



FYLDE BOROUGH COUNCIL



Meeting Agenda

Public Protection Committee
Studio Room, Lowther Pavilion
Lytham
22 August 2005, 10.00a.m.

Membership

Public Protection Committee

CHAIRMAN - Councillor Dawn Prestwich

VICE-CHAIRMAN – Vacancy

Councillors

Christine Akeroyd

Janine Owen

Elizabeth Clarkson

Albert Pounder

Susan Fazackerley

Martin Taylor

Steve Mason

Ronald Wilson

Kiran Mulholland

Keith Wright

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email: 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. DECLARATIONS OF INTEREST: 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.	4
2. CONFIRMATION OF MINUTES: To confirm as a correct record the minutes of the Public Protection Committee meeting held on 11 May 2005 (previously circulated).	4
3. SUBSTITUTE MEMBERS: Details of any substitute members notified in accordance with council procedure rule 26.3	4
4. ENFORCEMENT POLICY	5 - 15
5. HURST LEA CARAVAN SITE	16 - 21
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9. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE	34 - 43

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	22 ND AUGUST 2005	4

ENFORCEMENT POLICY

Public

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

Summary

Questions were raised during a debate at a previous meeting of the Public Protection Committee, regarding enforcement action. The purpose of this report is to clarify to members the criteria Officers of the Council follow when recommending the action to take for breaches of legislation, in line with the Council's Enforcement Policy and Crown Prosecution Code of Practice.

Recommendation/s

The Committee are requested to note the Report.

Executive brief

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

Report

1. At the meeting of the Public Protection Committee held on the 11th May 2005, questions were raised during a debate on a private hire driver application, on the issue of enforcement against the driver operating without the necessary private hire driver licence, and that of the operator.

2. There are a number of enforcement options available to the Council and authorised officers, dependant upon delegation, as follows:-
 - Verbal warning
 - Written warning
 - Enforcement notices (this means a formal notice that imposes a duty on someone)
 - Suspension or revocation of licence
 - Variation of licence conditions
 - Issue of Formal Caution
 - Prosecution
3. The suspension, revocation and variation of a licence will normally be the subject of a Committee report and the decision of that Committee. The other enforcement options are in the main delegated to the relevant Unit Business Manager and authorised Enforcement Officer(s).
4. In deciding on the level of action to take the Council and officers need to take a number of factors into account, which are detailed in the Council's Enforcement Policy, see attached Appendix. These are based upon the Government's Good Enforcement Concordat. The principles of which include openness, helpfulness, proportionality and consistency.
5. When a decision is to be taken to proceed with prosecution or issue a formal caution, the Council or authorised officer must in addition to the above take a number of other factors into account during the decision process, as detailed in the Crown Prosecution Service Code of Practice. These factors are based on a two-stage process.
 - The first stage is the evidential test. There must be sufficient evidence to be able to present before the Court to provide a realistic prospect of conviction. If the case does not pass the evidential test, it must not go ahead, no matter how important or serious it may be.
 - Once the first stage is satisfied the second stage is the Public interest test, this usually depends upon the seriousness of the offence or the circumstances of the offender. Some common public interest factors in favour of prosecution and which are relevant to licensing issues include:
 - I) Is conviction likely to result in a significant level of fine;
 - II) Was there a serious risk to health or safety;
 - III) Was the defendant in a position of authority or trust;
 - IV) Had the defendant previous convictions or cautions which are relevant to the present offence;

- V) Are there grounds for believing that the offence is likely to be repeated, for example, by a history of recurring conduct; or
- VI) Is the offence, although not serious in itself, widespread in the area where it was committed.
6. Due to the diversity of services provided by the Council, there will be variations in choice of appropriate enforcement action taken. The Policy, together with the Crown Prosecution Service Code of Practice, is there to assist in maintaining a consistent approach. The Policy has been drawn up after consultation with various interested parties to assist in better regulation. The implementation and effectiveness of which is monitored and is subject to review.

