



Meeting Agenda

**Public Protection Committee
Lowther Pavilion, Lytham
16 November 2005, 10:00am**

PUBLIC PROTECTION COMMITTEE

MEMBERSHIP

CHAIRMAN - Councillor Dawn Prestwich

VICE-CHAIRMAN – Albert Pounder

Councillors

Christine Akeroyd

Janine Owen

Elizabeth Clarkson

Martin Taylor

Susan Fazackerley

Ronald Wilson

Steve Mason

Keith Wright

Kiran Mulholland

Contact: Andrew Lee, St. Annes (01253) 658491, Email: andrewl2@fylde.gov.uk



CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Public Protection Committee held on 11 October 05.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. HURST LEA CARAVAN SITE	5 – 12
5. REVIEW OF LICENSING POLICY	13 – 15
6. EXCLUSION OF THE PUBLIC: <i>Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the 1972 Act.</i>	16

PART II - EXEMPT ITEMS – NOT FOR PUBLICATION

7. PRIVATE HIRE DRIVER APPLICATION	17 - 25
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REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	16 th NOVEMBER 2005	4

HURST LEA CARAVAN SITE

Public/Exempt item

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

Summary

The Committee previously resolved that it was minded to impose additional conditions on the caravan site licence for Hurst Lea Caravan Park. The site owner has submitted representations about the additional conditions. The committee must now consider whether to impose those conditions in the light of those representations.

Recommendation/s

The Committee is asked to decide whether to impose additional conditions to the site licence for Hurst Lea Caravan

Executive brief

The item falls within the following executive briefs: Economy (Councillor Roger Small) and Environment (Councillor A Jealous).

Report

1. A report was presented to the Public Protection Committee on the 11th May 2005 on an application to amend condition 23, relating to the occupancy of caravans on a licensed caravan site, and the objections made to this application. The applicant wished to reduce the closure period from the current condition of 6 weeks in each year to 4 weeks.
2. Following representations from the objectors and a lengthy debate, the Committee resolved to:-

Continued....

1. *Refuse the application to reduce the closure period from the current condition of 6 weeks in each year to 4 weeks for the following reasons:*

- Notwithstanding the reference in the existing licence to holiday caravans, reducing the time during which caravans should not be occupied on the site would effectively legitimise the use of the site as a residential park.*
- Agreeing to the application would be likely to result in similar applications being made in respect of other caravans sites in the area, which would then be difficult to resist.*
- Widespread residential use of caravan parks in the area around Little Eccleston would lead to unacceptable pressure on local services and infrastructure.*
- Reducing the period of closure would conflict with expected good practice in the holiday caravan industry.*

2. *That the Committee was minded to add new conditions to the site licence as follows:*

- The holder of the licence must maintain a written record of all persons over the age of eighteen who occupy a caravan on the site for any continuous period of more than 21 days. The entry for each person must contain:*

Name

The address of their only or principal home

- The holder must not allow any person who does not provide the address of their principal home, or whose only principal home is within the site, to occupy a caravan on the site for any continuous period of more than 21 days.*
- The site owner must not permit delivery of post to individual caravans on the site and must not make any arrangements for post addressed to individuals occupying caravans on the site to be kept for or collected by them.*

And that the holder of the licence be invited to make written representations about the proposed conditions.

3. This report sets out representations made by and on behalf of the site owner about the additional conditions that the committee was minded to add to the site licence. It invites members to confirm, amend or not proceed with the additional conditions in the light of the representations.

The representations are set out as appendices 1 to 4, as listed below

Appendix 1: Letter dated 13 July from planning consultants for the site owner

Appendix 2: Letter dated 28 July from planning consultants for the site owner

Appendix 3: Letter dated 25 July from the site owner

Appendix 4: Letter dated 31 August from the site owner

In summary, the site owner accepts the additional conditions, but sees them as a way of ensuring that, if the site were allowed to reduce its period of annual closure from the current six-week period to four weeks, it would be used for holiday purposes only.

4. The applicant has indicated through his consultant that he does not wish the site to become a residential caravan park. He will maintain a written record of all persons over the age of 18 years who occupy a caravan on the site. They already operate a system whereby those occupying the sites must have their only or principal home somewhere else. The owner believes that this restriction would prevent permanent all year round occupancy of caravans by people as their sole or main dwelling houses and thus prevent the creation of a residential park.
5. At the meeting on May 11, members refused the application to reduce the annual period of closure and indicated that they were minded to impose the additional conditions as well. The committee did intend the additional conditions to facilitate a shorter closure period.
6. The decision for the committee on this item only relates to the additional conditions that it was previously minded to impose. I will report separately on the re-submitted application to reduce the annual period of closure.

IMPLICATIONS	
Finance	No further implications arising from the report.
Legal	The site owner can appeal to the magistrates' court against the imposition of the additional conditions
Community Safety	No further implications arising from the report.
Human Rights and Equalities	No further implications arising from the report.
Sustainability	No further implications arising from the report.
Health & Safety and Risk Management	No further implications arising from the report.

