing states,

*The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.*

*Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.*

*It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).*

5. Although the Smart Car appears small, it is understood that high levels of passenger comfort are found inside and that there is a generous amount of space in terms of head and leg room. The vehicle is built as a passenger carrying vehicle by a mainstream manufacturer and has a very good NCAP safety rating (4star).
6. Mr Coombes has been requested to make arrangements for a Smart Car to be made available for inspection for Members at the meeting.
7. Should Members approve the use of a Smart Car and the deviation from the Policy, the issue of the private hire livery for the vehicle should be considered. The current policy requires the Fylde Borough Council private hire vehicle sign to be displayed on the front doors and the operator details on the rear door to a maximum size. As the vehicle is only 2 door this will not be possible, and as the area between the doors and rear of the vehicle is relatively small, consideration should perhaps be given to requiring the existing Fylde sign to continue to be displayed on the front doors and allowing the boot area to be utilised, providing any signage does not interfere with the registration plate and vehicle lights.
8. An additional report within this Committee agenda includes a request from Fylde Executive Cars for a revised form of Private Hire livery for an airport runner fleet and the Committee may wish to incorporate any need for Smart car livery into that decision.
9. The Committee is therefore requested to consider the report and determine the matter.

<b>IMPLICATIONS</b>	
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 and Environmental Impact	The licensing of Smart Cars will allow vehicle proprietors/operators to provide a vehicle and service which may be more environmentally friendly in respect of CO2 emissions, and more suitable for the type of journeys to be undertaken than the more conventional vehicles which are currently licensed.
Health & Safety and Risk Management	The Euro Ncap ratings show that the vehicle has 4 out of a maximum 5 stars for safety performance.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	21 <sup>st</sup> November 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

- Appendix 1 Request for licensing of Smart Cars
- Appendix 2 FEC Environmental Policy
- Appendix 3 Current Vehicle Specification

The “Just for One” service specifically is aimed at solo business travellers and residents alike. The vehicles will all be new and will be based at our Warton offices. This will make the fleet easily accessible to those residents living in the more rural areas of the Fylde Borough. It will initially be run during the day only from 06:00 to 18:00 to fit in with people travelling to/from work and the Boroughs shopping districts, for people to and from the supermarket, business or hospital appointments, or between hotels and rail stations, the Smart vehicles will be used to help supplement and support the Fylde Executive Cars executive fleet.

Our internal research has shown that our corporate business involved nearly 80% of journeys where clients were travelling alone. This also applies for a significant amount of other public transport journeys taken within the area.

With customers becoming increasingly cost and environmentally conscious, fuel prices constantly on the rise, the use of larger vehicles, on certain occasions, is unnecessary. Travellers will also benefit from a potential reduction in fares as the result of being transported in more efficient and economical vehicles. We would also like to discuss with the Council an opportunity to further help meet our environmental targets by introducing a carbon offset scheme where in the future FEC Ltd will purchase native broadleaf tree species for planting in green spaces across the Borough. Fylde Executive Cars has always taken its environmental responsibilities seriously, operating one of the most modern and fuel efficient fleets in Lancashire. A Copy of our environmental policy has been attached for your information.

Some members may be sceptical because of the vehicle’s size, but our research shows that many single passengers are simply travelling with a laptop case or overnight bag, which the car can easily accommodate; an example vehicle will be available for the committee to view on the night of the meeting if required?

The vehicle also offers very easy access to the elderly and can quite happily convey a passenger over 6 feet tall in comfort!

The launch of our “Just for One” car service will help reduce the CO2 emissions on the Fylde Coast and also offer an additional improvement to the local transport infrastructure at a time where new housing developments in more outlying areas may not be covered by current bus and private hire services. This new venture will spearhead our drive to introduce hybrid and electric vehicles onto our fleet and I hope that the Committee will support the use of these vehicles in meeting some of the Councils own environmental targets and commitments.





## **Environmental Commitment** **Working towards a carbon neutral operation**

Fylde Executive Cars Ltd are providers of chauffeur and courier services for industry and commerce. The company recognises that its employees and business activities will impact on both the local and global environment and that we have a responsibility to the community to minimise the adverse effects on the environment whenever possible. By working with the Carbon Footprint organisation we will work towards environmentally sound business practices that will help mitigate the 650 tonnes of carbon produced each year by our operation. During 2010-2012 Fylde Executive Cars have successfully offset their total carbon emissions through the planting of 376 broad leafed tree species which have been planted in School grounds across Lancashire.

This policy commits Fylde Executive Cars to:

- Establish an environmental management system to ensure the integration of environmental considerations in all our business activities.
- Ensure that we consider and then aim to meet or exceed relevant environmental initiatives and expectations.
- Adopt standards of environmental protection from best industry practice, or indeed to lead in our field. We will strive to improve standards where reasonably practical and economic.
- Integrate environmental considerations into driver-training techniques, including road safety. Increase staff and customer awareness of this policy through training, publicity and our internal chauffeur guidelines. We will extend this policy into areas of procurement, waste management and external contract services where practical.
- Ensure that the Management has overall responsibility for this policy and for implementation of the environmental management system.

### **Carbon Neutrality:**

Fylde Executive Cars are committed to researching the feasibility of alternative fuel powered vehicles such as Hydrogen and battery cell. By ensuring that old vehicles are replaced with more fuel efficient models on a regular basis will ensure that less carbon is produced. We are also keen to become a carbon neutral company by giving our clients the opportunity to pay an additional small fee to help carbon offset their journeys in the future.

### **Office Procedures:**

Procurement of stationary for internal office use will be specified as re-cycled where available. Paper, card, printer cartridges and other such materials will be collected and delivered to the local re-cycling points.

All non-essential office equipment and lighting will be switched off when not needed.



Electronic reservations, billing and invoicing systems will be used when possible to reduce paper-based systems.

**Vehicle servicing & Despatch procedures:**

Vehicles will be maintained in accordance with manufacturer's service schedules. Our chauffeurs daily checks routine will aid fuel efficiency by ensuring tyre pressures are correct.

Monitoring of daily work programmes will ensure that un-loaded miles are reduced. The car share scheme managed by us will be expanded to all clients, giving them an option to share their vehicle with other passengers and so reducing their CO2 emissions.

**Fylde Executive Cars long-term objectives are:**

- To reduce our energy costs, by procuring energy at the most cost effective price.
- Reduce the companies Carbon Footprint.
- Reduce our consumption of fossil fuels.
- Increase the proportion of renewable energy compared to fossil fuels.
- Increase our investment in clean, energy efficient technologies and equipment.

## APPENDIX A

### VEHICLES - SPECIFICATIONS AND CONDITIONS OF LICENCE

#### 1 GENERAL

- 1.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney or private hire). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles. All hackney carriage vehicles will also be subject to the requirements of the bye-laws made in respect of hackney carriages in so far as they relate to vehicles.
- 1.2 All vehicles shall have an appropriate "type approval" which is either a :-
- i) European Whole Vehicle Type approval;
  - ii) British National Type approval; or
  - iii) British Single Vehicle Approval.
- It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
- 1.3 All vehicles shall be capable of carrying not less than 4 passengers, be fitted with a right hand drive and shall have an engine size not less than 1298cc.
- 1.4 All vehicles shall comply with all construction and use/ type approval requirements applicable to it.
- 1.5 All vehicles shall be either a purpose built taxi, or a 4-door saloon, hatchback or 5-door estate/ multi-passenger vehicle. Except that a private hire vehicle shall not be of the London Taxi type.
- 1.6 All vehicles, other than stretched limousines that also meet at least the Euro 1 emissions standards, shall be less than twelve years old from the date of manufacture.
- 1.7 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.
- 1.8 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
- 1.9 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.
- 1.10 No vehicle must be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

#### 2 DOORS

- 2.1 All saloons, hatchbacks, estates or purpose built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

- 2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.
- 2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

### 3 INTERIOR DIMENSIONS

- 3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
- 3.2 Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

### 4 SEATS

- 4.1 Access to every passenger seat, of hackney vehicles licensed for more than 4 persons, must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one passenger to move.
- 4.2 Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- 4.3 In relation to the carriage of Child Passengers under 3 years of age in the front seat, an appropriate child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

### 5 SEAT BELTS

- 5.1 All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

### 6 PASSENGER CAPACITY

- 6.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

### 7 FIRE EXTINGUISHERS

- 7.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 2kg ABC General Purpose Powder or 2 litre AFFF Foam and conform to BSEN 3, showing the appropriate kite-mark and must be securely fixed in a position readily accessible to the driver and visible to passengers.
- 7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8, by a registered competent

# REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## PRIVATE HIRE VEHICLE SIGNAGE

### PUBLIC ITEM

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

### SUMMARY

A request has been received to deviate from the Hackney Carriage and Private Hire Licensing Policy to allow for full vehicle livery on private hire vehicles.

### RECOMMENDATION

That the Committee considers the report and determines the request.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing

-

Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

### REPORT

1. The Council has received a request from John Coombes of Fylde Executive Cars for full vehicle livery on a new fleet of private hire vehicles to act as airport runners. An image of proposed signage is attached at appendix 1.
2. The current policy for signage on private hire vehicles is as set out below:

## 14.1 Private Hire Vehicle markings

- 14.2.1 Self adhesive identification signs as approved and supplied by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire plates affixed.
- 14.2.2 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.
- 14.2.3 Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted.
- 14.2.4 No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

## 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.
  - 15.4.2 **Private Hire Vehicles**
    - (i) For saloons, hatchbacks and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and must be

confined to either the rear doors or the rear of the vehicle to a size which does not exceed 800 sq. cms on either side or on the rear of the vehicle.

- (ii) For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 12.5 cm and must be confined to either the rear doors, the rear wings or the rear of the vehicle to a size which does not exceed 1400 sq. cms. on either side or on the rear of the vehicle.
- (iii) No signs whatsoever, other than the identification signs approved and supplied by the Council (see 14.2.1 above) must be affixed to the drivers' door and front passenger door panels of the vehicle.

3. The Law Commission recently completed a consultation regarding Taxi and Private Hire Services and discussed the matter of private hire vehicle signage. Following the consultation it was recommended that, *"Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles."* The relevant part of that consultation is attached at appendix 2.
4. The Department for Transport's Guidance issued in March 2010 also discusses Vehicle Identification and comments,

#### **Vehicle Identification**

*38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:*

- *a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;*
  - *a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.*
  - *Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.*
5. An example of the requested livery is appended and the Committee are requested to consider the report and determine the matter.

<b>IMPLICATIONS</b>			
Finance	There are no implications arising directly from the report.		
Legal	The existing signage requirements are imposed in the interests of public safety and are intended to enable anybody picked up by a private hire vehicle to verify that the vehicle is a genuine licensed PHV. Increasing the amount of livery a vehicle may display may cause confusion to the taxi using members of the public creating difficulty in differentiating between hackney carriages and private hire vehicles.		
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 and Environmental Impact	There are no implications arising directly from the report.		
Health & Safety and Risk Management	There are no implications arising directly from the report.		
<b>REPORT AUTHOR</b>	<b>TEL</b>	<b>DATE</b>	<b>DOC ID</b>
Chris Hambly	01253 658422	27th November 2014	

<b>LIST OF BACKGROUND PAPERS</b>		
Name of document	Date	Where available for inspection
Law Commission Report	2014	<a href="http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf">http://lawcommission.justice.gov.uk/docs/lc347_taxi-and-private-hire-services.pdf</a>
Department for Transport Best Guidance	March 2010	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf</a>

Attached documents

Appendix 1 Example of requested signage



Draft No 1: John Coombes

Date 5/11/2014

Design: full colour printed graphics as shown or similar.

Using highest quality wrap materials as discussed in our email notes,

we will print the design with

our large format fully external (uv 7 years outdoor) printer .

All graphics will then be laminated with matching product (clear high gloss) giving very long external life and protection from markers or vandalism.

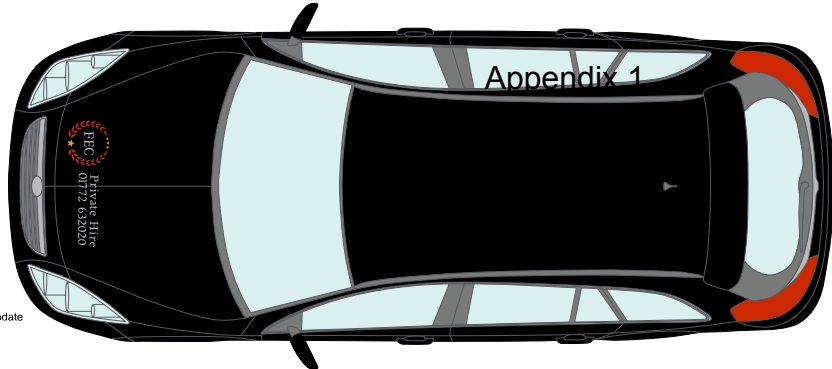
Vehicle will be pre-prepped with isopropyl and wrapped to as close as to the draft as possible

(please allow some tolerance due to vehicle swages, handles) etc

total quote for: design, production & fit = £460 + vat

**IF YOU WANT TO SIT IN TO AMEND THE DESIGN PLEASE CALL FIRST & I CAN ARRANGE A SUITABLE TIME AS I AM NOT ALWAYS FREE OR IN THE PREMISES**

NOTE: please we are in business because of you, therefore if the quote is more than your available budget please contact me & I will adjust our design to accommodate you!



# REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## STREET TRADING

### PUBLIC ITEM

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

### SUMMARY

This report is to inform Members of the Government's response to a consultation exercise regarding proposals to amend street trading legislation.

### RECOMMENDATIONS

That the Committee note the report.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing

-

Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

### REPORT

1. Members will recall a report to the Public Protection Committee on the 22<sup>nd</sup> February 2013 concerning a consultation by the Department for Business Innovation and Skill regarding the repeal of the Pedlars Act and changes to street trading legislation.
2. Following the report a consultation response was sent on behalf of the Committee expressing concerns regarding the proposed changes.
3. On the 16<sup>th</sup> October 2014 the Government response to the consultation was published and is attached at appendix 1.
4. As part of their response the Government state that they will:

- Retain the Pedlars Act 1871 and 1881
  - Remove the requirement for a pedlar to have lived in the area where he or she wants to operate
  - Work with the Police to make sure that the good character check for a pedlar's certificate is objective and is applied consistently across the UK.
  - Amend street trading legislation so that undue restrictions on licenses for street traders are removed
5. Whilst the proposals suggest some amendments to the Pedlars legislation and street trading licences, Fylde Borough Council do not issue these. However, we do issue street trading consents and the following would appear to have an impact upon the Authority:
- The prohibition on trading in a consent street from a van or other vehicle, stall, barrow or cart is to be relaxed. (consents may be issued to stationary van, carts, barrow or from a portable stall)
  - The specified term of a street trading consent is to be removed but any future period set by the Authority should take into account the need to avoid unduly restricting entry to the market.
6. Members are requested to note the report.

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 and Environmental Impact	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	21 <sup>st</sup> November 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Public Protection Committee report	22/2/13	<a href="http://www.fylde.gov.uk/meetings/details/1078">http://www.fylde.gov.uk/meetings/details/1078</a>

Attached documents

- Appendix 1 Street Trading and Pedlary Legislation: Compliance with the EU Services Directive. Government Response to the consultation to repeal the Pedlars Act and make changes to street trading legislation in England and Wales.



Department  
for Business  
Innovation & Skills

**STREET TRADING AND PEDLARY  
LEGISLATION: COMPLIANCE WITH  
THE EU SERVICES DIRECTIVE**

Government response to the  
consultation to repeal the  
Pedlars Acts and make changes  
to street trading legislation in  
England and Wales

OCTOBER 2014

# Contents

<b>Contents</b> .....	<b>2</b>
<b>Analysis and Government Response</b> .....	<b>4</b>
Proposal to repeal the Pedlars Acts .....	5
Government response .....	5
Proposals to amend Schedule 4 of the LGMPA .....	6
Paragraph 1 – Exemption for pedlars.....	6
Established and temporary traders .....	6
Paragraph 2 – Power to designate streets as licence streets or consent streets .....	6
Paragraph 3 – Applications for street trading licences.....	7
Paragraph 4 – Duration of street trading licences .....	10
Paragraph 5 – Revocation of street trading licences .....	11
Paragraph 6 – Disapplication of the Provision of Services Regulation 19(5) in some circumstances .....	11
Paragraph 7 – Street trading consents.....	12
Paragraph 10 – Offences.....	13
Screening of local authority legislation and consequential amendments .....	13
Conclusions and next steps .....	13
<b>Annex A – The Consultation</b> .....	<b>15</b>
<b>Annex B – The UK’s pedlary regime</b> .....	<b>16</b>
Analysis of responses .....	16
Pedlars .....	16
Local authorities.....	16
Police.....	17
Micro-businesses.....	18

Market trading associations .....	18
Other responses .....	19
Individuals.....	19
Government response .....	19
Proposal to amend Schedule 4 of the LGMPA .....	20
The exemption for pedlars .....	20
Government response .....	21
<b>Annex C – Respondents to the consultation.....</b>	<b>22</b>

# Analysis and Government Response

## Key decisions

- The Pedlars Acts will be retained and the certification process amended to make it compliant with the Services Directive
- The definition of pedlary will remain unchanged
- The proposed amendments to Schedule 4 of the Local Government Miscellaneous Provisions Act (LGMPA) to make its provisions compliant with the Services Directive will go ahead.

1. The UK Government, the Northern Ireland Executive and the Scottish Government issued a joint consultation on 23 November 2012<sup>1</sup> seeking views on draft regulations to:
  - repeal the Pedlars Acts 1871 and 1881 (which apply to the whole of the UK) because the certification process set out in the Acts does not comply with the requirements of the European Union Services Directive 2006/123/EC (the Services Directive); and
  - amend the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA) in England and Wales and the Street Trading Act (Northern Ireland) 2001 to ensure compliance with the Services Directive.
2. The need to make these changes followed the consensus reached by EU Member States in 2010 that the retail sale of goods is generally a service activity which falls within the scope of the Services Directive. Previously, such activities were not considered to be in scope and this change in interpretation was described in the Government response to the 2009 consultation on reform of the street trading regime which was published in March 2011.<sup>2</sup>
3. This document is the Government response to the consultation about the repeal of the Pedlars Acts which apply to the whole of the UK. It also covers the proposals for the street trading regime in England and Wales. The consultation ran for 19 weeks and closed on 5 April 2013. The consultation period was extended twice to ensure that all interested stakeholder groups had sufficient opportunity to respond.
4. In total, 183 responses were received from local authorities, police forces, pedlars, micro-businesses (mainly market traders) and their associations, other organisations and

---

<sup>1</sup> <https://www.gov.uk/government/consultations/street-trading-and-pedlary-laws-a-joint-consultation-on-draft-regulations-to-repeal-the-pedlars-acts-uk-wide-and-make-changes-to-the-street-trading-legislation-in-england-wales-and-northern-ireland>

<sup>2</sup> [Ref to 2011 response – not currently available on gov.uk] paragraph 23

individuals. Not all respondents answered all questions, some of which were only addressed to particular stakeholders such as local authorities or the police. Further details are at Annex A.

5. The Northern Ireland Executive and the Scottish Government will publish their own responses on the consultation on their street trading regimes later this year.

## Proposal to repeal the Pedlars Acts

6. The consultation document set out the reasons why the pedlar certification process, which consists of the need to prove residency in the local area for at least a month, that the applicant is over 17 years of age and is of good character, is incompatible with the Services Directive. It proposed that the certification process should be abolished and the Acts repealed because the certification scheme is their main purpose. The consultation asked (Question 1) whether consultees agreed with this approach.
7. Pedlars were strongly opposed to the repeal of the Pedlars Acts which they saw as providing legitimacy for their profession which would otherwise be lost. They argued that the Pedlars Acts should be retained but amended to comply with the Services Directive.
8. Police forces valued the certification process as it provided the means for them to make a judgement on whether or not to issue a licence and to thereby allow a pedlar to trade. They were worried that if this certification requirement was lost, door to door selling by rogue traders would increase. This concern was also held by many of the individuals who responded.
9. Local authorities were similarly worried that removing the certification process would provide a free-for-all for undesirable trading in their town centres. Street trader businesses and their associations agreed and wanted changes to address what they saw as unfair competition against licensed street traders. Annex B contains further analysis of the responses to this proposal.
10. In Northern Ireland no substantive responses were received from pedlars. District councils and local government representative groups were strongly opposed to the proposal to repeal the Pedlars Acts as they felt to do so would undermine the street trading licensing regime in Northern Ireland which provides for the regulation of mobile and stationary street traders. The Police Service Northern Ireland thought that pedlars should be regulated as street traders.
11. There were only a few responses in Scotland, mostly from licensing authorities, who were generally in favour of steps to modernise the law in this area.

## Government response

12. In the light of these responses and having considered further the legal position regarding the compliance of the pedlar certification process with the Services Directive, the Government has decided not to repeal the Pedlars Acts but instead to amend the certification process to make it compliant. The requirement for residency in the local area will be removed as it discriminates against traders from other EU Member States. While the age limit does in some ways duplicate child protection legislation, that legislation does not cover all modes of pedlary and so we believe the age limit can be justified for reasons



of public policy. The current requirement for good character is not specific enough to be objective and is inconsistently applied across the country. We will therefore work with the police to develop a new good character check to be applied across the UK that addresses these failings using experience from other certification procedures.

13. The current definition of pedlary in the Pedlars Acts will remain unchanged.

## Proposals to amend Schedule 4 of the LGMPA

### Paragraph 1 – Exemption for pedlars

14. The consultation proposed to introduce a new, modern definition of pedlary into paragraph 1 of Schedule 4 of the LGMPA so that with the proposed repeal of the Pedlars Acts, genuine pedlars would continue to be exempt from the national street trading regime as they are now. The definition was developed as a compromise between the restrictive requirements of some local authority Acts and the current very loose definition in the UK-wide Pedlars Acts and was based on a requirement for a pedlar to carry their goods and not to remain trading in one place. Descriptions of the size of receptacle allowed to carry the goods and what “mobile” meant were proposed. The consultation asked (Question 2) whether respondents agreed with the proposed definition.
15. While recognising that the existing definition is out of date and accepting the principle of the proposed new one, most respondents disagreed with the descriptions of how it would apply, from two opposing points of view. Pedlars thought that the proposed descriptions would unduly hamper their ability to trade freely. Local authorities thought the proposed descriptions were too “generous” and would be unworkable in practice. The market trading associations, other organisations and individuals that commented were also opposed. Chapter 2 contains further analysis of the responses on this issue.
16. In the light of the general disagreement with the proposed definition and the polarisation of responses between pedlars and local authorities and other respondents, we believe it is unlikely that a mutually acceptable definition can be found and **the Government has therefore decided not to change the exemption in Schedule 4 for certified pedlars and to leave the current definition of pedlary in the Pedlars Acts unchanged.**

### Established and temporary traders

17. The Services Directive distinguishes between two categories of service provider – those that are exercising the freedom of establishment (an established trader) and those that are exercising the right to provide cross-border services in a Member State other than the one in which he or she is established (a temporary trader). Article 9 of the Services Directive sets out the requirements for an authorisation scheme for established traders and Article 16 sets out the requirements for temporary ones. The requirements of Article 16 are more difficult to satisfy and for this reason, there may be circumstances in which an authorisation scheme can be applied to established traders but not to temporary traders. The following paragraphs refer to this important distinction between types of trader.

### Paragraph 2 – Power to designate streets as licence streets or consent streets

18. The consultation proposed to amend paragraph 2 of Schedule 4 so that as well as being able to designate streets for both established and temporary traders, local authorities

should also be able separately to designate licence or consent streets just for established traders. This was to enable local authorities to take advantage of the fewer limitations on the restrictions that can be justified under the Services Directive for established traders compared to temporary ones. The consultation asked (Question 3) if local authorities could envisage circumstances in which it would be useful to designate a street as a licence or consent street in relation to established traders but not in relation to temporary traders.

19. Of the 50 respondents to this question, 27 local authorities could not envisage such a situation and did not think such an extra power would be useful as it would be considered unfair and be confusing. This compared to the 19 that thought that it would be useful, for example for use in particular high profile outdoor sites.
20. **On balance and in the light of these responses, the Government does not consider there is a strong case for changing this designation power.**

### Paragraph 3 – Applications for street trading licences

#### Electronic applications

21. The Services Directive requires that all in-scope application processes should be capable of being completed by electronic means. The consultation proposed to clarify that this is the case with respect to applications for street trading licences by amending the requirement for two photographs in paragraph 3(3) of Schedule 4 to just one when the application is made by electronic means. It asked (Question 4) whether consultees agreed with this. The 49 local authority respondents to this question all agreed with this proposal as did 6 of the 7 police forces, the 4 market trader associations, and the two Business Improvement Districts that responded.
22. **The Government will therefore amend paragraph 3(3) of Schedule 4 so that only one photograph is required** when the application is made by electronic means.

#### Grounds for refusing a licence – minimum age

23. Paragraph 3(4)a requires a local authority to refuse to grant a licence to a child under the age of 17 years. There is, however, other legislation (the Children and Young Persons Act 1933) which provides more specific protection for children and so this requirement appears to be redundant. To comply with the Services Directive, restrictions applying to the granting of a licence should be proportionate and the consultation argued that it was not proportionate to keep the Schedule 4 grounds for refusal based on age in addition to the sufficient protection afforded by the 1933 Act. The consultation therefore proposed to replace the current requirement to refuse a licence to a child under 17 with a requirement to refuse to grant a licence if to do so would contravene the Children and Young Persons Act. The consultation asked (Question 5) for views on this and an estimate of the number of applications expected from people under 17.
24. Of the 28 local authorities who responded, 17 agreed with the rationale for removing these grounds for refusing a licence saying that the age limit was arbitrary and not useful. Some of the 10 who disagreed raised concerns that child protection legislation might not be sufficient in a street trading context and that the status of a contract between buyer and seller was unclear if the trader was under 17. Plymouth City Council was concerned about young people trading products with a minimum age requirement such as knives and Sheffield City Council thought that the existing child protection legislation was not

adequate for protecting children of non-compulsory school age in the context of street trading. The estimates of the likely number of applicants under 17 years of age ranged from none to ten per year.

