

Agenda

Public Protection Committee

Date:	Wednesday, 18 July 2018 at 10am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	Councillor Angela Jacques (Chairman) Councillor Frank Andrews (Vice-Chairman) Councillors Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Alan Clayton, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Sally Nash.

	PROCEDURAL ITEMS:	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, as previously circulated, of the meeting held on 14 February 2018 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 22(c).	1
	DECISION ITEMS:	
4	Caravan Site Licensing - Primrose Bank Caravan Park	3 - 6
5	Hackney Carriage Fares	7 - 9
	INFORMATION ITEMS:	
6	Hackney Carriage Licences	10 - 11

Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	18 JULY 2018	4

CARAVAN SITE LICENSING- PRIMROSE BANK CARAVAN PARK

PUBLIC ITEM

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

SUMMARY

At the last Public Protection Committee meeting Member's proposed to include an additional site licence condition, for the site licence owner to maintain a register of an owners/occupiers of individual caravan's names and to provide evidence of their main home address. The site owner wishes to make representation to the wording of the condition and has offered an alternative.

RECOMMENDATION

1. To consider the wording of the additional condition of the site licence, relating to maintenance of a register and proof of evidence of individual caravan owners/occupiers main home address, taking into consideration the site owners' proposal.

SUMMARY OF PREVIOUS DECISIONS

The matter was initially discussed at the Committee meeting in February 2018, Members resolved to allow the site to operate all year holiday use and "to include the additional conditions to the site licence and to offer the licence holder the opportunity to make representations. The additional condition put to the license holder is-

- 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".

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. An application was received on 20th November 2017 from the site operator Pure Leisure of Primrose Bank Caravan Park, High Moor Farm, Singleton Road, Weeton, Lancashire, PR4 3JJ.
2. The applicant is seeking to amend the site licence to allow all year round holiday use.
3. On the 14th February 2018, Members of the Public Protection Committee resolved to amend Condition 2 of the Site Licence to allow all year holiday round use.
4. The Committee were minded to include additional conditions to the site licence and offer the licence holder the opportunity to make representations. The additional conditions state-
 - 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".
5. Following consultation with Pure Leisure concerning the proposed additional conditions, they responded¹, that the wording for the site licence is ok except it may be better to change the reading of point II to read the following "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. Otherwise, we would spend an awful lot of time gathering evidence from all owners which would not be used".

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	None arising directly from the 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.

LEAD AUTHOR	CONTACT DETAILS	DATE
Michael Duck	Michael.duck@fylde.gov.uk Tel 01253 658620	5 th July 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Primrose Bank File	5 th July 2018	Chaseley Building, 1 st Floor, Room F21
Public Protection Minutes	14/2/18	Minutes of Public Protection Committee Meeting 14th February 2018

Attached documents

Appendix 1- Pure Leisure's response to additional conditions

¹ Appendix 1- Pure Leisure's response to additional conditions

Item 4 – Appendix 1

From: Peter Lord <Peter.Lord@xxxxxx.com>

Sent: 26 February 2018 11:56

To: Michael Duck

Subject: RE: Primrose Bank Caravan Park

Hi Micky

The wording is ok for the site licence except that it may be better to change 3 (ii) to read “The owner/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, proof of this address.”

Otherwise, we would spend an awful lot of time gathering evidence from all the owners which would not be used.

Hope this is ok.

Thanks and regards

Peter

From: Michael Duck [mailto:michael.duck@fylde.gov.uk]

Sent: 16 February 2018 16:02

To: Peter Lord

Subject: RE: Primrose Bank Caravan Park

Hi Peter,

I’m writing with reference to Public Protection Committee which took place on Wednesday 14th February 2018. The Public Protection Committee resolved to:

1. To amend Condition 1 of the holiday site licence to increase the total number of holiday caravans to fifty-seven (57) in total.
2. To amend Condition 2 of the site licence to allow all year round holiday use.
3. To notify the licence holder that the Committee is minded to include the additional conditions to the site licence and to offer the licence holder the opportunity to make representations.
 - i. “Static holiday caravans shall be occupied for holiday purposes only and not as a person’s permanent, sole of main place of residence”.
 - ii. “The owner/operators of the caravan site shall maintain a register of names of all owner/occupiers of individual caravans and evidence of proof of their main home address, and shall make this information available at all reasonable times to the local authority”.

I would ask that you confirm that you are happy with point 3 above and if so I will make the necessary arrangements.