IMPLICATIONS	
Finance	None arising directly from the report
Legal	The council, like all public prosecutors, is obliged to have regard to the Code for Crown Prosecutors in reaching a decision about whether to prosecute a person suspected of an offence. Legal officers must be rigorous in scrutinising the evidence available to support any prosecution.
Community Safety	None arising directly from the report
Human Rights and Equalities	Contained within the report
Sustainability	None arising directly from the report
Health & Safety and Risk Management	Contained within the report

Report Author	Tel	Date	Doc ID
Stuart Handley	(01253) 658603	9 th August 2005	

List of Background Papers		
Name of document	Date	Where available for inspection
Fylde Borough Council Enforcement Policy	March 2004	Council office or website address

Attached documents

- 1) Fylde Borough Council Enforcement Policy

FYLDE BOROUGH COUNCIL

ENFORCEMENT POLICY

1. **Fylde Borough Council has Identified Five Corporate Objectives**
which have been developed in consultation with the local community and formally adopted by the Council. They are:
 - **Environment**

Provide a clean, tidy and attractive environment throughout the Borough.
Balance the need for development with protecting the environment.
Maintain, protect and promote the natural resources of the Borough.
Ensure a suitable balanced housing market is available.
 - **A Safer Community**

Work closely with partners to make Fylde a safer and healthier place to live, work and play.
Provide support to 'hard to reach' and other groups who appear socially excluded.
Ensure the provision of safe housing areas for everyone.
 - **The Local Economy**

Promote and develop existing and new business.
Develop and enhance the reputation of the Borough as an excellent place to work, live and invest.
Create suitable conditions and a favourable environment for the local economy to thrive.
 - **Quality Services**

Develop and publish clear service standards and targets for every service area.
Develop a culture of continuous service improvement in the Authority.
Consult with customers and make access to the Council easy.
Value employees by encouraging responsibility and accountability.
Respond to emerging issues which have a significant impact on the corporate governance of the Council.
 - **Quality of Life**

Enhance the life chances of all people in the Borough by working to protect and enhance the environment, create safe communities and promote employment opportunities.

2. **How do we support these Objectives?**

We will support the corporate objectives through:

- education,
- advice and
- enforcement

Generally much can be achieved through education and by providing advice in the first instance. However securing compliance with legal regulatory requirements, using enforcement powers where appropriate, is also an important tool in achieving these objectives.

3. **Fylde Borough Council is the principal enforcing authority for the following:**

- Development control (including tree preservation issues)
 - Building control
 - Housing services
 - Environmental health services
 - Licensing
4. We work with other local authorities, central government and other regulators to ensure a coherent approach to enforcement on matters such as planning, environmental health and licensing. We believe in working across functional and organisational boundaries to achieve common goals.
5. We offer information and advice to those who are regulated and we work co-operatively with others to avoid bureaucracy and excessive cost. We assume that most of our customers are anxious to work within the law and with the community, and we work towards this through education and persuasion.
6. This policy sets out our general principles with regard to enforcement and prosecution. Due to the diversity of services provided by the Council, there will be variations in choice of appropriate enforcement action, dictated by the legislation, official guidance and circumstances. However the principles reflect the good practice set out in the 'Enforcement Concordat'. This is a set of principles for better regulation drawn up by the Cabinet Office after consultation with interested parties, and to which Fylde Borough Council has signed up. The implementation and effectiveness of this Policy will be monitored and reviewed.
7. The purpose of enforcement is to put right material breaches of the law for the benefit of the individual, the community, or business. Enforcement therefore covers all aspects of the process, from initial investigation of an allegation through to formal legal action where appropriate.

Fylde Borough Council would normally expect people to comply voluntarily with relevant legislation and licensing arrangements. However, where this is not the case, we will use techniques of informal and formal intervention to bring about compliance. Where we intervene in the personal or business affairs of any person we will do so in a way that is proportionate with the alleged non-compliance and with respect to the human rights of all involved.

We do not use enforcement to assist or support civil claims for redress or compensation.

