

Agenda

Public Protection Committee



Date:

Wednesday 25 February 2015 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	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting held on 12 December 2014 as a correct record, as attached.	3 - 5
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
4	Private Hire Vehicle Signage	6-14
5	Hackney Carriage Livery	15-17

Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: 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

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Minutes

Public Protection Committee



Date:	Friday, 12 December 2014
Venue:	Town Hall, St Annes
Committee members:	Councillor Angela Jacques (Chairman) Councillors Christine Akeroyd, Frank Andrews, Keith Beckett ISO, Alan Clayton, John Davies, Tony Ford JP, Ken Hopwood, Barbara Nash.
Other councillors:	None
Officers:	Ian Curtis, Michael Duck, Chris Hambly, Sharon Wadsworth
Other attendees:	AC and J Coombes

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.

Councillors Akeroyd, J Davies, Hopwood and Jacques declared an interest in agenda items 5 and 6 in so far as that they were members of the Council when Mr Coombes was Leader of the Council.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Public Protection Committee meeting held on 23 September 2014 as a correct record for signature by the Chairman.

3. Substitute members

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

There were no substitutions.

4. Hackney Carriage Driver Licence - AC

Chris Hambly, Principal Licensing Officer, presented a report concerning a current licensed driver. AC had recently received a simple caution for an offence of common assault, which occurred on the 4th October 2014. The offence had not occurred during his day to day working as a taxi driver.

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

Members briefly adjourned to enable a full and frank discussion to be held.

The committee considered the matter and RESOLVED to take no further action against AC.

5. Request to Licence Smart Cars as Private Hire Vehicles

Mr Hambly presented an application that had been received, from John Coombes of Fylde Executive Cars, to licence a Smart Car as a passenger private hire vehicle. Mr Hambly explained that although the Smart Car appears small it had high levels of passenger comfort inside and that there was a generous amount of space in terms of head and leg room. The vehicle was built as a passenger carrying vehicle by a mainstream manufacturer and had a very good NCAP (New Car Assessment Programme) safety rating of four stars.

Member briefly adjourned to the car park to inspect a Smart Car that had been made available for them before inviting Mr Coombes to address the committee. Mr Coombes explained his proposal and responded to questions from members.

Following discussion and a show of hands it was RESOLVED to allow a Smart Car to be licensed as a private hire vehicle, notwithstanding the council's policy, in view of the levels of comfort and safety provided by the vehicle and the limited market niche that it was intended to fill.

6. Private Hire Vehicle Signage

Mr Hambly presented a report detailing a request that had been received to allow for extensive company livery to be displayed on private hire vehicles in place of the normal council notices. The proposal would be a deviation from the councils Hackney Carriage and Private Hire Licensing Policy. Mr Hambly explained that neighbouring boroughs do not allow full livery on private hire vehicles and if the proposal was approved then a precedent would be set for other companies to request similar livery. This would make it extremely difficult to distinguish licensed private hire vehicles, with potentially detrimental effects for public safety.

Following a full debate it was RESOLVED to defer the request for further deliberation at the next meeting of the Public Protection Committee.

Councillor Ford left the meeting before voting commenced on item 6.

7. Street Trading

Mr Hambly introduced a report concerning the Governments response to a consultation exercise regarding proposals to amend street trading legislation. Mr Hambly explained that the proposals suggested some amendments to Street Trading Consents that would have an impact upon the Authority.

It was RESOLVED to note the report.

8. Caravan Licensing - Greenacres Caravan Site.

Mr Duck, Senior Environmental Health Officer, presented a report relating to Greenacres Caravan Park, Bryning Lane, Warton. Greenacres is a family run touring caravan site with seven existing seasonal touring pitches and communal toilet block.

The applicant was seeking to amend Condition 1 of the existing licence to bring the site licence in line with planning permission granted on 3rd October 2013, 13/0519, for an overall increase from seven to eighteen seasonal pitches.