Many thanks and I look forward to hearing from you.

Micky

Michael Duck

Senior EHO - Commercial Team

Fylde Borough Council

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	18 JULY 2018	5
HACKNEY CARRIAGE FARES			

PUBLIC ITEM

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

SUMMARY

A request has been received from Whitesides Taxis seeking an increase in the level of hackney carriage fares. The national average increase in the level of fares has been ascertained and the Committee will be requested to consider the request.

RECOMMENDATION

That the Committee considers the report and determines the request to increase the level of fares.

SUMMARY OF PREVIOUS DECISIONS

11/12/2017 – Public Protection Committee [resolved](#) to:

- 1) Increase the level of fares by 4.6% as detailed within the report.
- 2) Increase the cost of extras from 20p to 40p.
- 3) For journeys where between 5 & 8 passengers are being conveyed, the driver may charge 1.5 times the metered fare.
- 4) Increase the soiling charge from £40 to £60.

17/10/16 – Council resolved to “Delegate to the Public Protection Committee responsibility for determining increases in the level of Hackney Carriage Fares”.

20/7/16 - Public Protection Committee considered a request for a fare increase and resolved to “Refuse the request for an increase in level of hackney carriage fares as being inappropriate”

27/11/13 – Portfolio Holder Decision to approve the following:

- (i) Tariff 1 and 2 fares be increased by 1 per cent.
- (ii) 60 pence be added to every hiring between 0200 and 0600.
- (iii) Taxi operators be requested to display clearly in their vehicles any meter reduction due to discounts

16/7/12 – Portfolio Holder Decision, “In reviewing fares the Portfolio Holder felt that particular regard should be given to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay and to the need to give drivers sufficient incentive to provide a service when it is needed. Therefore the Portfolio Holder approved the requested increase in the hackney carriage fares of 2.5%, as recommended by the [Public Protection Committee](#).”

6/4/11 – Portfolio Holder Decision, “That the portfolio holder approved the following recommendations of the Public Protection Committee and determines the request: In view of very significant rises in fuel and other costs involved in running and maintaining hackney carriages, that hackney carriage fares be increased by 7.5%, and that further surcharges of 20p be allowed if the price of diesel reaches trigger levels of £1.50 and £1.75 per litre.”

16/4/2009 – Portfolio Holder Decision, “The Portfolio Holder considered the recommendations of the [Public Protection Committee](#) and approved the recommendations contained within the report.”

7/12/2007 – Portfolio Holder Decision, “The Portfolio Holder considered the report and the recommendations of the [Public Protection Committee](#) and determines the requests.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- The provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allow Local Authorities to fix the level of fares that may be demanded in connection with the hire of a Hackney Carriage.
- Members will recall that at the meeting of the Public Protection Committee on the 18th December 2017 a request for an increase in the level of fares submitted on behalf of Whitesides Taxis was approved as follows:
 - Increase the level of fares by 4.6% as detailed within the report.*
 - Increase the cost of extras from 20p to 40p.*
 - For journeys where between 5 & 8 passengers are being conveyed, the driver may charge 1.5 times the metered fare.*
 - Increase the soiling charge from £40 to £60.*
 - increase of 4.6% on all tariffs*
 - Increase in the cost of extras from 20p to 40p*
 - for journeys where between 5 & 8 passengers are being conveyed, the driver may charge 1.5 times the metered fare.*
 - Increase the soiling charge from £40 to £60*
- The Table of Fares currently includes 4 tariffs. Tariff 1 applies Monday to Friday between 0600 and 2300, tariff 2 Monday to Friday 2300 – 0200, Saturdays and Sundays and statutory holidays, tariff 3 relates to Christmas and New Year whilst tariff 4 applies between 0200 and 0600 to acknowledge those drivers that work through the night. Tariff 4 essentially adds an extra 60pence to the initial hiring charge of a journey.
- Unfortunately, the effect upon tariff 4 was not referred to in the previous report and was therefore not updated in line with the other increases resulting in a potential decrease in the level of fares. Members are therefore requested to note this and consider amending the Table of Hackney Carriage Fares so that it reads,
Tariff 4: £3.50 for the first 300 yards or uncompleted part thereof.
20p for each subsequent 150 yards or uncompleted part thereof

