



## Meeting Agenda

**Public Protection Committee**  
**Studio Room, Lowther Pavilion**  
**Lytham**  
**24 April 2006, 10.00a.m.**

# Membership

## Public Protection Committee

CHAIRMAN - Councillor Dawn Prestwich  
VICE-CHAIRMAN – Councillor Christine Akeroyd

### Councillors

Elizabeth Clarkson	Kiran Mulholland
Susan Fazackerley	Janine Owen
Karen Henshaw JP	Ronald Wilson
Alfred Jealous NP	Keith Wright
Steve Mason	

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email: [lyndseyl@fylde.gov.uk](mailto:lyndseyl@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. <b>DECLARATIONS OF INTEREST:</b> <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. <b>CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the minutes of the Public Protection Committee <b>meeting</b> held on 31 January 2006 (previously circulated).</i>	4
3. <b>SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
4. <b>ALCOHOL EXCLUSION ZONES</b>	5
5. <b>STREET TRADING</b>	7
6. <b>REQUEST FOR DISPENSATION FROM DISPLAYING PRIVATE HIRE VEHICLE SIGNAGE</b>	16
7. <b>EXCLUSION OF THE PUBLIC:</b> <i>Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisos of Section 100 A of the Local Government Act 1972 on the grounds that the business to be disclosed is exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the 1972 Act</i>	21

### **PART II – EXEMPT ITEMS - NOT FOR PUBLICATION**

8 <b>PRIVATE HIRE DRIVER APPLICATION</b>	22
9. <b>PRIVATE HIRE DRIVERS LICENCE</b>	35

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> APRIL 2006	4

## ALCOHOL EXCLUSION ZONES

### Public

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

### Summary

To advise the Committee members on the current situation with regards to the declaration of alcohol exclusion zones.

### Recommendation/s

The members are asked to note the report.

### Executive brief

This item falls within the following Portfolio Holder Brief: Community & Social Wellbeing (Councillor Mrs Fieldhouse).

### Report

The designation of areas for the control of alcohol forms a key plank of the Council's strategy to curb anti-social behaviour and drink related disorder. As such it should decrease the perception of crime and increase the community's feeling of safety in the areas covered.

Evaluation of the designated Alcohol Exclusion Zones and whether there is a need to introduce further zones within the Borough is one of the priority areas identified within the Community Safety Strategy (2005 – 2008) of the Fylde Community Safety Partnership.

Alcohol exclusion zones were introduced in the Criminal Justice and Police Act 2001.

The Borough Council is the responsible authority for declaring and introducing the zones within this area, this is undertaken by way of an order.

In order to justify the designation the legislation requires evidence showing that the area suffers from alcohol related disorder. This evidence will be provided by the Police.

In declaring an order the police have power to require a person, in such a place, not to drink alcohol in that place where the officer reasonably believes that the person is, has, or intends to do so, and to surrender any alcohol or alcohol containers (other than sealed containers) in the person's possession. It will not be an offence to drink alcohol in a designated public place, but failure to comply with an officer's requirements in respect of public drinking or surrender of alcohol, without reasonable excuse, will be an arrestable offence.

To date there has been 8 exclusion zones declared covering much of Lytham; Warton; St Annes; Kirkham; Fairhaven Lake and inner Promenade.

The Task and Finish Group, which is a Sub group of the Community Safety Partnership has assessed the need for introducing further exclusion zones within the Borough. To date there has been no evidence to justify the need to declare further exclusion zones. However, the Ansdell area is currently under consideration and should there be evidence to declare a zone within this area the matter will be brought before the Committee.

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

Report Author	Tel	Date	Doc ID
Stuart Handley	(01253) 658603		

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

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> APRIL 2006	5

## STREET TRADING

### Public

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

### Summary

To advise the Committee members on the current street trading controls and the request to amend the controls to allow street trading on Dicconson Terrace Lytham and Wood Street, St Annes.

### Recommendation/s

Subject to the consultation process, approve the designation of Dicconson Terrace, Lytham and Wood Street, St Annes as consent streets for the purposes of street trading as defined under the Local Government (Miscellaneous Provisions) Act 1982.