25. The Government believes the specific restrictions in the Children and Young Persons Act on the engagement of children in street trading are sufficient protection. On the issue of contracts, the usual common law contractual principles apply to contracts between minors and adults in the context of street trading and pedlary. In terms of young people trading restricted goods such as knives, other legislation exists that places a restriction on the sale of certain items.
26. In the light of the majority supporting the proposal, **the Government will therefore replace the mandatory ground for refusing a licence for applicants under the age of 17 years with one that requires a local authority to refuse to grant a licence if, were the licence to be granted, there would be a contravention of the Children and Young Persons Act 1933.**

#### **Other grounds for refusing a licence**

27. Under paragraph 3(6), local authorities have discretion to refuse an application for a street trading licence on one of seven grounds. The Government's analysis of compatibility with the Services Directive indicated that of these, one was incompatible and two needed modification. The others could be justified although we will clarify in paragraph 3(6)(d) that "for any reason" must comply with regulation 24(3) of the Provision of Services Regulations 2009.
28. The consultation asked (Question 6) whether it would be useful for the Government to issue guidance on the discretionary grounds that could be justified: 3(6)a – insufficient space; 3(6)d – the applicant's suitability; 3(6)e and f – failure to pay fees/charges. Of the 39 respondents who answered this question, 33 agreed that guidance would be useful. The 5 respondents who disagreed thought that the Act was sufficiently clear and that local authorities were used to interpreting it.
29. In the light of this, **the Government will issue guidance on the circumstances in which the discretionary grounds 3(6)a, 3(6)d, 3(6)e and 3(6)f can be used.**
30. The consultation set out the Government's view that one of these grounds: 3(6)b – that there are already enough shops or street traders in the street who are trading in the applicant's goods – should be repealed as it was incompatible with the Services Directive. The consultation asked (Question 7), however, whether circumstances could be envisaged in which these grounds could be used compatibly. Although 7 of the 40 respondents to this question explained why they felt it was a valuable ground for a Local Authority to use when considering street trading licence applications, the Government is not persuaded that this ground can be used compatibly with the Services Directive.
31. **Despite the support for maintaining these grounds, the Government does not believe that grounds 3(6)b can be justified under the Services Directive and therefore has no option but to repeal it.**
32. This section of the consultation also suggested that to compensate for the loss of 3(6)b, new grounds should be included in paragraph 3(6) to enable a local authority to refuse a licence application if it was of the view that a street was unsuitable for the type of trading

in which the applicant wanted to engage. The consultation made it clear that such grounds would have to be exercised compatibly with the Services Directive and asked (Questions 7.1 – 7.3) whether such grounds would be useful, the likely costs and the need for guidance in their use. This suggestion was made in response to concerns expressed by local authorities before the consultation that the potential removal and amendment of grounds for refusal would adversely affect their ability to control their town street environments.

33. Since the consultation was launched, however, the Government's de-regulatory approach to legislation in general and that affecting businesses in particular has strengthened. All legislation intending to restrict businesses or increase their costs – these discretionary grounds would likely do both – is subject to intense scrutiny. In addition, the Government's approach to implementing EU legislation has also become stricter with respect to "gold-plating" – going beyond what is strictly necessary to implement the legislation.
34. Of the 36 local authorities that responded to this question, 30 supported the proposal. Scenarios offered for when it would be useful included that it would help protect public safety if there was a specialised event or road works or it could be used to refuse a licence to sell fast food close to a school. Despite the support for the proposal, however, the evidence received about how these grounds might be used was insufficient relative to the high standard to justify the regulation needed to take this forward. Therefore, **the Government does not intend to introduce new discretionary grounds for refusal of a licence based on the suitability of the particular street.**
35. The consultation considered that the discretionary grounds 3(6)c – the applicant wants to trade for too few days each week – and 3(6)g – the applicant has failed to use a previous licence sufficiently – were incompatible with Article 16 of the Services Directive with respect to temporary traders, though they could be justified for established traders in some circumstances. It was therefore proposed that they should be modified to prevent the grounds being used for temporary traders. An option was to repeal them completely.
36. The consultation asked (Question 8) whether there were any circumstances in which the existing grounds could be used compatibly and whether the amended grounds would actually be used solely for established traders. Of the 32 local authorities who responded to this question, 28 could not see any circumstances in which these grounds would be compatible in relation to temporary traders and all respondents agreed with the proposal to amend them, rather than repeal them. **The Government will therefore amend the discretionary grounds 3(6)c and 3(6)g so that they cannot be used with respect to temporary traders.**
37. In terms of when the 3(6)c and 3(6)g grounds could be justified for established traders, the consultation argued that these would only be compatible with the Services Directive if there was demand from other would-be traders for the licence to trade in the street in question. It proposed to amend this paragraph to ensure that these grounds were only used if those conditions were met. The consultation asked (Questions 8.2 – 8.3) if in that case local authorities would continue to use the grounds for established traders and whether they could foresee any difficulties in the proposed conditions.
38. Of the 34 local authorities that responded to these questions, 18 thought they would continue to use these grounds because it was unreasonable for licences to be renewed if

they were not sufficiently used by the licence holder. Slightly fewer, 9 respondents did not think they would use these grounds – some reasons given included that they hadn't used them in the past or that they were flexible about the usage of licences or that they felt that refusal should be at the discretion of the local authority.

39. On whether there would be problems with the proposed conditions, 19 of the local authorities who commented thought there would be difficulties applying them but this seemed to be based mainly on a view that they should be able to use their discretion and/or that that established and temporary traders shouldn't be treated differently. Slightly fewer, 15, did not see particular problems with the conditions.
40. In the light of these responses **the Government will amend paragraph 3(6)c and 3(6)g to prevent local authorities using these discretionary grounds for refusing a licence to an established trader unless there is demand from another established trader to use the licence.**
41. The consultation described how paragraph 3(8) discriminates against non-UK traders by allowing protection against refusal of a licence in a particular site if the applicant has previously been licensed for that site. It proposed to repeal this paragraph and asked (Question 9) whether consultees could see any problems with doing so and whether they agreed with the analysis in the consultation.
42. Of the 31 local authorities who responded to this question, 28 did not see any problems with repealing these grounds and 22 agreed with the analysis. Those that disagreed with the analysis disagreed with the assumption that each application should be considered on its merits regardless of which country the applicant was from. This is clearly discriminatory and **the Government will therefore repeal paragraph 3(8) of Schedule 4.**

#### Paragraph 4 – Duration of street trading licences

43. The consultation proposed to remove the specification in paragraph 4(6) of the time period of validity of street trading licences, currently 12 months. The Services Directive precludes an authorisation being applied for a limited period except in certain circumstances. The consultation recognised, however, that to prevent newcomers being excluded from the market, local authorities would need to be careful not to offer long licences where demand for them was high. On the other hand, they would need to avoid unnecessary restrictions when demand was low. The consultation asked (Question 10) whether consultees foresaw any problems with removing the time period, what the effects of having longer licences would be and the periods they would be likely to use.
44. Of the 42 local authorities that responded to this question, 36 did not foresee problems with extending the time period for licences providing they had flexibility to do so on the merits of each application. A few, 16, were concerned that longer licences could increase the barriers to entry for new traders. Of the 36 local authorities who commented on the time period, half thought they would use licence periods of more than 12 months while 15 thought they would keep the period at 12 months. For longer licences, the periods suggested were between 1 and 5 years.



45. In the light of these responses, **the Government will remove the specification of the time period of validity of street trading licences and expect local authorities when setting a time period to take into account the need to avoid unduly restricting entry to the market.**

### Paragraph 5 – Revocation of street trading licences

46. In parallel with the changes to paragraph 3(6) described above concerning grounds for refusal of a licence application, the consultation proposed to repeal or amend the equivalent grounds in paragraph 5(1) for revoking a licence.
47. The consultation asked (Question 11) whether it would be useful for the Government to issue guidance on the revocation grounds that could be justified under the Services Directive: 5(1)a – insufficient space; 5(1)b – unsuitability of licence holder; 5(1)c – failure to pay fees/charges. Nearly all the 35 respondents who answered this question agreed that it would be useful and so **the Government will issue guidance on the circumstances in which the revocation grounds 5(1)a, 5(1)b and 5(1)c can be used.**
48. The discretionary grounds for revoking a licence contained in paragraph 5(1)d – failure to use a licence sufficiently – were considered, in the same way as the equivalent discretionary grounds for refusal, to be incompatible with the Services Directive with respect to temporary traders. The consultation therefore proposed to amend these grounds so that they could not be used for temporary traders and asked (Question 11.1 – 11.2) whether there were any circumstances in which the grounds might be used compatibly for temporary traders and whether they should be amended or repealed.
49. Of the 31 local authorities that responded to this question, 20 did not think these grounds could be used compatibly for temporary traders. There was not a strong preference for amendment over repeal though slightly more respondents favoured amendment.
50. For established traders, the consultation asked (Question 11.3) whether local authorities foresaw difficulties in limiting the circumstances in which these grounds could be used to where there was demand for a licence from other would-be traders
51. Of the 31 local authorities who answered this question, 23 did not foresee difficulties in applying this condition.
52. **The Government will therefore amend paragraph 5(1)d to prevent local authorities using these discretionary grounds for revoking a licence to an established trader unless there is demand from another established trader to use the licence.**

### Paragraph 6 – Disapplication of the Provision of Services Regulation 19(5) in some circumstances

53. The EU Services Directive is implemented in the UK through the Provision of Services Regulations 2009 (PSRs) and the consultation described how regulation 19(5) has the effect that if an established trader's licence application is not processed within the period required by regulation 19, the licence will be deemed to have been granted unless there are different arrangements in place, but these arrangements must be justified by overriding reasons of public interest (ORRPI) as specified in Article 9 of the Directive. Schedule 4 of the LGMPA does not currently make any such arrangements.

54. As Schedule 4 currently does not make arrangements for regulation 19(5) of the PSRs to be disqualified in any circumstances, there is currently a clash between the provision of regulation 19(5) of the PSRs which requires a licence to be deemed automatically granted if the Local Authority has not processed the licence application within a set period of time, and the existence of the circumstances set out in Schedule 4 which requires a Local Authority to turn down licence applications. Therefore regulation 19(5) should be dis-applied where there are mandatory grounds for refusal – the consultation proposed to do this by amending paragraph 6 of the Schedule.
55. The consultation also suggested that local authorities might wish to put in place administrative arrangements disapplying regulation 19(5) where no mandatory grounds for refusal applied (assuming such arrangements could be justified by one or more ORRPIs). Also, that they may wish to specify administratively the arrangements that would apply to a street trading licence that was deemed to have been granted under regulation 19(5) as a result of the application not having been processed in time.
56. The consultation asked (Question 12) whether consultees foresaw any problems with these proposals and whether local authorities should have the discretion to disapply 19(5). All but one of the 31 respondents saw no problems with disapplying regulation 19(5) to Schedule 4 where there were mandatory grounds for refusal and 18 agreed that local authorities should have discretion to disapply regulation 19(5) or to specify the consequences of a licence that was deemed to have been granted.
57. **The Government will therefore amend paragraph 6 of Schedule 4 to disapply regulation 19(5) of the PSRs where mandatory grounds for refusal exist.**

### Paragraph 7 – Street trading consents

58. The consultation described two consequential amendments to paragraph 7 to reflect the changes described above. These were: to amend paragraph 7(3)a in the light of the changes to 3(4)a (mandatory grounds for refusal if an application contravened child employment legislation); and disapplication of regulation 19(5) of the PSRs, in the light of the changes to paragraph 6 described above, where mandatory grounds for refusal of the application apply.
59. The consultation also proposed that local authorities should have the ability to relax fully the prohibitions described in paragraph 7(7) of Schedule 4 on trading in consent streets from a van or other vehicle or from a stall, barrow or cart. Currently, paragraph 7(8) gives only a limited ability to do this.
60. The consultation asked (Question 13) whether consultees foresaw any problems with doing this and 41 of the 44 who responded did not. **The Government will therefore amend paragraph 7 of Schedule 4 to allow local authorities to relax the prohibitions in paragraph 7(7) in their entirety where appropriate.**
61. **The Government will also remove the specification of the time period of validity of street trading consents while making it clear that the period set should take into account the need to avoid unduly restricting entry to the market.** This is in parallel to the amendment to 4(6) – duration of licences – described in paragraphs 43 - 45.

## Paragraph 10 – Offences

62. The consultation proposed a consequential amendment to paragraph 10(1)d to reflect the changes to paragraph 7 described above to ensure that a breach of the revised prohibition remains an offence. It asked (Question 14) whether consultees foresaw any problems with this and 41 of the 44 who responded to this question did not. **The Government will therefore make consequential amendments to paragraph 10(1)d of Schedule 4 to reflect those to paragraph 7.**

## Screening of local authority legislation and consequential amendments

63. The consultation document listed the local street trading legislation that the Department was aware of at the time that required screening for compliance with the Services Directive and asked (Question 15) whether there was additional legislation in scope, whether changes as a result changes were needed and whether local authorities wanted the Government to include these in its secondary legislation. Question 17 asked for details of these changes and for appropriately drafted provisions. The consultation also asked (Question 16) about consequential amendments that would be needed if the proposal to repeal the Pedlars Acts was taken forward.
64. Proposed amendments to local legislation were received from Bournemouth, the London Councils, Canterbury, Leeds, Leicester, Liverpool, Maidstone, Manchester, Medway, Nottingham and Reading.