Report Author	Tel	Date	Doc ID
Stuart Handley and Ian Curtis	(01253) 658603 and (01253) 658506	10 th October 2005	

List of Background Papers		
Name of document	Date	Where available for inspection
Current Site Licence	January 2005	Consumer Wellbeing & Protection Department – Town Hall

Barden Planning Consultants

CHARTERED TOWN PLANNERS

130 Highgate, Kendal, Cumbria LA9 4HE

Tel: (01539) 724766 Fax: (01539) 740951

13 July 2005

Stuart Handley
Fylde Borough Council
Town Hall
LYTHAM ST ANNES
Lancashire
FY8 1LW

Dear Mr Handley

CARAVAN SITES & CONTROL OF DEVELOPMENT ACT 1960 HURST LEA CARAVAN PARK, CARTFORD LANE, LITTLE ECCLESTON, NR PRESTON

I have been handed a copy of your letter of 16 May 2005 to Mr T Hanley and I have also discussed the matter with you on the telephone.

As I understand it, the planning permission for this site has no conditions at all related to the period within which it can open and the control over its season has been exercised entirely by use of the site licence.

My clients have indicated they would accept a closure season of four weeks but your Committee have decided that they will not agree to such an alteration to the site licence.

The reasons for this were apparently concerns that the caravans would effectively be occupied residentially and that other caravan sites might request a similar shortened closed season which would have an adverse effect on local services and infrastructure, and that somehow or other this would be in conflict with expected good practice in the holiday caravan industry.

If I could start with the latter, planning policy guidance on caravans in PPG21, Annex C, deals with seasonal and holiday occupancy conditions. Generally speaking the Annex favours the longer season and perhaps an all year round season and suggests that holiday occupancy conditions might be appropriate in these instances. Annex B in relation to caravans indicates that local planning authorities should give sympathetic consideration to applications to extend the opening period allowed under existing permissions and then refers to Annex C about holiday occupancy conditions.

The site proprietors do not wish to become a residential caravan park because that is not their intention and because there is also a difficulty associated with residential parks and the rights that accrue for occupiers of what in effect then become dwellinghouses.

You have suggested in your letter that your Committee also wished to contemplate some additional conditions on the site which controlled the nature of those occupying the site.

Notwithstanding my view that these conditions are perhaps a little onerous, my clients are quite content to keep a written record of all persons over the age of 18 years who occupy a caravan on the site, and they already operate a system whereby those occupying the sites must have their only or principal home somewhere else. This restriction would prevent permanent all year round occupancy of caravans by people as their sole or main dwellinghouses and thus prevent the creation of a residential park.

The suggestion that no post should be delivered either to individual caravans or to the site does seem unduly onerous, certainly in terms of a delivery to the site itself, and I know of many circumstances where holiday parks, holiday camps and hotels, receive mail for their guests. It would be an unreasonable imposition to suggest that no mail should be delivered to anyone on a caravan park if in practice it were delivered to the office itself.

Generally speaking the season during which a caravan site may be operated has been determined as a planning condition and not by use of the site licence. Given that there is no restriction at all on the planning permission I do not think there can be any question of precedent because I do not believe that any of the other sites nearby have such an open ended planning approval and they are seasonally restricted by virtue of that consent.

The Secretary of State has made his views clear and the licensing authority must take account of those views in seeking to control the use of the site by conditions on the licence.

I hope that this compromise, where my clients are prepared to accept limitations on who may occupy the site, thus retaining its holiday status, will be seen as a positive step which can allow the extension of the season which is now commonplace throughout the British Isles.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Brian Barden'.

Brian Barden

APPENDIX 2

Barden Planning Consultants

CHARTERED TOWN PLANNERS

130 Highgate, Kendal, Cumbria LA9 4HE

Tel: (01539) 724766 Fax: (01539) 740951
2005 JUL 29 A 9 24

28 July 2005

Stuart Handley
Fylde Borough Council
Town Hall
LYTHAM ST ANNES
Lancashire
FY8 1LW

Dear Mr Handley

**CARAVAN SITES & CONTROL OF DEVELOPMENT ACT 1960
HURST LEA CARAVAN PARK, CARTFORD LANE, LITTLE ECCLESTON, NR PRESTON**

I have been supplied with a copy of your letter of 19 July 2005 to Mr T Hanley at Hurst Lea Caravan Park, and also with a copy of a letter sent to you by Mr Hanley in which he confirms that the yearly invoices for caravan pitches are sent to the home addresses that are kept in respect of the occupiers of the sites and that mail is not accepted for the caravan owners at the site itself.

This seems to me to cover the concerns that have been expressed in your earlier correspondence but no doubt you will let me know if you require anything further.