Certain areas of regulation and enforcement, such as the issue of fixed penalty notices for car parking, dog fouling or litter infringements require an immediate and prescribed response. These activities are, accordingly, not covered by this policy and operate under separate procedural arrangements. Similarly benefit fraud is dealt with under separate arrangements.

8. Our authorised officers have the powers to request preventative or remedial action being taken. Such enforcement action may include:

- negotiation to remedy or remove the breach;
- enforcement notices (this means a formal notice that imposes a duty on someone);
- suspension or revocation of licences;
- variation of licence conditions;
- injunctions;
- compulsory purchase orders;
- the carrying out of remedial works in default of an enforcement notice;

If we need to carry out remedial work, we will seek to recover the full cost of this from those responsible.

9. If a criminal offence has been committed, Fylde Borough Council will consider:

- issuing a warning
- administering a formal caution; or
- prosecuting the offender

10. Under the Council's Constitution the Legal & Democratic Unit Business Manager has responsibility to ensure that all policies and procedures of the Council are legally accurate, fair and progressive, and is the final arbiter in deciding whether to issue legal proceedings.

Good Enforcement Principles and Practice

11. Fylde Borough Council believes in firm but fair regulation guided by the following principles:

- Proportionality in applying the law and in making sure that people comply with it;
- A consistent approach;
- Sharing clear information with our customers about how we operate and what they can expect from us;
- Effective, targeted enforcement

Proportionality

12. Our customers include both those on whom the law places a duty, and those whom the law protects.

They have a right to expect action to achieve compliance to be proportionate to any risks and the seriousness of any breaches.

In general terms if there is a risk, the person responsible (the duty holder) must take measures to put things right, unless the cost involved is clearly excessive compared with the benefit.

13. Sometimes when regulations are broken, peoples' rights or enjoyment may be interfered with. Occasionally incidents or breaches cause or have the potential to cause serious harm. We will try to keep down the cost to our customers of complying with the rules and we will ensure that any action we require is in proportion to the seriousness of the breach.

Consistency

14. We will take a similar approach in similar cases to achieve similar ends. Our advice will be consistent, as will our response to breaches of the law and our decisions on whether to prosecute.

15. Consistency doesn't mean simple uniformity. Our officers need to take account of many variables:

- The seriousness of the offence
- The attitude and actions of the management of the organisation involved towards compliance
- The previous history of the person responsible (the duty holder.)

Decisions on enforcement action are a matter of professional judgement and discretion. Arrangements to promote consistency, including liaison with other authorities, enforcement bodies and local businesses will continue to be developed.

Transparency

16. In order to maintain public confidence in our ability to regulate, Fylde Borough Council must operate in a clear, open way. It means helping duty holders and others to clearly understand what is expected of them and what they should expect from us. It also means making it clear why an officer is taking, or has taken, enforcement action.

17. Our officers will ensure that whenever possible we will work to the following standards:

- If remedial action is needed, we explain clearly (in writing if asked to do so) why the action is necessary and when it must be carried out. We will point out what is

best practice and clearly make a distinction between this and what the law demands.

- Before we take formal enforcement action, we will provide an opportunity for our customers to discuss with us what the law requires. (Unless we need to take urgent action for example to protect health and safety or to prevent evidence being destroyed.)
 - If urgent action is needed, we will provide a written explanation of our reasons as soon as possible after the event.
 - When we take formal enforcement action, we will give a written explanation of any rights of appeal at the same time, so that if you think the action is inappropriate you can contact the relevant body to contest the matter. Details will include contact information and the timescales within which you have the right to lodge an appeal.
18. For those who feel aggrieved by the actions of Fylde Borough Council or the actions of any of our officers, we have a formal complaints procedure. Copies of 'Contacting the Council' are available from the reception desk in every council building, from the address shown at the end of this policy, and a copy is posted on our website – www.fylde.gov.uk.

Targeting

19. This means that we direct our regulatory efforts at:
- those whose activities cause the most serious risks;
 - situations where the risks are least well controlled;
 - situations which give rise to significant local concern; and/or
 - cases where we suspect deliberate contravention or organised crime.