## Conclusions and next steps

65. Following strong objections to the proposal to repeal the Pedlars Acts and to the proposed new definition of pedlary the Government has reconsidered how best to ensure the UK's pedlary regime remains compliant with the Services Directive. The Government believes that amending the certification process to make the good character check more objective but removing the residency requirement is a better way forward. It retains the control that local authorities and the police need to tackle illegal street-trading while minimising the impact on pedlars. Importantly, it retains UK legislation that specifically concerns pedlary – this was a critical issue for many pedlars who believed it to be essential to their legitimacy as a profession.
66. There was much more consensus in agreement with the proposals to amend the street trading regime to make it compliant and in most cases, the Government has been able to go with the majority view.
67. The Government recognises that the decisions set out in this document represent a balance between often opposing views. Local authorities working to make their town centres attractive and safe places for people to shop would often like to have more restrictions rather than less. The purpose of the European Union Services Directive, on the other hand, is to make trading easier, whether for established or temporary traders.
68. The Government will now work with the police to develop an objective good character check for the Pedlars Acts certification process using the experience from other certification processes. Secondary legislation will then be brought forward under Section 2.2 of the European Communities Act 1972 to effect the necessary changes to the Pedlars Acts and to the LGMPA. Where local authorities have provided details of

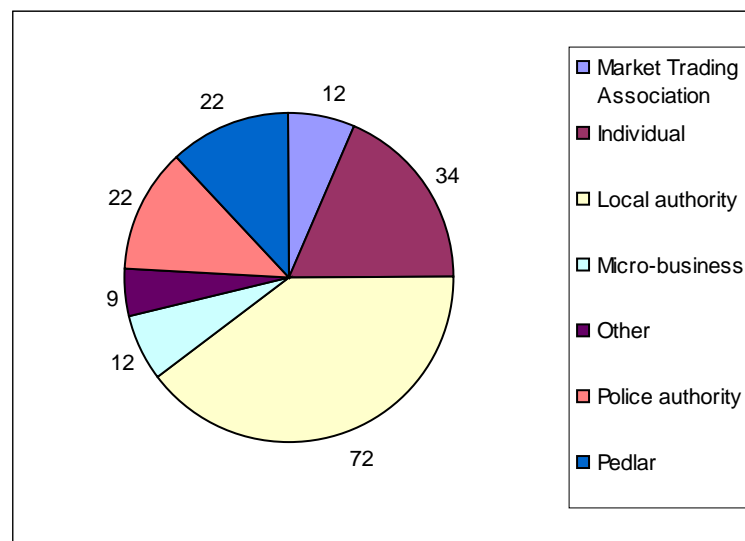


amendments required to local legislation, we will work with them to implement those changes at the same time.

69. The Government will also keep in close contact with the Northern Ireland Executive and the Scottish Government as they develop their responses to the parallel consultations on their street trading regimes.

# Annex A – The Consultation

1. The 2012/13 consultation ran for 19 weeks and closed on 5 April 2013. A press release was issued on the day that the consultation document was published on the BIS website.<sup>3</sup> The launch of the consultation was covered by several national and local newspapers and trade publications and on national television and online. A number of local authorities made the consultation available on their website and the pedlars.info group<sup>4</sup> also publicised it and gave information on how to respond. The consultation period was extended twice to ensure that all interested stakeholder groups had sufficient opportunity to respond.
2. In total, 183 responses were received from local authorities, police forces, pedlars, micro-businesses (mainly market traders) and their associations, other organisations and individuals. Responses were received by email, post and via an online questionnaire.



3. Some of the questions were addressed to a subset of these stakeholders – for example, to local authorities or to the police. Some respondents gave narrative responses rather than answering the specific consultation questions. Others answered only one or a few questions.

<sup>3</sup> <https://www.gov.uk/government/news/bureaucracy-busting-boost-for-street-traders>

<sup>4</sup> [www.pedlars.info](http://www.pedlars.info)

# Annex B – The UK’s pedlary regime

## Analysis of responses

### Pedlars

1. The consultation document set out the reasons why the pedlar certification process, which consists of the need to prove residency in the local area for at least a month, that the applicant is over 17 years of age and is of good character, is incompatible with the Services Directive. It proposed that the certification process should be abolished and the Pedlars Acts repealed because the certification scheme is their main purpose. The consultation asked (Question 1) whether consultees agreed with this approach.
2. Of the 21 responses received from pedlars (including groups of pedlars), all except two were opposed to the proposal to repeal the Acts. Those against found the evidence for repeal unconvincing and argued that repeal was a disproportionate response and that the Acts should be amended instead – a response from the pedlars.info group representing 57 pedlars proposed ways to do this<sup>5</sup>. Some respondents thought that the certification process helped protect the public and that a pedlars’ licence was useful in proving identity. Some feared that repeal would mean that pedlars would no longer be able to trade legally and that they would lose their livelihood (this was not in fact the case as the proposal was to remove the restrictions on people becoming pedlars, not removing the right to be one). Two responses supported repeal, however, arguing that it would make becoming and trading as a pedlar easier. The majority view is illustrated by the following response:

“The Pedlars Act protects Pedlars. It does not need to be repealed but needs to be updated to fit inline with the EU [Services Directive] requirements... Having record of good character gives the public protection against unscrupulous traders.”

3. Several responses from pedlars complained that local legislation unduly restricted their ability to trade, for example by restricting them trading to house-to-house sales only. Others thought that local authorities tried to prevent genuine pedlars from trading in town centres because it was felt to be bad for the image of the area or unwanted competition with licensed street traders.

“The local council have made it clear that they do not want any pedlars within the city centre... my local council have made it clear that if pitches were to become available, I would not be considered since they consider the selling of hotdogs or burgers to be bad for the city image.”

### Local authorities

4. While some of the 73 local authorities that responded agreed that the Pedlars Acts were archaic, all were clear that there needed to be an equivalent process to check the identity and suitability of people who wished to trade as pedlars. There was not a consistent view

---

<sup>5</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/153595/13-737-briefing-document-pedlars-info-written-questions-to-her-majestys-government.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/153595/13-737-briefing-document-pedlars-info-written-questions-to-her-majestys-government.pdf)

about whether this should be by retaining and modifying the Pedlars Act certification process or by repealing the Acts and bringing pedlars into the street trading regime. Without such reform, local authorities felt there would be a free-for-all for unlicensed and potentially illegal trading which would have a serious negative impact on town and city centres and on vulnerable householders subject to door-to-door selling.

“The Councils have concerns that the wholesale repeal of the Pedlars Acts, without any replacement registration provisions (at the very least) is undesirable. (London Councils)

5. The local authorities that disagreed with repeal wanted instead a more robust certification process for pedlars including a certificate with photographic proof of identity, particularly when selling door to door.

“The complete repeal of the Pedlars Acts will effectively give licence for anybody to trade on the street, or house-to-house, with complete anonymity” (Leeds City Council)

6. Many local authorities argued that pedlary should be brought within the street trading regime (Schedule 4 of the LGMPA) and licensed in a similar way to static traders. They felt that the current regime allowed pedlars paying a nominal sum for a certificate to compete unfairly with licensed street traders who paid significant amounts for a licence.

## Police

7. Of the 22 responses from the police, 14 were not opposed to or supported repeal and 5 were against (the remainder did not comment). But like local authorities, all were agreed that there needed to be an effective certification regime in place so that pedlars could be identified and their suitability for trading with the public checked. Suitability was normally checked by consulting police intelligence databases. One police force, however, did not find the Pedlars Act useful and, in the event of repeal, would be content to use other legislation if the individuals concerned caused problems.
8. The Association of Chief Police Officers (ACPO) canvassed its members and as a result challenged the statement in the consultation that there was a lack of evidence that pedlars who operated substantially within the current definition should be subject to an authorisation regime and therefore that as a result the certification process was not needed. Of the 2601 applications for a certificate between January and December 2012, 160 (6.3%) were refused and ACPO argued that this showed that the system for screening out unsuitable applicants was working. There was considerable variation in the level of refusals between police forces, however. One police force (Durham) rejected over half of the 12 applications it received in a 12 month period. It gave case studies of some of the reasons for this including previous convictions for dishonesty offences, intimidation of the elderly and handling stolen goods. It also had evidence of applications made using false addresses.
9. Some police forces did find the Pedlars Act certification process difficult. For example:
 

“It is outdated and needs to reflect modern trading, it is difficult to administer as there is confusion between Pedlars and Street Traders. No clear guidance on how to administer the system lead[s] to disparity in different force areas, even the

certificates themselves differ from force to force. Determining ‘good character’ is subjective.” (Northamptonshire Police)

“A known ‘doorstep criminal’ with a limited criminal record but with a huge intelligence record of doorstep criminality in his home force area can reside in another force area (for a minimum of a month), and be granted a Pedlars certificate, where the intelligence on him simply is not known. He can then go about his business (legitimate or otherwise) anywhere in the UK, apparently sanctioned by a Chief of Police.” (Nottinghamshire Police)

10. The consultation asked about the costs to the police of administering the Pedlars Act certification process. Between the 11 police forces that responded to the question on this issue, the number of applications varied considerably: Avon and Somerset had 133 in a 12 month period while Derbyshire had between 50 and 60. As above, Durham only had 12 and Bedfordshire had 3. Estimates of the time taken to process an application varied between 1 hour 20 minutes and 5 hours. The estimated cost of processing an application was usually more than the income generated from the £12.25 certificate fee but varied considerably between £12.56 and £75. For some forces, the administration was therefore a drain on resources while for others using a shorter process, it was much less significant.

### Micro-businesses

11. All except one of the 13 micro-businesses that responded to the consultation were market traders (one included a petition of 62 signatories from Grimsby Top Town Market) and all disagreed with the proposal to repeal the Pedlars Acts. Their concerns were that to do so would cause a free-for-all for anonymous traders and some thought it likely that there would be an increase in counterfeit or unsafe goods on sale. A widely held view was that it was already unfair that pedlars could trade in the same places as licensed traders. In some cases they were in direct competition with licensed traders but otherwise they reduced footfall and reduced the attractiveness of the street trading environment. Repealing the Acts would make matters worse. One respondent said:

“I feel that is an unfair proposition to expect licensed traders to be paying for rent and licences when another person can ‘plot up’ next to you, sell the same products and pay nothing.”

### Market trading associations

12. The associations representing traders and market and carnival organisers made similar arguments to the traders themselves. The National Association of British Market Authorities (NABMA) said:

“Implementing the BIS proposals will lead to unfair competition and the lack of a level playing field for market/street traders. This is a major concern...”

13. NABMA also did not accept that a good character check could not be maintained in a Services Directive-compliant pedlary regime, arguing that other EU laws and policy objectives needed to be taken into account.
14. The National Market Traders Federation was of the view that pedlars are street traders and should be subject to the same regulation and one respondent suggested that

Schedule 4 of the LGMPA should be applied to the whole of England and Wales – it is currently up to individual local authorities to decide whether to adopt it.

15. Others complained that pedlars did not put anything back into the local economy:

“It is extremely frustrating to see these people arrive, set up and start trading with no risk assessment, no health and safety guidelines, no business rates and no wage bill, making huge amounts of money... Money that should be going into the local economy but doesn't.” (Padstow Area Tourism Business Forum)

### Other responses

16. Two Business Improvement Districts in London responded and shared the views of NABMA and market traders. A London residents association did not agree with repeal and was concerned about any relaxation of controls on pedlars' activity. The Trading Standards Institute agreed and pointed to police evidence of specific individuals pretending to be certified pedlars being involved in distraction burglary. Instead of the current situation where different police forces issue different certificates, they called for a standardised pedlar's certificate which would be easy for any police officer to recognise.
17. The Direct Selling Association, representing companies which make off-premises sales (none are currently pedlars or street traders), agreed with the proposal to repeal the Pedlars Acts as they believed them to be ineffective in protecting the public from rogue traders. The DSA said it was against unnecessary regulation and thought that street trading controls should not be widened or extended.
18. In contrast, two sporting organisations – the Rugby Football Union and Manchester United Ltd were concerned about increased pedlar activity at major events from a public safety perspective. Both were against any liberalisation of the pedlary and street trading regimes.

### Individuals

19. All the responses from individuals were opposed to repeal of the Pedlars Acts. Most were from people worried that deregulation would cause an increase in unwanted door-to-door selling or shoddy goods being sold on the high street. They were also concerned about an increase in the exploitation of vulnerable people by unscrupulous traders.
20. Two respondents, however, were concerned that genuine pedlars should have the right to trade and repeal of the Acts would make this more difficult.

### Government response

21. In the light of these responses and having considered further the legal position regarding the compliance of the pedlar certification process with the Services Directive, the Government has decided not to repeal the Pedlars Acts but instead to amend the certification process to make it compliant. The requirement for residency in the local area will be removed as it discriminates against traders from other EU Member States. While the age limit does in some ways duplicate child protection legislation, that legislation does not cover all modes of pedlary and so we believe the age limit can be justified for reasons of public policy. The current requirement for good character is not specific enough to be objective and is inconsistently applied across the country. We will therefore work with the

police to develop a new good character check to be applied across the UK that addresses these failings using experience from other certification procedures.