Yours sincerely



Brian Barden

Copy to: Mr T Hanley



**Gateway to
The Lakes**

E-mail: sales@hanleycaravans.co.uk

Hanley Caravan Sales

272 Oxcliffe Road

Morecambe LA3 3EH

Tel: 01524 412944 Mob: 08731 395107

Fax: 01524 425740



HANLEY CARAVANS

Website: www.hanleycaravans.co.uk

Fylde Borough Council
Town Hall
Lytham St. Annes
Lancashire FY8 1LW

July 25 2005

FAO: Stuart Handley, Commercial and Licensing Manager

Your Ref #80418-srh7

Re: Hurst Lea Caravan Park, Cartford Lane, Little Eccleston, Nr Preston

Dear Mr Handley

We are in receipt of your letter of July 19th 2005, please be advised that we have a list of the home addresses of all the owners of caravans on Hurst Lea Caravan Park.

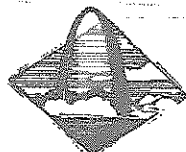
When we send out the yearly site fee invoice it goes to these home addresses, we also do not accept mail for the caravan owners here at Hurst Lea.

This list of home addresses for the caravan owners at Hurst Lea is available to you at anytime upon your request.

If I can be of further assistance please give me a call.

Yours Sincerely

Tom Hanley



Gateway to
The Lakes

E-mail: sales@hanleycaravans.co.uk

Hanley Caravan Sales

272 Oxcliffe Road

Morecambe LA3 3EH

Tel: 01524 412944 Mob: 08731 395107

Fax: 01524 425740



HANLEY CARAVANS

Website: www.hanleycaravans.co.uk

Fylde Borough Council
Town Hall
Lytham St. Annes
Lancashire FY8 1LW

August 31 2005

FAO: Stuart Handley, Commercial and Licensing Manager

Your Ref #80418-srh7 & your letter May 16th 2005

Re: Hurst Lea Caravan Park, Cartford Lane, Little Eccleston, Nr Preston

Dear Mr Handley

We will accept the conditions as outlined in your letter of May 16th 2005, provided that an 11 month license will be granted to Hurst Lea Caravan Park.

We will be most grateful if the committee will take another look at our application.

Yours Sincerely

Tom Hanley

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	16 th NOVEMBER 2005	

REVIEW OF LICENSING POLICY

Public

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

Summary

To review all the existing policies adopted by the Council in respect of the Council's duty with regards to the licensing of hackney carriage and private hire vehicles and to formulate a comprehensive licensing policy.

Recommendation/s

1. Agree to the formulation of a Draft Statement of Licensing Policy.
2. Agree to the review process.
3. Report back to Committee the findings of the review

Executive brief

The item falls within the following executive briefs: Quality of Life (Councillor Patricia Fieldhouse).

Report

There are numerous policies which the Council has formulated over the years whilst implementing its legislative powers in respect of the licensing of hackney carriage and private hire vehicles. Not all these policies are readily accessible, such as on the Council Website.

The purpose of a comprehensive statement of licensing policy is to draw together all the existing policies which have been formulated over the years into one policy document. This will provide clarity and guidance to all interested parties, from potential applicants for hackney carriage and private hire vehicle licenses, existing licence holders, to members, officers and the public in general.

During the review process, in addition to reviewing the existing policies, such as advertising and signage for both hackney and private hire vehicles, this is an opportunity to look at other issues where the Council has no policy, for example, written knowledge test for hackney carriage/private hire driver applicants.

The aims and objectives of the policy will be to demonstrate the Council's commitment to promoting:

- The protection of public health and safety;
- The establishment of a professional and respected hackney carriage and private hire trade.

In undertaking this review process various interested parties will be consulted, these include:

Representatives of the hackney carriage and private hire trade

The Lancashire Constabulary

Lancashire County Council Environment Directorate

Lancashire Education Authority

Representatives of local businesses, including representatives of premises licensed under the Licensing Act 2003 (entertainment venues, public houses, take aways etc)

Disability groups

Age Concern

Parish Councils

Prior to the consultation process a draft policy document will be presented to the members, highlighting the existing policies and where appropriate suggested amendments, together with any new policies.

Once the draft statement of licensing policy has been approved and the consultation process undertaken, all comments and observations will be reported back to this Committee.

IMPLICATIONS	
Finance	No further implications arising from the report.
Legal	No further implications arising from the report.
Community Safety	No further implications arising from the report.
Human Rights and Equalities	No further implications arising from the report.
Sustainability	No further implications arising from the report.
Health & Safety and Risk Management	No further implications arising from the report.

Report Author	Tel	Date	Doc ID
Stuart Handley	(01253) 658603	28 th October 2005	

List of Background Papers		
Name of document	Date	Where available for inspection
Document name		Council office or website address

REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL AND DEMOCRATIC SERVICES	PUBLIC PROTECTION COMMITTEE	16 TH NOVEMBER 2005	6

EXCLUSION OF THE PUBLIC

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the 1972 Act.