Delegate the relevant Unit Business Manager authorisation to impose conditions, as necessary, to control street trading within the Borough, under the terms of the Local Government (Miscellaneous Provisions) Act 1982 .

### Executive brief

This item falls within the following Portfolio Holders Brief: Community & Social Wellbeing (Councillor Mrs Fieldhouse) and Culture & Tourism (Councillor Renwick).

### Report

The Council first introduced street trading controls in 1983 by limiting street trading to certain fixed sites within the areas as defined in schedule B (see attached Appendix 1), and the streets as defined in schedule A (see attached Appendix 1) as prohibited for the

purposes of street trading. No controls were introduced for those streets outside schedule A and B.

On the 1<sup>st</sup> January 1993 the Council extended the street trading controls as defined within the Local Government (Miscellaneous Provisions) Act 1982, by designating all the streets other than those in schedule A and B above, as consent streets for the purposes of street trading. In addition, and in accordance with the Act, certain conditions (as amended) were imposed upon consent holders, see Appendix 2.

On the 1<sup>st</sup> December 2004 the Council re-designated St Annes Road West, St Annes (including the Square) and Clifton Square, Lytham from prohibited streets to consent streets for the purposes of street trading.

The purpose of allowing controlled street trading in the two town centres was to add vitality to the areas, creating added attractions and amenities and adding to the reputation of the town. Done in the right way, with controlled restrictions, it is recognised that trading could have major benefits to the town centres.

Since the redesignation of St Annes Square and Clifton Square, continental markets have been held within the two Squares, which have proved to be successful.

A further request has recently been received from the Tourism Officer within the Cultural Services Unit to extend street trading within the town centres by re-designating Dicconson Terrace, Lytham and Wood Street, St Annes as consent streets.

However, before passing a resolution to designate any additional streets under the terms of the Act, it will be necessary for the Council to first:-

- (i) Publish a notice of their intention to pass such a resolution in a local newspaper circulating in their area;
- (ii) Notify the Chief Constable, and
- (iii) Notify the Highways Authority

In addition to extending street trading within the two town centre areas, the Committee may be minded to delegate the relevant Unit Business Manager authorisation to impose such additional controls within the town centre areas to those identified within Appendix 2. For example, restricting the type of goods that may be exposed for sale, so as to ensure that trading is carried out in such a manner as to create the added attractions and amenities which will enhance the vibrancy of these areas.

The main sites suitable for street trading within the town centre areas are in the main those within the control of the Borough Council. In light of this, and the need to impose additional controls, the Committee may also be minded to place those streets as identified within this report under a separate schedule, see attached schedule C in Appendix 1, in order to define these areas from the general consent streets.

The Committee are asked to note that Henry Street, Lytham was inadvertently omitted from schedule A. As a result of which the Council resolved at a previous Committee meeting to designate Henry Street, Lytham as a prohibited street for the purposes of street trading, in addition the forecourts adjacent to prohibited streets. This resolution will be included in the above notice.

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

Report Author	Tel	Date	Doc ID
Stuart Handley	(01253) 658603		

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

### **Attached documents**

Appendix 1 – Schedule A Prohibited Streets

Appendix 1 - Schedule B and C Consent Streets

Appendix 2 – Consent Conditions



## Local Government (Miscellaneous Provisions) Act 1982

### Street Trading

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The streets in Schedule 'A' are designated as Prohibited Streets for the purposes of street trading, and the streets in Schedule 'B' are designated as consent streets for which authorisation from the Chief Executive is required. It is important to note that consent to trade in respect of consents granted by Director of Environmental Services do not include consent to trade in the areas defined under Schedule 'B'.