22. The current definition of pedlary in the Pedlars Acts will remain unchanged.

## Proposal to amend Schedule 4 of the LGMPA

### The exemption for pedlars

23. The consultation proposed to introduce a new, modern definition of pedlary into paragraph 1 of Schedule 4 of the LGMPA so that with the proposed repeal of the Pedlars Acts, genuine pedlars would continue to be exempt from the national street trading regime as they are now. The definition was developed as a compromise between the restrictive requirements of some local authority Acts and the current very loose definition in the UK-wide Pedlars Acts and was based on a requirement for a pedlar to carry their goods and not to remain trading in one place.
24. The specific definition included:
- that a pedlar could trade either house-to-house or in the street;
  - if in the street, all goods had to be carried on the person or in a receptacle not exceeding 2 x 1 x 1 metres (height/length/width);
  - that a pedlar can remain static for a maximum of 10 minutes and should then move on at least 50 metres away and not return to within 50 metres of a previously occupied location for three hours; but
  - an exception to the 10 minute rule would be made if the pedlar was approached by a prospective customer.
25. While recognising that the existing definition is out of date and accepting the principle of the new one, there was almost universal disagreement with the descriptions of how it should be applied, from two opposing points of view.
26. Of the 12 responses on this issue from pedlars and pedlars groups, 10 were against the proposed definition and two supported it. Some of those who did not answer declined to consider the question because they were fundamentally opposed to repeal of the Pedlars Acts. Those that gave reasons for their disagreement with the definition thought that the descriptions of how pedlars should operate would unduly hamper their ability to trade freely.
- “These parameters you propose would be the death knell for myself, my wife and others and would prevent me from trading.” (A D & S Carter)
27. Of the 52 Local Authorities that responded to the question, 6 were in favour of the new definition. Another 12 were in favour but wanted it changed in various ways and were concerned about how it would be enforced. The majority (34 responses) did not agree



with the definition, either because the descriptions were too “generous” or because they were unworkable in practice with the enforcement resources available.

“The 10 minute rule as it is currently proposed would make it too easy for pedlars to manipulate the situation and create an artificial audience to justify not moving on after 10 minutes. This would prove almost unenforceable as local authorities and the police will not have sufficient resource to monitor and evidence breaches on this element of the exemption definition.” (Cambridge City Council)

“In smaller town centres... The proposals put pedlars more at risk of contravening regulations than complying with them. As an example our town centre consent area is approximately 230 metres long, a pedlar would only be able to stop 4 times before leaving... Monitoring of activity will be very time intensive.” (Newcastle under Lyme Borough Council)

28. Only a few police forces commented on this issue but those that did were more positive about the definition – 9 agreed with it, some with caveats, and 2 disagreed. The lack of detail in most responses, however, may reflect that the police would not be involved in enforcing compliance.
29. The few market trading associations that commented were against the definition and commented particularly on the size of the proposed receptacle which they felt was large and did not preclude hanging goods on extensions to it. The market trader micro-businesses did not comment on this question
30. Of the 18 individuals that responded, 13 were against the definition; the few that explained this cited similar objections to the local authorities.
31. The two responses from Business Improvement Districts had similar objections to the local authorities. Manchester United Limited had concerns about the proposed size of receptacle being too large on safety grounds. The Institute of Licensing thought that peddling should be incorporated into the street trading regime.

### Government response

32. In the light of the disagreement with the proposed definition and the polarisation of responses between pedlars and local authorities and other respondents, we believe it is unlikely that a mutually acceptable definition can be found and the Government has therefore decided not to amend the exemption for certified pedlars in Schedule 4 and to leave the current definition of pedlary in the Pedlars Acts unchanged.



# Annex C – Respondents to the consultation

Angel Business Improvement District	David Chapman	John Hudson
Naomi Aptowitzer	Cheltenham Borough Council	Mary Hughes
Gary Armstrong	Chester West and Chester Borough Council	Hull City Council
Association of Chief Police Officers	Chichester District Council	Humberside Police
Association of London Markets	Cleveland Police	Chris Hunt
Lesley Augur	Conwy Council	Mike Huntley
Avon and Somerset Constabulary	Cornwall Council	Ideastreet
John H Barham	Dartford Council	Institute of Licensing
Bath and North East Somerset Council	K Davies	Ipswich Borough Council
T Batson	Anthony Phillip Dean	Islington Council
Battery Celler Ltd	South Derbyshire District Council	J R Holland Produce LLP
Bayswater Road Art Exhibition	Derbyshire Police	David Jackson
M J Beanland	Direct Selling Association	Keith Baker Design and Management
Bedfordshire Police	Billy Duffield	Royal Borough of Kensington and Chelsea
Better Bankside Business Improvement District	Durham Constabulary	Leeds City Council
Birmingham City Council	Durham County Council	Leicester City Council
Bournemouth Council	Eastbourne Town Centre Management Initiative	Leicestershire Police
Mark Bowen	M Emmans	Margaret Leppard
Bracknell Forest Council	Shaun Ewings	London Borough of Lewisham
Bristol City Council	Fylde Borough Council	Lincoln Business Improvement Group
Bromley Council	Christopher George	Liverpool City Council
Frank N Brook	Barry Gimp	Local Government Association
W S K Bryan	Gloucestershire Licensing Officers Group	City of London
Buckingham Town Council	Gwent Police	London Councils
Burnley Borough Council	Allan Hallsworth	Alexandra Lort Phillips
Bury Council	Harrogate Borough Council	Gavyn Macer
Cambridge City Council	Peter Harvey-Rice	Maidstone Borough Council
Canterbury City Council	Martyn Head	Association of Greater Manchester Authorities
Cardiff Council	John Heaton	Licensing Managers Group
A, D & S Carter	Herefordshire Council	Manchester City Council
Natalie Casey	Hertfordshire Police	
	D Hobson	
	Lena Holt	

Greater Manchester Police	Anthony Parker	Pauline Terry
Manchester United football club	Rhona Parks	Jackie Terry
Mark Bowen Caricatures	Pedlars.info	Test Valley Borough Council
Paul Marshall	Pembrokeshire County Council	Thames Valley Police
Mark Mascall	Pendle Borough Council	The Newspaper Society
Julian McDonnell	R Perzyna	Torbay Council
N McGerr	Plymouth City Council	Trading Standards Institute
Stanley Melinek	Poole Local Authority	Trafford Council Public Protection Service
West Midlands Police	Charles Pratley	Joe Turner
Monmouthshire County Council	Aleksandar Rakic	South Wales Police
David Moore	Reading Borough Council	Spencer Watkins
I L Morrison	The Richmond Society	S Watson
National Association of British Market Authorities	James George Robertson	C Webber
National Market Traders Federation	Carl Robertson	Borough Council of Wellingborough
Newbury Town Council	ROX - promoting Oxford business	Valentine West
Newcastle Under Lyme Borough Council	Rugby Football Union	West End Street Traders Branch
Newcastle upon Tyne City Council	Rushmoor Borough Council	Westminster City Council
Newcastle upon Tyne Street Traders Association	K,T & L Schwersenz	Weston Carnival
Neville Nicholson	Lorna Sharp	Wiltshire Council
Robert Nixon	Sheffield City Centre Retailers Group	City of York Council
Association of North East Councils	Sheffield City Council	North Yorkshire Police
North East Trading Standards Association	Robert Slater	South Yorkshire Police
Northamptonshire Police	Melanie Smallman	West Yorkshire Police
Northumbria Police	Southampton City Council	
Nottingham City Council	Southwark Council	
Nottinghamshire Police	St Albans City & District Council	
John Osborne	St Helens Council	
Oswestry Town Council	Staffordshire Police	
Oxford City Council	Stockton-on-Tees Borough Council	
South Oxfordshire and Vale of White Horse Councils	Sunderland City Council	
Padstow Area Tourism Business Forum	Surrey Police	
Padstow Town Council	Swadlincote Market Housing and Community Services Committee	
	Swindon Borough Council	
	T J Tatler	
	Tees Valley Local Authorities	

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit [www.nationalarchives.gov.uk/doc/open-government-licence](http://www.nationalarchives.gov.uk/doc/open-government-licence), write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

This publication is also available on our website at [www.gov.uk/bis](http://www.gov.uk/bis)

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills  
1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 5000

If you require this publication in an alternative format, email [enquiries@bis.gsi.gov.uk](mailto:enquiries@bis.gsi.gov.uk), or call 020 7215 5000.

**BIS/14/776**

# REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## CARAVAN LICENSING- GREENACRES CARAVAN SITE

### PUBLIC ITEM

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

### SUMMARY

To extend the existing touring caravan site, with an overall increase in numbers from 7 to 18 seasonal pitches.

### RECOMMENDATIONS

To consider approval to allow extension and additional 11 touring seasonal pitches, to bring site licence in line with planning consent 13/0519

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

No previous decisions

## REPORT

### Site Licence

- Greenacres is a family run and operated touring caravan site with 7 existing seasonal touring pitches and communal toilet block.
- Planning permission 09/0187 is the principle planning consent, which created a seasonal touring caravan site in 2009.
- On the 29th October 2009, the site operator made an application for a site licence in respect of the land situated at Greenacres Caravan Park, Bryning Lane, Warton Lancashire.

4. The current site licence for 7 seasonal touring caravans was issued on the 2nd February 2010<sup>1</sup>.

**Application to extend site and increase numbers**

5. On the 6th November 2014, the Directorate received a site licence application<sup>2</sup>. The applicant is wishing to amend Condition 1 of the existing licence.
6. Condition 1 currently states *“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 7 (seven)”*.
7. The site owners are seeking to increase the number of caravans from 7 to 18 in line with the most recent planning consents-
- Planning Consent Ref: 13/0519<sup>3</sup>, - granted on 3rd October 2013 for change if use of land to form extension of existing touring caravan site with overall increase from 7 to 18 seasonal pitches. Proposed erection of facilities block.
8. Planning Consent has also been approved for a facilities block to accommodate the increase in number of seasonal touring pitches, which meets the welfare standards, as detailed within the Model Standards for Touring Caravans<sup>4</sup>.

**Consultation**

9. Lancashire Fire and Rescue Services have been consulted for their opinions on the application.
10. The Site Owner shall be invited to attend Public Protection Committee.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	As detailed within 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.

REPORT AUTHOR	TEL	DATE	DOC ID
Michael Duck	01253 658620	25th November 2014	

<sup>1</sup> Greenacres Caravan Park- Touring Licence

<sup>2</sup> Site Licence Application

<sup>3</sup> Planning Consent- 13/0519

<sup>4</sup> Model Standards for Touring Caravans

**LIST OF BACKGROUND PAPERS**

Name of document	Date	Where available for inspection
Greenacres Caravan Park	25/11/2014	Chaseley Building, Room 219

## Attached documents

1. Greenacres Caravan Park- Touring Licence.
2. Site Licence Application.
3. Planning Consent- 13/0519.
4. Model Standards for Touring Caravans.



# FYLDE BOROUGH COUNCIL

## Caravan Sites and Control of Development Act 1960

### Section 3

#### Touring Caravan Site Licence Greenacres Caravan Park

To: Mrs. B.M. Sidebottom  
Mr. P.M. Sidebottom

Greenacres Caravan Park,  
Bryning Lane,  
Warton,  
Preston,  
Lancashire PR4 1TN.

#### TAKE NOTICE THAT

WHEREAS on 29<sup>th</sup> October 2009 you made application for a site licence in respect of land situated at Greenacres Caravan Park, Bryning Lane, Warton, Lancashire PR4 1TN indicated on the plan submitted with the application (which land is hereinafter called "the site")

AND WHEREAS you are entitled to benefit of permission for the use of the land as a caravan site under (Ref: 09/0187) the Town and Country Planning Acts, 1962 to 1990, 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.

#### 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 7 (seven).
2. The site shall be maintained in a clean and tidy condition at all times. Every caravan stationed on the site shall be maintained in a good state of repair and external decoration.

**Density**

3. Site density should not exceed 75 units (caravan or motor caravans) per hectare (30 units per acre) calculated on the basis of the usable area rather than the total site area (i.e. excluding crags, lakes, roads, communal services etc.) provided that, where tent camping is also permitted, the maximum number of units stationed on the site at any one time should be reduced by the number of pitches occupied by main tents stationed for human habitation.

**Spacing**

4. Every unit should be not less than 6 metres from any other unit in separate family occupation and not less than 3 metres should be permitted between units in any circumstances.
5. Vehicles and other ancillary equipment should be permitted within the 6 metres space between units in separate family occupation but, in order to restrict the spread of fire, there should always be 3 metres clear space within the 6 metres separation.
6. Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.

**Drinking Water Supply and Waste Water Disposal**

6. There should be an adequate supply of drinking water. Each pitch on a site should be no further than 90 metres from a water tap. At each tap there should be a soak away or gully.
7. Water waste disposal should be provided so that each pitch is no further than 90 metres from a waste water disposal point. The appropriate Water Authority should be consulted about the arrangement for disposal of water likely to be contaminated.

**Toilets: WCs and Chemical Closets**

8. The scale of provision should be 1 WC and 1 urinal for men and 2 WC's for women per 30 pitches and their location should be to the satisfaction of the Licensing Authority. Toilets may not be justified where sites have less than 10 pitches, but on sites with between 10 and 30 pitches at least one WC and 1 urinal for men and 2 WC's for women should be provided.
9. Where the provision of WC's is not feasible or justified, entry should be confined to units with their own toilets or chemical closets should be provided.

**Disposal Point of Chemical Closets**

10. Whether or not WC's are provided, a properly designed disposal point for the contents of chemical closets should be provided together with an adjacent adequate supply of water for cleaning containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the Local Authority and the appropriate Water Authority. Where appropriate, the water supply should be clearly labelled as non-potable.