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

After discussion, it was RESOLVED to amend Condition 1, of the holiday site licence, to read “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 18 (eighteen)”.

9. Caravan Licensing – Lawndale Country Park

Mr Duck presented a report relating to Lawnsdale Country Park, situated on Lytham Road, Moss Side between Lytham and Wrea Green.

An application had been received to amend Condition 23 of the existing site licence, “No caravan on the site shall be occupied during the period between 18th January and 28th February in any year”. Mr Duck explained that planning consents 08/0112 and 13/0049 removed closure period and effectively the site could remain open throughout the year. The applicant, however, was seeking to retain a closure period of two weeks via the site licence.

Mr Duck confirmed that the changes sought would not change the site into a residential one as the Planning Department had, in consent 13/0049, attached conditions to ensure caravans are not being used as a persons’ sole or main residence.

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

After discussion, it was RESOLVED to amend Condition 23 of the site licence to read “No caravan on the site shall be occupied during the period between 15th February and 28th February in any year”.

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REPORT



REPORT OF	MEETING	DATE	ITEM
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	25 FEBRUARY 2015	4

PRIVATE HIRE VEHICLE SIGNAGE

PUBLIC ITEM

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

SUMMARY

At the last meeting of the Public Protection Committee, the Committee considered a report regarding signage on private hire vehicles. The Committee resolved to “defer the request for further deliberation at the next meeting of the Public Protection Committee”.

The purpose of this report is to advise the Committee of the subsequent discussions between Cllrs Jacques, Clayton and Mr Coombes of Fylde Executive Cars.

RECOMMENDATIONS

1. That the Committee considers the request and
 - a) Approves the livery to Smart Cars as shown in appendix 2, subject to the removal of the front identity plate replicated on the doors.
 - b) Refuses the request for additional signage over and above the existing policy for the airport runner fleet.
 - c) That following these requests, the current policy relating to signage on hackney carriage and private hire vehicles is reviewed and a report presented to a subsequent meeting of the Committee.

CABINET PORTFOLIO

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

Social Wellbeing

Councillor Cheryl Little

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)		To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The matter was discussed by the Public Protection Committee on the 12th December 2014 and a copy of that report with appendices is attached at appendix 1.

REPORT

1. At the last meeting of the Public Protection Committee considered a request from Mr Coombes of Fylde Executive Cars for a Smart Car to be licensed as a private hire vehicle and for full vehicle livery to be placed on a fleet of private hire cars to act as airport runners. The Committee determined “to defer the request for further deliberation at the next meeting of the Public Protection Committee” and in their deliberations suggested that Councillors Jacques and Clayton met with Mr Coombes and officers to further discuss the matter.
2. That meeting has now taken place and it is reported back to Committee as follows:

SMART CAR

3. It was felt that although the vehicle is licensed as a private hire vehicle, as a 2 seater its design and appearance is not as such to lead a member of the public to believe it to be a hackney carriage available for immediate hire. As such, the proposed livery as shown in appendix 2 was felt to be appropriate subject to the following amendments to ensure the public do not believe the vehicle to be a hackney carriage.
 - a) The replicated front identity plate located on the bottom of the doors should be removed to ensure consistency with the existing private hire fleet as per 14.2.1 of the current policy.
 - b) The Fylde Borough Council door sign should be used and it is recommended it is centred in the door panel so as to be clear and easily distinguishable.

FEC AIRPORT RUNNERS

4. After considering the request, it was difficult to identify the differences between Mr Coombes proposal for his airport vehicles and the existing airport runners licensed by the Authority. The existing policy allows a specified area for signage and to deviate from the Policy could potentially lead to numerous requests from different operators resulting in little consistency of signage.
5. It is therefore requested that the Committee considers refusing the request for the additional livery on the airport fleet. However, when considering this request and a separate request relating to a different matter for deviations to the Policy on this agenda, the Committee may wish to recommend that a review of the current policy relating to advertising and livery on hackney carriage vehicles and private hire vehicles is undertaken and reported back to Committee in due course.