We will focus our actions primarily on lawbreakers or those who are directly responsible for the risk and who are best placed to control it.

Prioritising

20. Fylde Borough Council prioritises its efforts to ensure that our customers comply with regulations. We arrange programmed inspections of premises, taking into account the risks posed by the activities taking place and the competence of those who are managing the activities.

We also take into account situations where there have been repeated incidents or breaches of regulations, which may indicate that the people responsible are either unwilling to change their behaviour or unable to achieve sufficient control. Such cases may take priority.

Prosecution

21. The use of criminal proceedings in the courts is an important part of enforcement. The purpose is to:

- challenge wrongdoing and encourage compliance
- to avoid a repetition of further offences; and
- to ensure a fair, safe & healthy environment

It follows that it may be appropriate to use prosecution in conjunction with other available enforcement tools such as an enforcement notice. However, when circumstances warrant it, we may take action to prosecute without warning or pursue other sanctions such as closing orders.

22. Fylde Borough Council recognises that instituting a prosecution is a serious matter. We will only take such action after fully considering the implications and consequences. Before we decide to prosecute we take account of the Code for Crown Prosecutors.

Sufficiency of Evidence

23. We will not begin or continue a prosecution unless we are satisfied that there is enough admissible and reliable evidence that an offence has been committed and that there is a realistic prospect of conviction. If the case does not pass this evidential test, it will not go ahead no matter how important or serious it may be.

Where there is sufficient evidence we will go ahead with a prosecution only if it is in the public interest to do so.

Public Interest factors

24. Fylde Borough Council will consider each case on its own particular circumstances when deciding whether or not to begin a prosecution. The issues that will be taken into account include: -

- The seriousness of the offence
- Whether the offence in these circumstances leading to it could be foreseen
- Whether there is evidence that the offence was premeditated
- Whether the defendant has previous conduct or convictions relevant to the current offending, although certain planning enforcement decisions may preclude this factor in deciding further action
- Whether there are grounds believing that the offence is likely to be continued
- The personal circumstances of the offender such as ill health

25. These factors are not exhaustive, and those which apply will depend on the particular circumstances of each case. Deciding on public interest is not simply a matter of adding up the number of factors on each side. We will decide how important each

factor is in the circumstances of each case, and then go on to make an overall assessment.

26. Where there is sufficient evidence, we will normally prosecute in any of the following circumstances:

- Significant incidents or breaches which could cause serious harm or have a serious impact on health and safety
- Significant incidents or breaches which interfere with anyone's rights or enjoyment.
- Activities conducted without a licence
- Excessive or persistent breaches of regulations relating to the same company or premises or licence
- Failure to comply adequately with an enforcement notice
- Serious disregard for the law
- Failure to supply information without a reasonable cause
- Supplying false or misleading information knowingly or recklessly
- Obstruction or impersonation of Fylde Borough Council staff

Companies and Individuals

27. When criminal proceedings are initiated it will be against those who are responsible for the offence. Where a company is involved, we usually prosecute the Company. However, we will also take into account any part played in the offence by the officers of the Company (including Directors, Managers or the Company Secretary) and other individuals.

We may take action against those who have responsibilities under the law, if we can show that the offence was committed:

- with their consent ; or
- was due to their neglect; or
- they turned a 'blind eye' to the offence or the circumstances leading to it.

Choice of Court and Penalties

28. In serious cases we will consider asking the magistrates to refer the case to the Crown Court. We apply the current Magistrates' guidelines about choice of court where the defendant does not indicate a guilty plea. We will recommend a Crown Court trial when we are satisfied that the guidelines require us to do so.

29. We will always seek to recover the costs of investigation and Court proceedings.

Alternative to Prosecution

30. In cases where a prosecution is not the most appropriate form of action, we will consider the use of a formal caution or warning in accordance with Home Office guidelines
31. A formal caution is when an offender accepts, in writing, that they have committed an offence. This may only be used where a prosecution could properly have been brought. It will be brought to the Court's attention if the offender is convicted of a subsequent offence

If we offer a formal caution, but the offender refuses it, we will normally pursue a prosecution.