## Electrical Installations

11. Where there is an electrical installation other than Electricity Board works and circuits subject to Regulations under Section 60 of the Electricity Act 1947, it should be installed to the requirements of the Institution of Electrical Engineers' Regulations for Electrical Installations (the IEE Wiring Regulations) for the time being in force and, where appropriate, to the standard acceptable for the Electricity (Overhead Lines) Regulations 1970, S.I. 1970, No. 1355. Any installation should be maintained in such a way as to prevent danger as far as reasonably practicable and should be periodically inspected and tested by a competent person in accordance with the IEE Wiring Regulations.

## Refuse Disposal

12. Adequate provision should be made for the storage, collection and disposal of refuse.

## Fire Precautions

13. No unit should be further than 90 metres from a fire point. At each fire point there should be two water (gas expelled) extinguishers each of 10 litres capacity and complying with British Standard 5423:1980, together with a means of raising the alarm in the event of equipment susceptible to damage by frost should be suitably protected.
14. The fire points should be clearly marked and easily accessible. All fire-fighting equipment should be maintained in working order and kept available for use and for inspection by the Licensing Authority.
15. Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should 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."

## Liquefied Petroleum Gas

16. Arrangements for the storage of Liquefied Petroleum Gas (LPG) on the site, should be in accordance with the current National Code of Practice and Regulations.

## Site Notices

17. A sign indicating the name of the site should be displayed at the site entrance.

18. Notices should be displayed prominently on the site indicating the action to be taken in the event of an emergency and show where the Police, Fire Brigade, Ambulance and Local Doctors can be contacted and the location of the nearest public telephone. Where practicable a telephone should be provided on the site and the full address of the site should be displayed near the telephone.
19. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
20. At sites with overhead electric lines, warning notices should be displayed on the supports for the lines and at the site entrance. Where appropriate, these should warn against the danger of contact between the lines and the masts of yachts or dinghies.
21. A copy of the site licence with its conditions should be displayed prominently on the site.
22. Site grass shall be cut to a reasonable level.
23. Any access, access road or site road shall be maintained in a good condition.
24. The caravans stationed on the site shall be used for holiday purposes only, to ensure holiday accommodation is not used for permanent residential occupation.
25. The caravans stationed on the site shall not be occupied as a person's sole, or main place of residence.
26. The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Authority.
27. The touring caravan pitches are for holiday use only and caravans must be removed at the end of the holiday.
28. No caravan shall remain on the site for more than 28 consecutive days and shall not return within 48 hours.
29. The site shall not be used as a caravan site between the period 1<sup>st</sup> January and the 14<sup>th</sup> February and no caravans shall be occupied or stored at the site within this period.

Dated 2<sup>nd</sup> February 2010



.....  
C. Platt  
Director- Community Services

**Site Details**

<b>Name of site</b>	Greenacres Caravan Site
<b>Postal Address of Site</b>	c/o Westwinds, Bryning Lane, Warton, Preston, Lancashire.
<b>Post Code</b>	PR4 1TN
<b>Phone</b>	(01772) 632-259
<b>Fax</b>	
<b>Email</b>	peter@bryningcaravanpark.co.uk

**Your Details**

<b>Full Name</b>	Brenda Mary / Peter Michael Sidebottom
<b>House name or number</b>	Westwinds
<b>Line 1</b>	Bryning Lane
<b>Line 2</b>	Warton
<b>Town</b>	Preston
<b>Postcode</b>	PR4 1TN
<b>Telephone</b>	(01772) 632259
<b>Email Address</b>	bryning33@yahoo.co.uk
<b>How would you like to be contacted?</b>	Telephone
<b>Has the applicant held a site licence which has been revoked at any time in the last 3 years?</b>	No
<b>Is the applicant the</b>	Freeholder
<b>If the applicant is the leaseholder of a tenant, please give details of the agreement</b>	

**Existing License Conditions**

<b>Please state type of caravan site for which site licence is required</b>	Seasonal
---	----------

**Number of caravans**

<b>Number of Residential</b>	0
------------------------------	---

<b>Caravans</b>	
<b>Number of Static Holiday Caravans</b>	0
<b>Number of Holiday Chalets</b>	0
<b>Number of Touring Holiday Units</b>	7

**Opening Season**

<b>Static Sites Opening Season (if applicable)</b>	
<b>Touring Site Opening Season (if applicable)</b>	15th February to December 31st

**Has planning permission for the site been obtained from the local planning authority?**

<b>Please select</b>	Yes

**Planning permission details**

<b>Date permission granted</b>	03/07/2009
<b>If yes please give relevant permissions and references</b>	09/0187 CREATION OF 7 NO. TOURING CARAVAN PITCHES WITH ASSOCIATED DEVELOPMENT AT LAND ADJACENT BRYNING CARAVAN PARK (RESUBMISSION OF 08/0786)   WEST WINDS, BRYNING LANE, BRYNING WITH WARTON, PRESTON, PR4 1TN  13/0519   PROPOSED CHANGE OF USE OF LAND TO FORM EXTENSION OF EXISTING TOURING CARAVAN SITE WITH OVERALL INCREASE FROM 7 TO 18 SEASONAL PITCHES. PROPOSED ERECTION OF FACILITIES BLOCK.   WEST WINDS, BRYNING LANE, BRYNING WITH WARTON, PRESTON, PR4 1TN

**How is drinking water supplied?**

<b>Mains supply to unit number of units</b>	18
<b>Number of Standpipes units</b>	2

**How are toilets and wash hand basins provided?**

<b>Number of communal toilet block units</b>	1 (6 toilets including disabled) + 1 urinal
<b>Number of units</b>	18

<b>that have their own facilities</b>	
---------------------------------------	--

**How are showers provided?**

<b>Number of communal shower block units</b>	1 (3 showers - including one disabled)
<b>Number of units that have their own showers</b>	18

**Type of foul drainage?**

<b>Number of mains drainage units</b>	18
<b>Number of cesspool or cesspit units</b>	1

**How is kitchen waste disposed of?**

<b>Number of units have their own sinks connected to foul drainage</b>	0
<b>Number of units that have communal washing up sinks/waste water disposal points connected to foul drainage</b>	18
<b>Other (please give details)</b>	

**How is surface water drainage provided?**

<b>How is surface water drainage provided?</b>	Existing clay land drains supplemented with modern land drains prior to construction of site. Drains flow into drainage dykes on two sides of the site.
--	---

**How is refuse stored on the site?**

<b>Number of communal bin store units</b>	1
<b>Units of individual bins at each unit</b>	4

<b>Number of communal wheeled bins or skips uits</b>	2
--	---

**Do units use liquefied petroleum gas (LPG) cylinders?**

	Yes
--	-----

**Is there a LPG storage area on the site?**

	No
--	----

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

	No
--	----

**Was the site in use as a caravan site:**

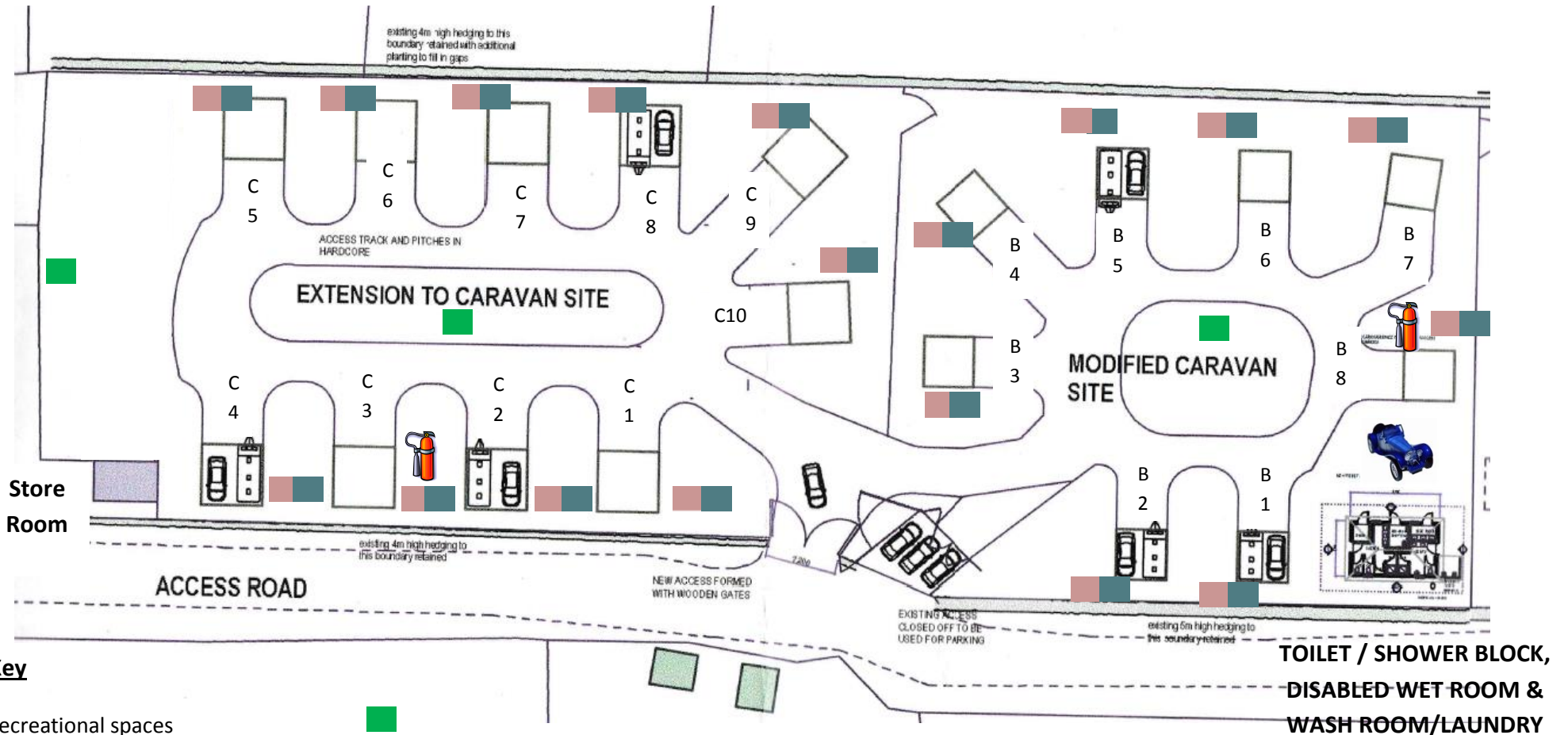
	On 9th March 1960
<b>At any other time since 9th March 1958, if so when</b>	Yes, as of 03/07/2009

**Correspondence Details**

	Caravan site
	If other please enter the address you wish correspondence to be addressed
<b>Signed (Your Name)</b>	Peter Sidebottom
<b>Date</b>	06/11/2014

**Upload files**

	<u>Greenacres Caravan Site Plan 2014.1.pdf</u>
--	--



**Key**

Recreational spaces



Fire Points



Parking spaces



Foul and surface water drainage



Water Supplies



Scale 1:500



## Town and Country Planning Acts

### Change of Use Granted

#### Part 1 - Particulars of Application

**Application Number:** 13/0519

**Location:** WEST WINDS, BRYNING LANE, BRYNING WITH WARTON, PRESTON, PR4 1TN

**Description:** PROPOSED CHANGE OF USE OF LAND TO FORM EXTENSION OF EXISTING TOURING CARAVAN SITE WITH OVERALL INCREASE FROM 7 TO 18 SEASONAL PITCHES. PROPOSED ERECTION OF FACILITIES BLOCK.

#### 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 plan, a stamped copy of which is returned with this notice, subject to the following conditions(s) and reasons(s):

- 1 The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

- 2 Prior to the commencement of the building hereby approved and notwithstanding any denotation on the approved plans, details of the external facing materials (inclusive of colour) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Local Planning Authority.

In the interest s of visual amenity and to ensure a satisfactory standard of development.

- 3 The caravans stationed on that part of the site the subject of this permission shall be used for holiday purposes only.

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to policy SP2 and HL1 of the Fylde Borough Local Plan As Altered October 2005.

- 4 The caravans stationed on that part of the site the subject of this permission shall not be occupied as a person's sole, or main place of residence.



To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to policy SP2 and HL1 of the Fylde Borough Local Plan As Altered October 2005.

- 5 The owners/operators of the caravan site shall maintain a register of names of all owners/occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to policy SP2 and HL1 of the Fylde Borough Local Plan As Altered October 2005.

- 6 Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

- 7 The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

- 8 No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding.

**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED** In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If

any other type of condition is breached then you will be liable to a breach of condition notice.