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.

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	11 th February 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Public Protection Minutes	12 Dec 2014	www.fylde.gov.uk

Attached documents

- Appendix 1 Public Protection Committee Report (12th December 2014)
- Appendix 2 Livery request as submitted by Mr Coombes

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.

IMPLICATIONS			
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.		
REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	27th November 2014	

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

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.

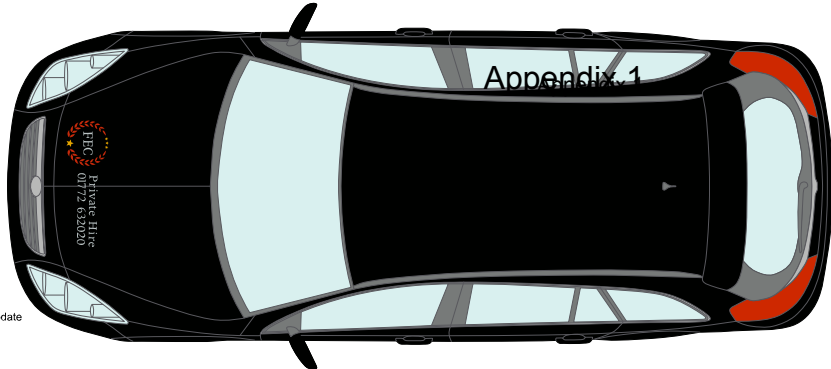
Vehicle will be pre-prepped with isopropyl and wrapped to as close as to the draft as possible

(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!



16/11/17

Materials & method proposal: Silver metallic high sparkle as a base, printed with the black shade effect & ghosted image of the 747 (overlaminated in clear high gloss)
All additional text / graphics will be over applied so as to assure accurate levels etc.

Draft No 1: John Coombes

Date 6/1/2015

Design: full colour data cut graphics as shown or similar.

Using highest quality materials

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

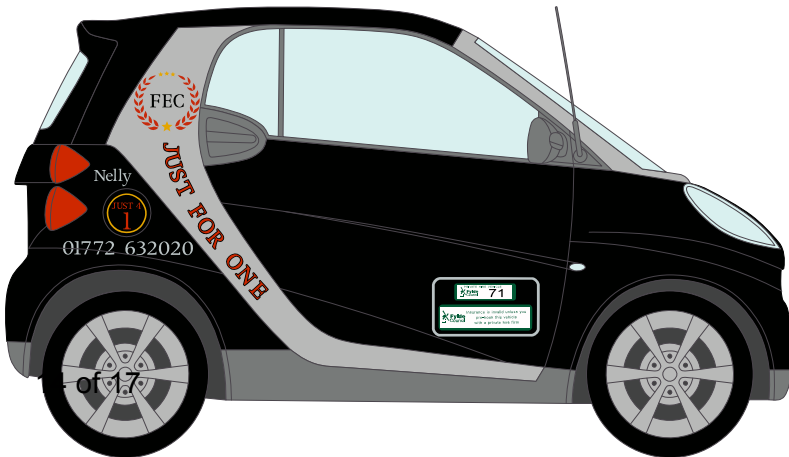
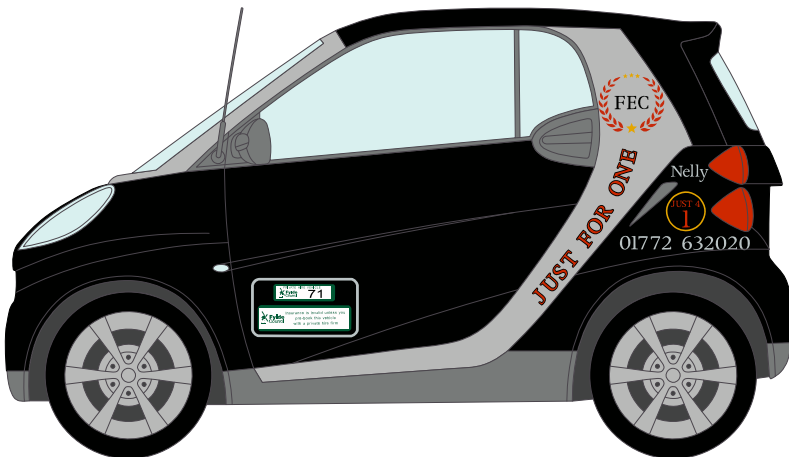
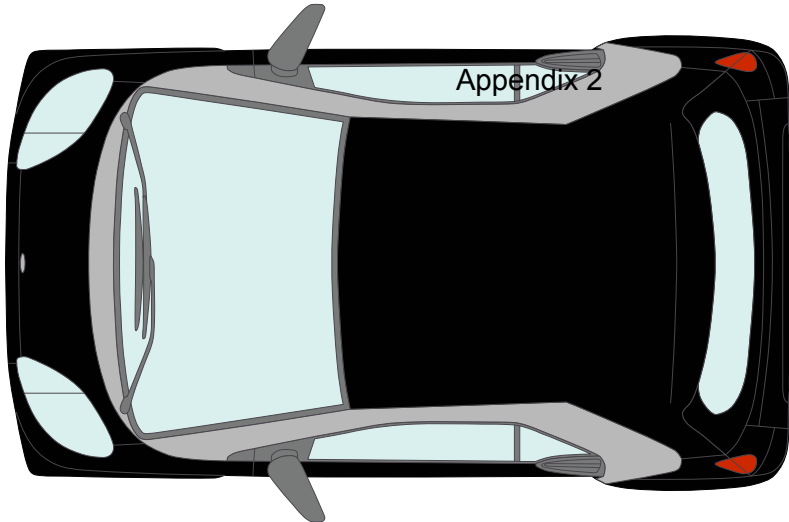
(please allow some tolerance due to vehicle swages, handles) etc