32. A warning is a written notification that in our opinion an offence has been committed. It will be recorded and may be referred to in subsequent proceedings. This may include recovering any expense caused to the Authority where the actions of the offender has caused the Authority to take action on their behalf or as a consequence of their actions.
33. As with a prosecution, we may take additional enforcement action in conjunction with a formal caution or warning.

Working with Other Regulators

34. Where Fylde Borough Council and another enforcement body both have a shared or complementary enforcement role, we will liaise with that body to make sure our activities are co-ordinated. This will ensure that any proceedings instituted are for the most appropriate offence(s).

Comments

35. A copy of Fylde Borough Council's formal complaints procedure is available through the contact details below. Also, if you wish to comment about the contents of this policy or the way we apply it, please contact us. Your comments will help us monitor and review our policy and keep it appropriate and up to date.

Mr K Lee
Chief Executive
Fylde Borough Council
Town Hall
Lytham St Annes
Lancashire
FY8 1LW

Telephone: 01253 658658
Fax: 01253 713113
E-mail: listening@fylde.gov.uk

On request this policy will be made available on tape, in large type, or in a language other than English where possible.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	22 ND AUGUST 2005	5

HURST LEA CARAVAN SITE

Public

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

Summary

To advise the Committee members on the application to amend caravan site licence conditions to Hurst Lea Caravan Park in relation to occupancy times.

Recommendation/s

In light of the representations made, the Committee are asked to give further consideration to the application for amendment to condition 23 to the site licence from the current closure period of 6 weeks to 4 weeks, with the new conditions.

Executive brief

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

Report

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.

Following representations from the objectors and a lengthy debate, the Committee resolved to:-

1. To 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.

In response to the resolution the owner of the site has employed the services of a planning Consultant, see attached appendix.

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.

See attached appendix regarding a letter from the applicant confirming that all the caravan owners have home addresses elsewhere.

The applicant's planning consultant states that `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`.

This would accord with case law as stated in the report to the members on the 11th May. In this case the court held that the principal purpose of imposing conditions appears to have to be public health and similar considerations.

There are no planning restrictions on Hurst Lea Caravan site in relation to occupancy times.

In addition to Hurst Lea, there are 8 caravan sites within the little Eccleston Area, which are a mix of both holiday and residential status (in total there 456 holiday and 60 residential caravans). Under their current licence 4 of the sites are required to close for 4 weeks, 3 for 6 weeks and one with a 7 week closure period

In light of the representation made by applicant The Committee are asked to give further consideration to the request to reduce the closure period from 6 weeks to 4 weeks, with the new conditions.

The applicant and a representative for Larbreck with Little Eccleston Parish Council will be 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
Stuart Handley	(01253) 658603	9 th August 2005	

List of Background Papers		
Name of document	Date	Where available for inspection
Current Site Licence	January 2005	Council office

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.

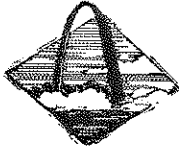
The Secretary of State has made his views clear and the licensing authority must take account of those views in seeking to control the use of the site by conditions on the licence.

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, reading "Brian Barden".

Brian Barden



**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

2005 JUL 26 A 9:50

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	22 ND AUGUST 2005	6

REQUEST FOR HACKNEY CARRIAGE VEHICLE LICENCE

Public

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

Summary

Applications have been received from Robert Shipley and Robert Calvert for the grant of hackney carriage licences.

The suggested vehicles are wheelchair accessible but do not conform to the Metropolitan Police's Conditions of Fitness, a requirement established by a previous meeting of the Public Protection Committee.

Recommendation/s

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

Executive brief

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

Report

1. At a meeting of the Public Protection Committee held on the 8th March 2005, members considered a report concerning the de-restriction of the limits of Hackney Carriages licensed in the Borough.
2. The report was determined as follows,

“To grant additional Hackney Carriage vehicle licences on application to vehicles less than a year old at the time of the initial grant of the Hackney Carriage licence. The vehicle shall be a vehicle, which conforms to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 until further conditions are issued by the Department for Transport concerning technical requirements. It shall be a requirement that upon issue of the licence, the vehicle must always conform to the above standards.”