**SUMMARY OF RELEVANT POLICIES & GUIDANCE**

This decision has been made having regard to the guidance provided by the National Planning Policy Framework and the policies contained within the adopted Development Plan which comprises the saved policies of: the Fylde Borough Local Plan and all other relevant planning guidance and in particular policies:

**Fylde Borough Local Plan:**

SP02 Development in countryside areas

TREC07 Touring Caravan & Camping Sites

**Informative notes:**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area

**Date of Decision:** 03/10/2013

Signed:



Mr P. Walker  
Director of Development Services  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
Lancashire, FY8 1LW

Mr Sinkinson  
Homeplan Designs  
Dragons Lair  
49 East Beach  
Lytham St Annes  
Lancashire  
FY8 5EY

### **Density**

1. Site density should not exceed 75 units (caravans or motor caravans) per hectare (30 units per acre) calculated on the basis of the useable area rather than the total site area (i.e. excluding crags, lakes, roads, communal services etc), provided that, where tent camping is also permitted, the maximum number of units stationed on the site at any one time should be reduced by the number of pitches occupied by main tents stationed for human habitation.
2. Where the number of units on the site is to be limited by condition, it may be appropriate to prescribe maxima by reference to specified periods so as to permit up to 10% more units during such peak holiday periods as may be agreed between the site licensing authority and the licence holder without the provision of additional facilities, provided that:-
  - (i) the provisions of paragraph 1 above are complied with; and
  - (ii) the standards relating to spacing, as set out in paragraphs 3 - 5 below are complied with.

### **Spacing**

3. Every unit should be not less than 6 metres from any other unit in separate family occupation and not less than 3 metres should be permitted between units in any circumstances.
4. Vehicles and other ancillary equipment should be permitted within the 6 metres space between units in separate family occupation but, in order to restrict the spread of fire, there should always be 3 metres clear space within the 6 metres separation.
5. Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.

### **Drinking Water Supply and Waste Water Disposal**

6. There should be an adequate supply of drinking water. Each pitch on a site should be no further than 90 metres from a water tap. At each tap there should be a soakaway or gully.
7. Waste water disposal points should be provided so that each pitch is no further than 90 metres from a waste water disposal point. The appropriate Water Authority should be consulted about the arrangements for disposal of water likely to be contaminated.

### **Toilets : WCs and Chemical Closets**

8. The scale of provision should be 1 WC and 1 urinal for men and 2 WCs for women per 30 pitches and their location should be to the satisfaction of the licensing authority. The pro rata scale can be reduced where sites have over 120 pitches (see also paragraph 9 below). Toilets may not be justified where sites have less than 10 pitches but on sites with between 10 and 30 pitches at least 1 WC and 1 urinal for men and 2 WCs for women should be provided.
9. Where the provision of WCs is not feasible or justified entry should be confined to units with their own toilets or chemical closets should be provided.

10. Whether or not WCs are provided a properly designed disposal point for the contents of chemical closets should be provided together with an adjacent adequate supply of water for cleansing containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the local authority and the appropriate Water Authority. Where appropriate, the water supply should be clearly labelled as non-potable.

**Washing Points**

11. There should be a minimum of 4 wash basins supplied with water per 30 units, 2 each for men and women. They should be adjacent to the toilets.

**Hot water : Showers**

12. Showers should not be obligatory on sites with less than 70 pitches. If showers are required provision should be on the basis of 1 shower per 25 pitches and hot water should be available.

**Disabled Persons**

13. Particular consideration should be given to the needs of the disabled in the provision made for water points, toilets, washing points and showers.

**Electrical Installations**

14. Where there is an electrical installation other than Electricity Board works and circuits subject to Regulations under Section 60 of the Electricity Act 1947, it should be installed to the requirements of the Institution of Electrical Engineers' Regulations for Electrical Installations (the IEE Wiring Regulations) for the time being in force and where appropriate to the standard acceptable for the Electricity (Overhead Lines) Regulations 1970. SI 1970 No. 1355. Any installation should be maintained in such a way as to prevent danger as far as reasonably practicable and should be periodically inspected and tested by a competent person in accordance with the IEE Wiring Regulations.

**Refuse Disposal**

15. Adequate provision should be made for the storage, collection and disposal of refuse. (It is expected that site operators should normally be able to meet their responsibilities by making arrangements with the local authority).

**Fire Precautions**

16. Where fire extinguishers are provided no unit should be further than 90 metres from a fire point. At each fire point there should be two water (gas expelled) extinguishers each of 10 litres capacity and complying with British Standard 5423:1980, together with a means of raising the alarm in the event of fire (e.g. a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
17. Where standpipes are provided rather than fire extinguishers no unit should be further than 30 meters from a fire point. There must be a water supply of sufficient pressure and flow to project a jet of water approximately 5 meters from the nozzle, together with a reel of small diameter hose of not less than 30 meters in length, having means of connection to a water standpipe (preferably a screw thread

connection) and terminating in a small hand control nozzle. Hoses should be housed in a box painted red and marked AHOSE REEL≡. Appendix 4

18. The fire points should be clearly marked and easily accessible. All fire fighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.
19. Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should include the following:-  
On discovering fire
  1. Raise the alarm
  2. Ensure the affected unit is evacuated
  3. Call the Fire Brigade (the nearest telephone is sited .....
  4. If practicable, attack the fire using the firefighting equipment provided.

### Liquefied Petroleum Gas

20. Arrangements for the storage of Liquefied Petroleum Gas (LPG) on the site should be in accordance with the current national Code of Practice and regulations. **CAGE**

### Site Notices

21. A sign indicating the name of the site should be displayed at the site entrance.
22. Notices should be displayed prominently on the site indicating the action to be taken in the event of an emergency and show where the police, fire brigade, ambulance and local doctors can be contacted, and the location of the nearest public telephone. Where practicable a telephone should be provided on the site and the full address of the site should be displayed near the telephone.
23. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
24. At sites with overhead electric lines, warning notices should be displayed on the supports for the lines and at the site entrance. Where appropriate, these should warn against the danger of contact between the lines and the masts of yachts or dinghies.
25. A copy of the site licence with its conditions should be displayed prominently on the site.

### Screening, Site Road, Etc.

26. Any screening by the way of bushes or trees which are required by the District Council shall be maintained to a proper standard.
27. Site grass shall be kept cut to a reasonable level.
28. Any access, access road or site road shall be maintained in good condition.

### Other Conditions

29. Unless individual planning permission suggests otherwise no caravan or tent shall be permitted to remain on the site for more than twenty-one consecutive nights. The holder(s) for the time being of this site licence shall maintain a register of the users of each pitch on the site. Such registers shall be made in such forms as the Environmental Services officer shall from time to time approve but shall in any

event contain sufficient particulars of the names and addresses of every person occupying a pitch on the site, whether with caravan or tent and the date of actual vacation of the pitch.

Unless individual planning permission suggests otherwise the site shall only be used for caravans and tents from the 1st March to the 31st October in each year. The site shall be completely cleared of all caravans, tents and structures of a temporary nature by the 1st November in each year.

#### **NOTE 1**

If you are aggrieved by any condition attached to this licence you may appeal to a court summary jurisdiction within 21 days on the case of Section 269 of the Public Health Act 1936 or 28 days in the case of the Caravans Sites and Control of Development Act 1960 from the date of receiving this licence.

#### **NOTE 2**

A Caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle or trailer so designed or adapted.

# REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	12 DECEMBER 2014

## CARAVAN LICENSING- LAWNSDALE COUNTRY PARK

### PUBLIC ITEM

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

### SUMMARY

Application to reduce the closure period of the holiday static licence from 6 weeks to 2 weeks.

### RECOMMENDATION

To consider approval to amend Condition 23 of the holiday static site licence, in reducing the closed season from between 18th January and 28th February to 15th February to 28th February in any one year.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

### SUMMARY OF PREVIOUS DECISIONS

No previous decisions relating to this site.

### REPORT

#### Site Licence/History

1. Lawnsdale Country Park, is situated on Lytham Road, Moss Side between Lytham and Wrea Green.
2. The site has been operation since 1950, with the current site owner Mr H. Burnett taking over in 1958.

3. The current site licence for holiday static lodges (caravans), was issued on 25th April 2008<sup>1</sup>. The site licence permits, a total of 100 holiday lodges in the land, which is currently being redeveloped.

#### **Application to reduce closure period**

4. On 7th November 2014, the Directorate received a site licence application<sup>2</sup>. The applicant Mr H. Burnett, wishes to amend Condition 23 of the existing site licence.
5. Condition 23 of the site licence states *"No caravan on the site shall be occupied during the period between 18th January and 28th February in any year"*.
6. The most recent Planning Consent (Ref- 13/0049)<sup>3</sup> granted on 2nd April 2013, removed the closure period of between the 14th December and 1st February.
7. Planning Consent was also granted on 1st April 2008 (Ref- 08/0112)<sup>4</sup>, removed the closure period of between 18th January to 28th February in an year.
8. With the removal of a closure period contained within the aforementioned planning consents, effectively the site can remain open throughout the year. However Mr Burnett is seeking to still retain a closure period via the site licence and is seeking to amend Condition 23, to read "... between 15th February and 28th February in any year".
9. The changes sought would not change the site into a residential one. If any caravan on the site was used as a main residence, there would be a breach of condition 4 of the site licence and the caravan's occupier would be liable to pay Council Tax.
10. In the event that a caravan on the site were to be occupied as an individual's main residence as a consequence of the licence changes now being sought, the occupier would become liable to register with Fylde Council for Council Tax purposes.

#### **Consultation**

11. Lancashire Fire and Rescue Services have been consulted on their opinion of the application.
12. The site owner will be invited to attend Public Protection Committee.

---

<sup>1</sup> Current holiday licence issued on 25th April 2008

<sup>2</sup> Site Licence application, dated 7/11/14

<sup>3</sup> Planning Consent- 13/0049

<sup>4</sup> Planning Consent- 08/0112



IMPLICATIONS	
Finance	There is a potential for additional income to the Council in the form of Council Tax and New Homes Bonus in the event that a caravan on the site were to be occupied as an individual's main residence as a consequence of the licence changes as described in this report
Legal	As detailed within report.
Community Safety	None arising from the report
Human Rights and Equalities	None arising from the report
Sustainability and Environmental Impact	None arising from the report
Health & Safety and Risk Management	None arising from the report

REPORT AUTHOR	TEL	DATE	DOC ID
Michael Duck	01253 658620	25th November 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Lawnsdale Country Park	25/11/2014	Chaseley Building, Room 219

Attached documents

1. Current holiday licence issued on 25th April 2008
2. Site Licence application, dated 7/11/2014
3. Planning Consent- 13/0049
4. Planning Consent- 08/112



# FYLDE BOROUGH COUNCIL

## CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

### Section 3

## SITE LICENCE

---

To: Mr Harold Burnett  
Lawnsdale Caravan Park  
Lawnsdale House  
Moss Side  
Lytham  
Lancashire

### TAKE NOTICE THAT

WHEREAS on the 22<sup>nd</sup> April 2008, you made application in respect of planning permission granted for the use of land situate at Lawnsdale Caravan Park, Lytham Road, Moss Lane, Lytham (hereinafter called "the site").

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 1990, 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 site 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 one hundred.
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 shall 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 shall also be a reel that complies with British Standard 5306 Part I, with a hose not less than 30 metres long, having a 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 shall 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 shall be installed within 100 metres of every caravan standing. Hydrants shall conform to British Standard 750. Access to hydrants and other water supplies shall not be obstructed or obscured.

Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall 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 shall 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 licensing 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

Work on electrical installations and appliances shall 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 shall 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 shall be judged against the current regulations.

The inspector shall within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall 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 shall be met by the site operator or licence holder.

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

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

17. The site shall be provided with a water supply in accordance with appropriate Water Bylaws 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.

- 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. Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant standards and codes of practice.

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 Notice 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. The site shall be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated thereon.

Any electrical installations, which are not 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, shall 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 Supply Regulations 1988, Statutory Instrument 1988 No. 1057.



20. Every caravan standing shall have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements shall be made for the bins to be emptied regularly. Where communal refuse bins are also provided these shall 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 shall be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats shall not be parked between units.
22. Where children live on the site, space equivalent to about one-tenth of the total area shall 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. No caravan on the site shall be occupied during the period between the 18<sup>th</sup> January and 28<sup>th</sup> February in any year.
24. To ensure that the approved holiday caravans are not used for permanent residential occupation.
25. 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.
26. A suitable sign shall be prominently displayed at the site entrance indicating the name of the site.
27. A copy of the site licence with its conditions should be displayed prominently on the site.
28. 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.
29. 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 25<sup>th</sup> Day April 2008



.....  
M/s Clare Platt  
Consumer Wellbeing and Protection Manager

# Lawnsdale Country Park

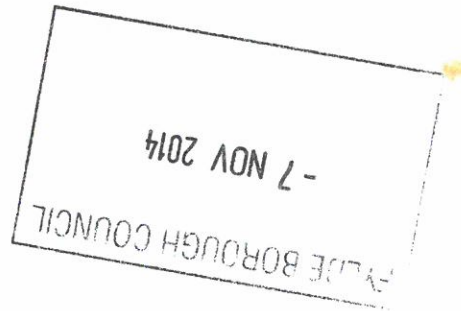
**Lawnsdale House, Lytham Road, Moss Side, Lytham. FY8 4NA**

Tel: 01253 735246

Fax: 01253 739929

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

31 October 2014



Dear Sirs

We wish to apply for an amendment to the site licence for Lawnsdale Country Park to reflect the planning permission granting all year round occupation for holiday purposes.

We close the park from 14<sup>th</sup> February until 1<sup>st</sup> March; this defines holiday use as opposed to residential.

Lawnsdale Country Park is undergoing redevelopment to a very high standard and therefore we do not have a completed detailed plan of the park at present. As the attached drawing will show, all roads are of a width which allows parking on the road whilst still permitting free flow of traffic in accordance with the requirements of the site licence. When completed there will be parking for approximately 160 cars. As you will note from the attached plan, there is a one-way system in operation. We have also enclosed a smaller plan showing the site boundaries.