total quote for: design, production & fit = £235 + 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!

Appendix 2



REPORT

REPORT OF	MEETING	DATE	ITEM
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	25 FEBRUARY 2015	5

HACKNEY CARRIAGE LIVERY

PUBLIC ITEM

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

SUMMARY

A request has been received from Mr John Cutler to livery the hackney carriages affiliated to his fleet with a full vinyl wrap as shown in appendix 1.
 The Hackney Carriage and Private Hire Licensing Policy does not address vehicles wraps and it is requested the Committee consider the request.

RECOMMENDATIONS

1. That the Committee considers the request and approves the use of full vinyl wraps on Hackney Carriages.

CABINET PORTFOLIO

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

Social Wellbeing

Councillor Cheryl Little

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)		To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

REPORT

1. A request has been received from John Cutler of Premier Fylde, an operator in the Borough, for full vehicle wraps to be permitted on hackney carriages affiliated to his company. An example of the livery is shown at appendix 1.
2. The current policy relating to advertising on Hackney does not address full vehicle wraps but authorises areas on the vehicle where advertising may be placed subject to a maximum height.
3. The Policy was later amended to allow "third party" advertising on the doors of hackney carriages subject to the following requirement:

"That any advertising concerning matters sexual, religious, political, or the sale/promotion of alcohol and tobacco be prohibited and that any advertising to be displayed on vehicles should be in line with the principles of the General Rules laid down by the British Code of Advertising, Sales Promotion and Direct Marketing issued by the Committee of Advertising Practice."

No hackney carriage proprietors have subsequently taken the opportunity to advertise on their vehicles.

4. The request from Mr Cutler is to bring unity to his fleet and to make his vehicles instantly recognisable as a hackney carriage affiliated to Premier Fylde. This increased livery has the support of Officers as they believe it will further accentuate the differences between hackney carriages and private hire vehicles.
5. The Committee is therefore requested to determine the request.

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.

LEAD AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	11 th February 2015	

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

Attached documents

Appendix 1 Proposed livery