3. It was also determined *“to present in six months time an updated report to Committee on the suitability of the above policy.”*
4. Officers from the Consumer Wellbeing and Protection Unit can confirm that following the introduction of the Policy, there have been no requests for additional licences where the vehicles conform to the standards set by the Metropolitan Police.
5. However, a request has been received from Robert Shipley, a person currently licensed as a hackney carriage driver in the Borough, requesting that the Committee consider the approval of a brand new Fiat Eurocab as a vehicle to which additional hackney carriage licences may be granted.
6. Mr Shipley is making arrangements for such a vehicle to be available for inspection by members of the Committee on the day of the hearing. Officers will ascertain in the meantime, the reasons for this vehicle not conforming to the current standards of the Metropolitan Police.
7. A request has also been received for a hackney carriage licence for a vehicle, which, at the time of the request, was less than 3 years old from Mr R Calvert. Again, Mr Calvert has been asked to present the vehicle so that Members may consider the application.
8. It is acknowledged that there has been little interest from persons wishing to licence wheel-chair accessible vehicles and it is understood that this may be due to the limited number of vehicles that conform to the Metropolitan Police’s Conditions of Fitness. Officers are therefore currently organising an event where suppliers of wheel-chair accessible vehicles may exhibit their vehicles for inspection by Councillors, members of the Hackney Carriage Trade and members of the general public, including those who will benefit from an increase in the number of wheel-chair accessible vehicles available in the Borough.
9. Following this event, a full report will be submitted to Committee for consideration so that the Policy may allow inclusion of other appropriate wheel-chair accessible vehicles.
10. The Committee is therefore requested to determine the two applications.

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	9 th August 2005	

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

Attached documents

- 1) Letter from R Shipley
- 2) Letter of Support from St Annes & Fylde Taxi's
- 3) Letter from R Calvert

44363

MR ROBERT A SHIPLEY.
10, GREYDALE AVENUE
LYTHAM ST ANNES
LANCASHIRE
FY8 2EF

TEL NO 01253-789124

HACKNEY BADGE NO 1960

Dear Sir

I am looking to purchase a "BRAND NEW"
FIAT EUROCAR for use as an Hackney carriage
vehicle within the Fylde Borough.

as you will see from the enclosed
leaflets it is a purpose built Hackney spec
vehicle, with full wheelchair access, and fully M1
type approved.

I am writing to ask for council
approval of this type of vehicle for use in the
Fylde Borough, and would like to apply for
Hackney plates.

I understand that any applications must
go before a committee for approval, and ask if
this could be done as soon as possible, as the
order time for the vehicle is six to seven weeks,
and if approved I would like to get it on the
road as soon as possible.

Hoping for your earliest attention

Yours Sincerely
RAShipley

St. Anne's and Fylde Taxis Ltd.
The Pier The Promenade Lytham St. Anne's FY8 2NG

6th July 2005

Dear Chris

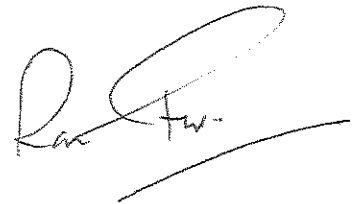
Regarding the application by Mr Bob Shipley of 10 Gretdale Road, St. Anne's to be issued with a Hackney Carriage licence for a brand new Eurocab taxi, I am writing to confirm that we, as a company, support his application wholeheartedly.

We receive a good deal of disabled-access work, for which this vehicle would be eminently suitable. So this vehicle would be a most welcome addition to our fleet.

Mr Shipley is very keen to bring this vehicle into service so any efforts that you can bring to bear to have the application considered by the Committee at the earliest possible opportunity would be greatly appreciated.

I am happy to discuss.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ron Stevens', with a long horizontal flourish extending to the right.