All caravans are connected to sewers, water, electricity and mains gas. Surface water is collected in surface water drains which will feed into the ponds and lake in the future. We also have Wrea Brook which runs the length of our land; I have been here since 1958 and have never used it. The attached letter from the National Rivers Authority confirms that we use a soak away which we will dispense with when we install a new sewage treatment plant.

This park has had planning permission since 1950.

Yours faithfully

Harold Burnett  
Proprietor

- Encl. Copy of site licence dated 25 April 2008
- Planning permission ref. No. 13/0049 dated 02/04/2013
- NRA treatment facility letter
- Plan showing development so far
- Plan showing boundaries
- Application for amendment to site licence



**Caravan Sites and Control of Development Act 1960  
Application/variation For a Site Licence**

**1. Brief Site Details**

Name of Site: Lawnsdale Country Park	
Postal address of Site: Lytham Road Moss Side Lytham	
Post Code: FY8 4NA	Phone: 01253 735246 Fax: 01253 729929 e-Mail: GreenTreeParks@AOL.COM

**2. Applicants Details**

Name: Harold Burnett	
Postal address of Applicant (If different from above):	
Post Code:	Phone: 01253 735246 Mobile: e-Mail: GreenTreeParks@AOL.COM

**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:

**5. Existing Licence Conditions:**

Type of unit	Please Tick as appropriate	Number
Permanent residential	<input type="checkbox"/>	..... Caravans
Static Holiday	<input checked="" type="checkbox"/>	100 ..... Caravans
Holiday Chalets	<input type="checkbox"/>	..... Chalets
Touring Holiday	<input type="checkbox"/>	..... Units

**Opening Season:**

Static Sites	<input checked="" type="checkbox"/>	18th Jan to 28th Feb
Touring Sites	<input type="checkbox"/>	..... to .....

**6. 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"/>	100 ..... Caravans
Holiday Chalets	<input type="checkbox"/>	..... Chalets
Touring Holiday	<input type="checkbox"/>	..... Units

**Opening Season:**

Static Sites	<input checked="" type="checkbox"/>	1st Mar to 14th Feb
Touring Sites	<input type="checkbox"/>	..... to .....

**7. Does the site have planning permission?**

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

If yes, please give relevant permissions and references:

Copy of planning permission for variation enclosed.

(Too many to mention since 1957)

**8. How is drinking water provided?**

Mains supply to unit	<input checked="" type="checkbox"/>	100 ..... Units
Standpipes	<input type="checkbox"/>	..... Units

**9. How are toilets and wash hand basins provided?**

- Communal toilet blocks  ..... Units
- Units have their own facilities  ..... 100 Units

**10. How are showers provided?**

- Communal shower blocks  ..... Units
- Units have their own showers  ..... 100 Units

**11. Type of foul drainage?**

- Mains drainage  ..... Units
- Cesspool or cesspit **SEPTIC TANK**  ..... 100 Units **SEE NRA LETTER**

**12. How is kitchen waste water disposed of?**

- Units have their own sinks connected to foul drainage.  ..... 100 Units
- Communal washing up sinks/waste water disposal points connected to foul drainage.  ..... Units
- Other (Please give details)  ..... Units

- No waste water disposal  ..... Units

**13. How is surface water drainage provided?**

All caravans have 4 drainage points at downspouts which feed into main surface water drains which in turn feed into the ponds. These will also feed into the lake when it is developed.

**14. How is refuse stored on the site?**

- Individual bins at each unit  ..... Units
- Communal wheeled bins or skips  ..... Units
- Communal bin store **\*BULK BINS\***  ..... 100 Units

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

- Yes
- No

**16. Is there a LPG storage area on the site?**

- Yes

1

No

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

Yes

No

**18. Was the site in use as a caravan site:**

On 9<sup>th</sup> March 1960

On 29<sup>th</sup> March 1960

At any other time since 9<sup>th</sup> March 1958

If so, when:

Planning appeal decision 12/11/1957 Ref.2097/40620/73 and ABBEY 5620

**19. Address for correspondence:**

Caravan site

Applicants address

Other (please state below)

Name: Harold Burnett	
Address: Lawnsdale Country Park Lytham Road Moss Side Lytham	
Post Code: FY8 4NA	Phone: 01253 735246 Mobile: e-Mail: GreenTreeParks@AOL.COM

Signed: <i>ABWZTH</i>	Dated: <i>29/10/14</i>
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 residentia 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	

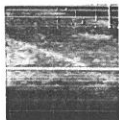
Please return this completed form to:

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

Station  
For planning  
Date  
Scale  
1:2000  
Drawing number  
Revision  
199 09 B  
Copyright Taylor Patrick McVeann Ltd

Project  
Lownsdale Caravan Park  
Location  
red line boundary

Project  
Lownsdale Caravan Park  
Location  
red line boundary

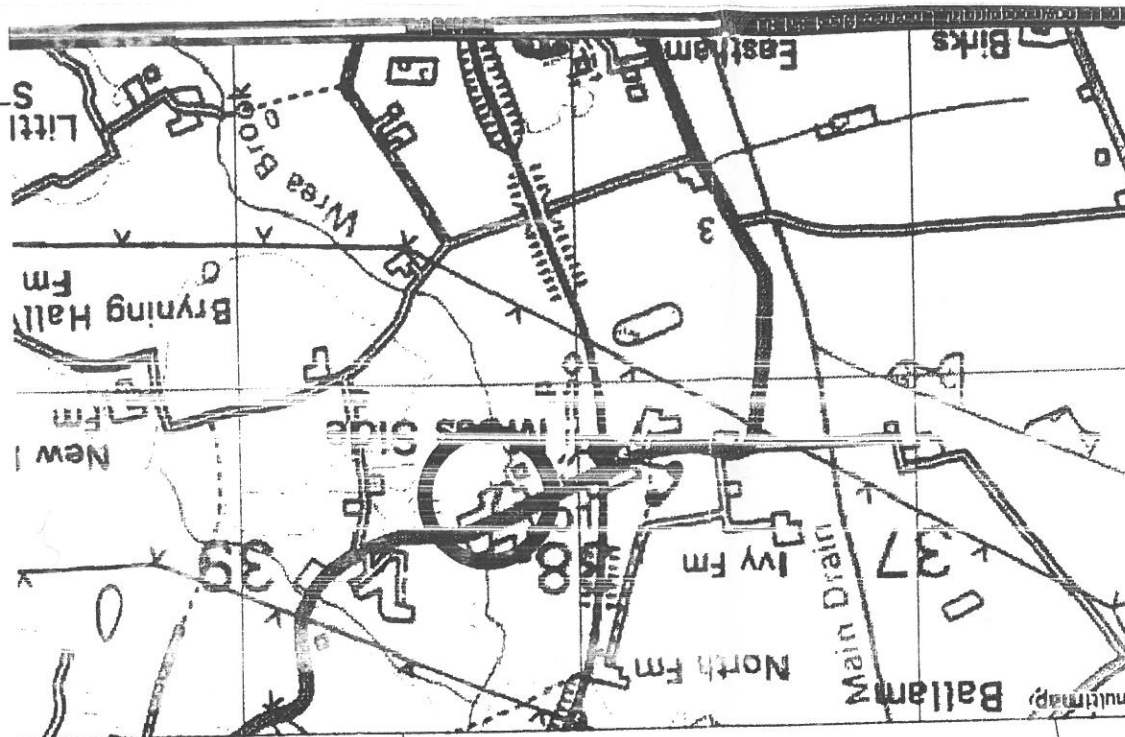


Rev B: Boundary amended to account for removed chalets (CO)  
Rev A: Boundary adjacent to railway line amended 5 Feb 04 (KP)

Dated

NEWLY SUBMITTED  
FOR APPROVAL

APPROVED FOR  
CONSTRUCTION





*National Rivers Authority  
North West Region*

Our ref  
Your ref

TS/JT/Caravan Parks 4.1

Date

31 October, 1994

Mr Burnett  
Lawnsdale Caravan Park  
Moss Side  
Lytham  
Lancs  
FY8 4NA

Dear Sir

### **SEWAGE TREATMENT FACILITY**

I refer to your recent meeting with Mrs L O'Neill Pollution Control Officer and Miss H Rice, Assistant Pollution Control Officer.

I understand that a dye tracing exercise proved that the effluent from the sewage treatment facility serving Lawnsdale Caravan Park did not discharge to watercourse. The existing consent for this discharge does not reflect the current situation and the best approach would be to issue a new soakaway form and revoke the existing consent to discharge to Wrea Brook.

Should you wish to develop the site in the future and additional flows can not be effectively soaked away, then this Authority would issue a consent to discharge for the additional flows to include numeric conditions for BOD and suspended solids. These conditions must be complied with.

I trust that the above is satisfactory. Should you have any queries regarding this matter, please do hesitate to contact this office.

Yours faithfully

**L G RANKIN**  
Environmental Quality Manager

Dr. J. B. Leeming, Area Manager (Central)







# FYLDE BOROUGH COUNCIL

## Town and Country Planning Acts

### Variation of Condition Granted

#### Part 1 - Particulars of Application

**Application Number:** 13/0049

**Location:** LAWNSDALE COUNTRY PARK, LYTHAM ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY8 4LY

**Description:** REMOVAL OF CONDITION 2 ON APPLICATION 03/1203 WHICH PREVENTS OCCUPATION OF ANY CARAVAN OR CHALET BETWEEN 14 DECEMBER AND 1 FEBRUARY

#### 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 plan, a stamped copy of which is returned with this notice, subject to the following conditions(s) and reasons(s):

- 1 The static caravans, chalets, and any other form of accommodation within the area edged red on the approved location plan shall be occupied for holiday purposes only and not as a persons permanent, sole or main place of residence.  
  
The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.
- 2 The owners/operators of the caravan site shall maintain a register of names of all occupiers of individual caravans and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policy SP2 of the Fylde Borough Local Plan As Altered October 2005.

**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED**

1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.



(b) You, your agent or any other person responsible for implementing this permission should immediately inform the Development Management Section of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

2) This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development, i.e. a "condition precedent", the following should also be noted:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

#### **SUMMARY OF RELEVANT POLICIES & GUIDANCE**

This decision has been made having regard to the guidance provided by the National Planning Policy Framework and the policies contained within the adopted Development Plan which comprises the saved policies of:

the Regional Spatial Strategy for the North West;

the Fylde Borough Local Plan;

and all other relevant planning guidance and in particular policies:

##### **Regional Spatial Strategy:**

DP01 Spatial Principles

DP03 Promote Sustainable Economic Development

RDF02 Rural areas

##### **Fylde Borough Local Plan:**

SP02 Development in countryside areas

TREC06 Static Caravans and Chalets

**Informative notes: NONE**

**Date of Decision: 02/04/2013**

Signed:



Mr P. Walker  
Director of Development Services  
Fylde Borough Council  
Town Hall  
Lytham St Annes

Mr Hopper  
Robert V Hopper RIBA  
15 Shaftesbury Close  
Lytham  
Lancashire  
FY8 4RZ

Lancashire, FY8 1LW



## Town and Country Planning Acts

### Full Planning Permission Granted

#### Part 1 - Particulars of Application

**Application Number:** 08/0112

**Location:** LAWNSDALE CARAVAN PARK, LYTHAM ROAD, MOSS SIDE, LYTHAM ST ANNES

**Description:** AMENDMENT TO CONDITION NO. 2 ON PLANNING APPLICATION 03/1203 TO READ NO CARAVAN/CHALET ON THE SITE SHALL BE OCCUPIED DURING THE PERIOD 18TH JANUARY TO 28TH FEBRUARY IN ANY 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 plan, a stamped copy of which is returned with this notice, subject to the following conditions(s) and reasons(s):

- 1 No caravan on the site shall be occupied during the period between the 18th January and 28 February in any year.

To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be contrary to Policy SP2 and HL1 of the Fylde Borough Local Plan As Altered October 2005.

**IMPORTANT – PLEASE CAREFULLY READ THE NOTES BELOW AS FAILURE TO COMPLY COULD MAKE THE DEVELOPMENT HEREBY PERMITTED UNAUTHORISED**In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

#### REASON FOR APPROVAL

The proposal complies with the relevant development plan policies and guidance and does not have an undue impact on the amenities of nearby residents or the visual amenity of the area.

#### SUMMARY OF RELEVANT POLICIES & GUIDANCE

This decision has been made having regard to the policies contained within the adopted Development Plan which comprises:  
the Regional Spatial Strategy;  
the Fylde Borough Local Plan;

the Joint Lancashire Structure Plan;  
and all other relevant planning guidance and in particular policies:

**Fylde Borough Local Plan:**

SP02 Development within countryside area

TREC06 Static Caravans and Chalets

**Joint Lancashire Structure Plan:**

**Informative notes:**

1. This planning consent amends condition 2 of planning permission reference 03/1203. The Applicant is reminded that the other conditions imposed on this permission must continue to be met.

Date of Decision: 01/04/2008

Signed:



Mr P. Walker  
Executive Manager  
Strategic Planning and Development  
Town Hall  
Lytham St Annes  
Lancashire, FY8 1LW

Mr B Burgess  
Landfall  
Raikes Road  
Great Eccleston  
PR3 0ZA