IMPLICATIONS	
Finance	There are no direct financial implications for the Council in setting the fares for hackney carriages.
Legal	None arising directly from the report.
Community Safety	The provision of taxis is an integral part of the transport infrastructure and is particularly influential in the transportation of individuals late at night when bus services have ceased. The provision of affordable taxis assist in community safety by ensuring people are removed from town centres safely and helps to reduce the incidence of drink driving.
Human Rights and Equalities	Hackney carriages are a vital form of transport for the disabled who may have difficulties accessing other forms of public transport. It is important therefore that fares are maintained at a level which will encourage investment in DDA compliant vehicles yet remain affordable to disabled people.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk Tel 01253 658422	4 th July 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Hackney Carriage and Private Hire Licensing Policy	October 2017	http://www.fylde.gov.uk/assets/files/11/Hackney-Carriage-and-Private-Hire-Licensing-Policy.pdf
Public Protection Committee	11/12/2017	Public Protection Minutes

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	18 JULY 2018	6
HACKNEY CARRIAGE LICENCES			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

A private hire operator, vehicle proprietor and driver licensed by Fylde Council has recently contacted a number of Members regarding hackney carriage vehicle licensing. The purpose of the report is to inform members of the issue raised and address the concerns.

SOURCE OF INFORMATION

Chris Hambly, Environmental Health Manager

LINK TO INFORMATION

Information Note attached

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

A request has been received to inform Members of the Committee of the operators concerns.

FURTHER INFORMATION

Contact Chris Hambly, Environmental Health Manager

chris.hambly@fylde.gov.uk, 01253 658422

INFORMATION NOTE

Hackney Carriage Licences

1. A current licensed private hire operator, vehicle and driver has recently contacted a number of Councillors and officers in relation to the issue of Hackney Carriage Vehicle Licences.
2. The issue concerns what the operator considers to be the purchasing of hackney carriage plates and how other operators are looking to purchase a large number which may result in a monopoly. The operator has referred the matter to the Competition and Markets Authority and Officers are awaiting subsequent advice from them.
3. By way of background, Fylde Council has partially de-regulated its hackney carriage numbers. As such, additional hackney carriages vehicle licences will be granted to wheelchair accessible vehicles which are less than 6 years old, a policy which initially came into force in 2005 and has been varied over the years to encourage more vehicles.
4. Prior to this, numbers were restricted as there was not considered to be a significant unmet demand and it was therefore unlikely that additional licences would be issued on request.
5. Currently in Fylde there are 106 hackney carriages licensed. 48 are affiliated to Whitesides of which 19 are owned by the Whiteside family, 15 are affiliated to Premier, of which 13 are owned by them. There are 32 independents whilst the remainder are smaller operators. Of those 106, 9 are wheelchair accessible vehicles which have been introduced since partial de-regulation.
6. In an email to the Chairman of the Finance and Democracy Committee, the operator has raised concerns about:
 - The number of taxi licences being purchased by operators from inside and outside the Borough,
 - Issues relating to Uber and the potential impact upon the industry including out of district operators
 - The transfer of hackney carriage plates and their “Black Market Street value”
7. It should be noted that the plate/licence for a hackney carriage remains the property of the Local Authority and it may not be disposed of separately from the vehicle (Challoner v Evans). As such, when transfer applications are received for the ownership of a vehicle to be passed to a second party, ownership of the vehicle will also pass. Officers will expect to see either a bill of sale or a vehicles log book to ensure vehicle ownership is being passed on.
8. The actual cost of an annual hackney carriage licence is £185 whilst a transfer application is £36.00. However, Officers are aware that in this Borough and also those in which the issue of hackney carriage licences is regulated there will be a “value” to the plates, agreed between the 2 parties. The Local Authority play no role in this “value” but it should be noted that S49 of the Local Government (Miscellaneous Provisions) Act 1976 considers the transfer of both hackney carriage and private hire licensing and creates an offence should a proprietor fail to give notice of a transfer.
9. The query does make reference to the possibility of a monopoly or a cartel and Officers await the views of the Competition and Markets Authority and the potential national impact upon hackney carriage licensing. However, to re-assure members it should be noted that:
 - a) Additional hackney carriage licences will be issued in Fylde for an appropriate vehicle
 - b) The taxi fees are determined by the Local Authority
 - c) Taxi fares are determined by the Local Authority and are also subject to public consultation.

FURTHER INFORMATION AVAILABLE FROM

Chris Hambly, chris.hambly@fylde.gov.uk, 01253 658422