

# MINUTES

## Public Protection Committee

<b>Date:</b>	Wednesday, 21 November 2018
<b>Venue:</b>	Town Hall, St Annes.
<b>Committee Members Present:</b>	Councillor Angela Jacques (Chairman) Councillor Frank Andrews (Vice-Chairman) Councillors Jan Barker, Brenda Blackshaw, Alan Clayton, Paul Hodgson, Shirley Green, Peter Hardy, Neil Harvey.
<b>Other Councillors Present:</b>	None
<b>Officers Present:</b>	Ian Curtis, Chris Hambly, Andy Hough, Tara Walsh
<b>Other Attendees:</b>	Mr Stott (Representative of Pure Leisure Ltd), HGS, JS, AH.

### Councillor Keith Beckett

The committee wished to place on record their best wishes to Councillor Keith Beckett who had recently been admitted to hospital.

#### 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.

#### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Public Protection Committee meeting held on 18 July 2018 as a correct record for signature by the Chairman.

#### 3. Substitute Members

The following substitutions were reported under Council procedure rule 22(c):

Councillor Paul Hodgson for Councillor Keith Beckett.

### Decision Items

#### 4. Caravan Site Licensing – Primrose Bank Caravan Park

The Chairman invited Mr Curtis, Head of Governance, to present a report on Primrose Bank Caravan Park. In doing so, Mr Curtis explained that the report set out representations by the site owner in response to a condition that the Public Protection Committee had proposed to add to the licence in February 2018, when it accepted a request to allow the site to operate all year for holiday use. The proposed additional condition was set out in the report and is included below:

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

*II. "The owners/operators of the caravan site shall maintain a register of all names of all owners/occupiers of individual caravans and evidence proof of their main home address, and shall make this information available at all reasonable times to the Local Authority".*

Mr Curtis informed members that the committee had considered the above proposal at its meeting in July. However, a material part of the representations made by the licence holder had not been presented to members at that meeting and therefore, the decision could be considered legally flawed. The committee had therefore been asked to reconsider afresh the proposal detailed above, taking into account the representations made by the licence holder detailed in the report, set out in the letter from the licence holder which was appended to the report, and to be made in person at the meeting .

Mr Curtis went on to explain that the report detailed that the site owners accepted point "I" but proposed alternative wording for point "II" to read *"The owners/operators of the caravan site shall maintain a register of names and address of all owners/occupiers of individual caravans and, on request from an authorised officer from Fylde Borough Council, provide proof of this address."*

The Chairman then invited Mr Stott, representative of Pure Leisure Ltd, to further address the committee and amplify the licence holder's representations in regards to the additional condition. Mr Stott explained that Pure Leisure contest the proposed additional condition on the grounds that the task would be unduly onerous on staff and would be excessive due to the planning conditions and park rules already in force. In addition, Mr Stott claimed that the conditions fall outside the confines of the 1960 Caravan Site and Control and Development Act and also, may have implications under the Data Protection Act 2018.

Following a detailed discussion on the matter it was suggested that the wording of point "II" be amended to require the licence holder to collect evidence of the current home address of each caravan owner and provide it to the licensing authority on request, but that such evidence only be required and provided in respect of caravan occupiers when specifically requested by the licensing authority.

Following full consideration into the site owners concerns, the committee RESOLVED:

1. To confirm point I of the proposed additional site licence condition.
  2. That the point II as proposed by the meeting of February 14 be replaced by wording to reflect the above proposal and that this be circulated to the Chairman and Vice-Chairman of the committee for approval by way of an email.
  3. That written representation be made to the Secretary Of State on the concerns of the committee of all year round holiday sites.
5. Application for the Grant of a Hackney Carriage/Private Hire Drivers Licence – HGS

Mr Hambly, Environmental Services Manager, introduced a report detailing an application received from HGS, for the grant of a Hackney Carriage/Private Hire Driver's Licence, for the Committee to consider and determine if they considered the applicant fit and proper to hold such a licence.

The Disclosure had revealed a disqualification from driving between 14 July 2017 and 13 January 2018. Furthermore, the applicant declared that he had been convicted of an offence in July 2011, but made no declaration in respect of the penalty points he had received previously and the nature of the conviction.

The council's Hackney Carriage and Private Hire Licensing Policy indicated that where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will

## Minutes – Public Protection Committee – 21 November 2018

normally be refused. HGS was invited to address the committee to explain why the policy should not be applied in this case. Following questions from the committee the members adjourned to enable a full and frank discussion to be held.

The committee resumed following a full discussion of the matter and RESOLVED not to deviate from the current policy and to refuse the grant of a Hackney Carriage/Private Hire Driver's Licence to HGS.

### 6. Application for the Grant of a Hackney Carriage/Private Hire Drivers Licence – JS

Mr Hambly, Environmental Services Manager, introduced a report detailing an application received from JS, for the grant of a Hackney Carriage/Private Hire Driver's Licence, for the Committee to consider and determine if they considered the applicant fit and proper to hold such a licence.

The applicant declared on his application form that he had received 3 penalty points in March 2018 however, the Disclosure had revealed additional penalty points had also been received in November 2015 and January 2015 and these had not been declared on the application.

The council's Hackney Carriage and Private Hire Licensing Policy indicated that where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused. JS was invited to address the committee to explain why the policy should not be applied in this case. Following questions from the committee the members adjourned to enable a full and frank discussion to be held.

The committee resumed following a full discussion of the matter and RESOLVED to deviate from the current policy and to grant a Hackney Carriage/Private Hire Driver's Licence to JS.

### 7. Hackney Carriage and Private Hire Driver - AH

(The Chairman, Councillor Angela Jacques, and Councillor Brenda Blackshaw left the meeting for the discussion and deliberation of this item. The Vice-Chairman, Councillor Frank Andrews acted as chairman for this item.)

Mr Hambly, Environmental Services Manager, presented a report in relation to the conduct of an existing Hackney Carriage and Private Hire Driver, AH.

Mr Hambly explained that Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; 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 any other reasonable cause.

The committee went on to invite AH address members and to respond to questions and following this, the meeting was adjourned to enable a full and frank discussion to be held.

The committee discussed the matter in detail, taking into account the current Hackney Carriage and Private Hire Licensing Policy and the Local Government (Miscellaneous Provisions) Act 1976, and RESOLVED to revoke AH's licence.

### Hackney Carriage and Private Hire Driver's licence application form

The committee asked Mr Hambly, Environmental Services Manager, to review the Hackney Carriage and Private Hire Driver's licence application form, so that the form clearly explains that any suspended convictions should be declared.

**Fylde Borough Council copyright [2018]**

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 the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).