#### Schedule A

Albany Road	Gregson Street
All Saints Road	Grosvenor Street
Ansdell Road South (from Inner Promenade to Clifton Drive)	Hastings Place
Astland Street	Highbury Road West (from Clifton Drive North to St. Davids Road North)
Avon Street	Hornby Road
Arundel Road (Princes Road to Lake Road North)	Inner Promenade
Back Commonside	Kensington Road
Back North Crescent	Kingsway (Woodlands Road to Lake Road North)
Back Rossall Road	King Edward Avenue
Back St. Annes Road West	Kings Road
Back West Crescent	Lake Road (from Inner Promenade, Clifton Drive South)
Back Woodlands Road	Lightburne Avenue
Bazley Road	Links Gate
Ballam Road (from Westby Street to Guardian Royal Exchange Assurance Co. Ltd. entrance)	Links Road
Bannister Street	Lowther Terrace
Bath Road	Marine Drive
Bath Street and its continuation access to Lytham Promenade	Market Square
Beach Avenue	Miletas Place
Beach Road	Myra Road
Beach Street	North Promenade
Beauclerk Road	
Bentinck Road	
Blackpool Road (from Albany Road to Cambridge Road)	
Bromley Road	
Buckingham Road	

## Schedule A Cont'd

Cartmell Road  
Central Beach  
Cartmell Road  
Central Beach  
Church Road (Lytham)  
Clifton Drive (Ansdell/Lytham)  
Clifton Drive North

Clifton Drive South  
Clifton Street  
Commonside  
Coronation Road  
Crescent, The  
Cyprus Avenue  
Denford Avenue  
Derbe Road

Douglas Street  
Dove Street  
Denmark Road  
East Beach  
Eastbank Road  
Eddington Road  
Fairhaven Road  
Fairlawn Road  
Fylde Road (Ripon Road to Albany Road)  
Park Road  
Park Street  
Pleasant Street  
Pollux Gate  
Preston Road  
Pembroke Road  
Princes Road  
Queen Street  
Ribble Street  
Richmond Road  
Ripon Road  
Rutland Court  
Rutland Road  
Riley Avenue  
Rossall Road (from Gordon Road to  
Ansdell Road)  
Seymour Road  
St. Albans Road  
St. Andrews Road North (from St. Annes  
Road West to Beach Road)

Orchard Road  
Oxford Road (Back  
Woodlands Road to Ansdell  
Road North)  
St. Andrews Road South  
(from West Crescent to  
St. Thomas Road)  
St. Annes Road East (from  
Railway to Headroomgate  
Road)  
St. Annes Road West  
St. Davids Road South  
St. Georges Lane  
St. Georges Road  
St. Georges Square  
St. Johns Street  
St. Patricks Road South  
St. Pauls Avenue  
St. Thomas Road  
Sandgate  
Seafield Road  
South Promenade  
Station Road  
Swainson Street  
Todmorden Road  
Upper Westby Street  
Warton Street  
West Beach  
Westby Street  
Windsor Road (Woodlands  
Road to Pembroke Road)  
Windsor Road (Pembroke  
Road to Ansdell Road South)  
  
Woodlands Road  
Woodville Terrace  
Worsley Road (from Hilton  
Avenue to Links View)

All of which streets are in the area known as Lytham St. Annes, Lancashire

## **Schedule B**

All that land fronting the Lifeboat House, Lytham.

All that land and foreshore between Ansdell Road South and Squires Gate Lane, Lytham St. Annes, Lancashire, in the ownership or control of the Fylde Borough Council and lying on the seaward side of Inner Promenade, South Promenade, North Promenade, Clifton Drive North, Stanner Bank Car Park, Fairhaven Lake Car Park, St. Pauls Avenue Car Park, Fairhaven Road Car Park and North Promenade Car Park.

## **Schedule C**

St Annes Road West (including St Annes Square)  
Dicconson Terrace and its continuation access to Lytham Promenade  
Clifton Square Lytham

## **Street Trading Consent Conditions**

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1. Consent will not be granted if it is considered that one or more of the conditions of the consent will be breached.
2. The consent granted by the Council is personal to the consent holder and is not transferable. Where the consent holder is an employer, this consent will apply to named employees who have been previously notified to and approved by the Council. The consent may only be transferred to another vehicle, container or stall with the prior consent in writing of the Council.
3. The consent granted by the Council may be revoked at any time, should one or more of the conditions be breached.
4. Applications for a street trading consent, other than ice-cream vendors, must state the site from which they wish to trade.
5. The consent holder shall trade only on the site as specified in the consent.
6. The holder may apply for a variation in respect of the site. Such application for variation must be in writing and give details of the proposed relocation.
7. It is the applicant's responsibility to ensure that the site they are applying for is suitable and they have a legal right to trade. No responsibility will be accepted by Fylde Borough Council for persons found to be trading from unsuitable or illegal sites.
8. Only goods specified in the consent may be sold from the vehicle, container or stall specified in the consent.
9. Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
10. No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employee of his.
11. The consent holder shall not permit any nuisance, obstruction or annoyance to be caused by the presence of his / her trading activities to persons occupying nearby residential or commercial premises.
12. The name and address of the consent holder shall be displayed conspicuously on the vehicle, container or stall used by him/her.

13. The consent holder shall comply with all legislation relevant to the conduct of the business in which he/she is engaged and ensure that any vehicle used by him in connection therewith is in a roadworthy condition and where necessary taxed and insured.
14. The consent holder or any person employed by him/her shall not use any loudspeaker, whistle, horn, bell or their audible method to attract custom, PROVIDED that this shall not apply to the chimes of an ice cream van during permitted hours of 12 noon to 7.00 p.m.
15. The consent holder shall provide adequate receptacles for rubbish and shall after trading has ceased, remove all rubbish and litter from the site.
16. The consent holder shall comply with any reasonable requirements of the Council or any of its officers or of any police officer in relation to the siting or operation of his/her street trading business.
17. The Council may forfeit this consent if consent holders shall without good cause fail to comply with any condition herein.
18. Any consent issued will only be valid in relation to a single vehicle, container or stall.
19. The consent holder shall at the request of the Council present the vehicle, container or stall for inspection at such time and place as required by the Council.
20. consents will not be granted to persons under the age of 17 years.
21. consents will be granted for the period 1st January to 31st December inclusive, after which renewals, where given, will relate annually.
22. The fee, which must accompany the application, will be £364 per annum. If the application is received after 1st July in any given year, the fee will be half the annual fee. All consents expire on the 31st December. The fee will be refunded if the consent is not granted.

N.B. The Law provides that any person who trades in a "consent Street" without having obtained the consent of the Council shall be guilty of an offence.

The following special conditions apply to this consent:

Summary of the Code of Practice on Noise from Ice Cream Van Chimes etc.

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:-

### Do Not Sound Chimes

1. for longer than 4 second at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. when in sight of another vehicle which is trading;
5. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
6. more often than once every 2 hours in the same length of street;
7. louder than 80 dB(A) at 7.5 metres;
8. as loudly in quiet areas or narrow streets as elsewhere.

### Remember:-

It is an offence to sound your chimes before 12 noon or after 7.00 p.m.

It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> APRIL 2006	6

## REQUEST FOR DISPENSATION FROM DISPLAYING PRIVATE HIRE VEHICLE SIGNAGE

### Public

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

### Summary

A number of requests have been received for dispensation from displaying private hire vehicle signage.

The signage requirements set within the Borough are for the protection of the public with regards to the ease of recognising private hire vehicles. However, it is understood that these vehicles are to operate as Chauffeur hire.

### Recommendation/s

1. That the Committee considers the report and determines the requests.

### Executive brief

The item falls within the following Portfolio Holders Brief: Community & Social Wellbeing (Councillor Mrs Fieldhouse)

### Report

1. Officers of the Licensing Team are in receipt of 3 requests relating to the dispensation of displaying private hire vehicle signage on licensed private hire vehicles.
2. Historically, dispensation has been granted to Private Hire Operators involved in the Chauffeur Business such as Fylde Executive Cars and Silver Service where the

Continued....



proprietors of vehicles display a disc confirming the vehicle to be licensed as a Private Hire vehicle, whilst all signage such as the identity plates and door signs must be conveyed in the boot of the vehicle.

3. The number of such requests is on the increase and an attempt to clarify the situation is laid out in the draft Hackney Carriage and Private Hire Licensing Policy at Appendix A, paragraph 13.4 which states,

*“Provided that they have received express written consent from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, not be required to display the external vehicle licence plates but must comply with the requirements of 13.3 above in respect of displaying the internal licence disc.”*

4. As such, the matter is referred to the Public Protection Committee so that consideration may be given to the requests.
5. The applicants have been invited to attend the meeting.

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

Report Author	Tel	Date	Doc ID
Chris Hambly	(01253) 658422	7 <sup>th</sup> April 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
Draft Taxi Policy	7 <sup>th</sup> April 2006	<a href="http://www.fylde.gov.uk/licensing">www.fylde.gov.uk/licensing</a>

#### **Attached documents**

- 1) Requests for dispensation from signage

14.3.06

Chris

For your consideration P.

**9 Hampton Court  
Lytham St Annes  
Lancs  
FY8 3UD**

Tel: 01253 722227 or ( mobile 07725 70 87 87)

14 March 2006

**F.A.O. Pat Donovan**  
Licensing Team  
Town Hall  
Lytham St Annes  
FY8 1LW

Dear Madam

Re: Private Hire Vehicle Licence **PVO 427**

With regard to the above licence I wish to apply to be exempt from displaying the licence plates on the front and rear of my vehicle for the following reasons:-

I am currently only using the vehicle for Executive Hire. There is no radio fitted to the vehicle for the purpose of taking fares.

I understand that in these circumstances such vehicles may be exempt from displaying the licence plates but the plates must be carried inside.

I look forward to hearing from you and if the information I have received regarding the above is incorrect please accept my apologies for any inconvenience caused.

Yours faithfully

Robert A Calvert



# POOL EXECUTIVE CARS



Pool Executive Cars Ltd  
3 Errigal House  
Avroe Crescent  
Blackpool  
FY4 2QS

20 February 2006

KW/FW

Fylde Borough Council  
Town Hall  
St Annes Road West  
St Annes  
FY8 1LW

Dear Sirs

**RE: Dispensation**

I am writing to request permission for dispensation, not to show our Private Hire plates and door stickers.

The reasons we request this permission is that, we are a Chauffeur Driven Car Company, and not just a general private hire company. All our work is contract work, so we do not pick up anybody from pubs, clubs or off the street. Usually our bookings are normally booked at least twelve hours in advance.

I hope you understand the reasons we have stated and grant us a letter of dispensation, and we will honour all conditions that go with this.

Many Thanks

Yours Faithfully

Kevin Wood

16, Methuen Ave  
Fulwood  
Preston  
PR2 9QX

Licensing Team  
Town Hall  
Lytham St Annes  
Lancashire  
FY8 1LW  
f.a.o Mr C Hambly

Your Ref: CWP/DISP/PH/CH/PD  
Date: 16<sup>th</sup> January 2006

**Private Hire Vehicle plate and door dispensation**

Dear Sir

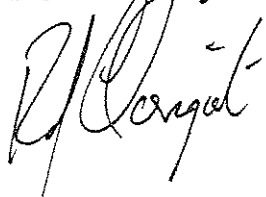
I am requesting the transfer of my dispensation for Roger J Clampit, plate number 354, for my Vauxhall Omega registration Y 261 GNP.

For the past 18 months I have sub contracted to Fylde Executive Cars and am now going to drive using the same vehicle for Chauffeur Days.

Mrs Schofield of Chauffeur Days, is wanting me to drive for her and build up an executive client base. The clients we will target are the executive market and the government departments we have both worked for in the past. The government departments we have in mind, require executive cars for the professional carriage of UK and overseas senior government and military personnel in the North West. Already having government security clearance for this type of work and having experience of our clients security needs, we are well place to offer a professional service in this sector. When the client base is mature, Mrs Schofield intends to drive, with a view to capturing the increasing needs of the female executive market.

I have submitted this to you in your absence, on the recommendation of Mrs Pat Donovan. I hope that I have provided you with the information you require and look forward to your acknowledgement of my operator transfer.

Yours sincerely



Mr R J Clampit

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES AND MEMBER SUPPORT	PUBLIC PROTECTION COMMITTEE	24 <sup>TH</sup> APRIL 2006	7

## EXCLUSION OF THE PUBLIC

### Exempt Item

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 disclosed is exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the 1972 Act.