Ron Stevens
Office Manager

Chris Hamley
Taxi Licensing
Fylde Borough Council
Town Hall
LYTHAM ST. ANNE'S

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

Tel: 01253 722227 or (mobile 07725 708787)

10 May 2005

For the attention of Mr C Hambley
Licensing Officer
Fylde Borough Council
Town Hall
St Annes

Dear Mr Hambley

Re: Application for Hackney Carriage Licence

I refer to my recent conversation with you regarding the above when you informed me that my application would be submitted to the relevant Committee for consideration at their meeting in June/July. You also requested that I submit representations stating why I feel I should be granted a hackney carriage licence. These are outlined on the attached sheet.

I trust that you will submit this letter together with the copy documentation and photographs taken of my vehicle to the Committee as soon as possible.

I look forward to hearing from you with the date of the next meeting.

Yours sincerely



(Robert Calvert)

Application to the Public Protection Committee for Hackney Carriage Licence
(submitted by Robert Calvert – 11/05/05)

I am aware that in March 2005 the policy of restricting hackney carriage licences was amended by the Committee in an attempt to increase the number of wheelchair accessible vehicles in the borough.

- My vehicle is a Citroen Despatch (Voyager MPV). It is wheelchair accessible and complies with the relevant Regulations. The vehicle was purpose built and conforms to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 Photographs have been provided for the Committee's inspection together with copies of all relevant documentation.
- I currently hold private hire licences with Fylde and Ribble BC. I am employed on a part time basis transporting special needs children to and from school, some in wheelchairs, and feel that I can bring this experience to use in the public sector of the Fylde community if granted a hackney carriage licence.
- Although my vehicle was first registered in July 2002 and is, therefore, over the stipulated "1 year old at the time of the initial application" it is in excellent condition and has been very rigorously maintained.
- After talking to colleagues in the private hire/hackney carriage business it has become apparent to me that it is proving very difficult, if not almost impossible, for anyone to comply with the "1 year old" rule due to the expense involved.
- Having regard to the above points I would ask that the Committee look favourably on this application and grant a hackney carriage licence to me so that I can help serve the Fylde community.



REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	22 ND AUGUST 2005	7

VEHICLE SIGNAGE

Public

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

Summary

A letter has been received from Whiteside Taxis requesting that permission be given for advertising stickers to be permitted on the rear doors and boot of Private Hire Vehicles operated by Whitesides Taxi's.

As this would involve an amendment to the Private Hire Drivers Licence conditions, the matter has been referred to the Public Protection Committee for consideration

Recommendation/s

1. That the Committee considers the report and determines the request.
2. That the Committee consider adjourning this application, with the provision that no advertising takes place in the interim, to allow a full review of the existing policies relating to signage on private hire and hackney vehicles to be undertaken, in conjunction with the trade through the Taxi Quality Partnership.

Executive brief

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

Report

1. At a meeting of the Public Protection Committee held on the 11th May 2005, the Committee determined to approve an increase in the level of fares.

2. The increase was advertised in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and as no objections to the increase were received, the fares increased.
3. It was identified to the Committee during the hearing that the level of fares a driver is entitled to demand is the maximum, and that drivers may charge what they want, providing it is below the maximum.
4. Following the increase being applied, Hackney Carriages and Private Hire vehicles affiliated to Whitesides started to display stickers on the body of the vehicle stating, "20P OFF EVERY FARE – PLEASE SUPPORT US TO KEEP FARES LOW".
5. Numerous complaints were received from members of the Hackney Carriage Trade concerning the advertising on the vehicles. It was identified that Condition 4 of the Private Hire Drivers Licence Conditions states,

"The driver or proprietor of a Private Hire Vehicle shall not cause, allow or permit any advertisement or signs of any kind to appear on any part of the vehicle, apart from Fylde Borough Council Private Hire Door signs."
6. As such, Mr Whiteside was instructed to remove all the stickers relating to the Private Hire vehicle from the Private Hire Vehicles, a request he duly complied with.
7. A formal request was subsequently received to allow advertising on the vehicles and it is requested that the Committee consider the request.
8. Whilst preparing this report, it has been noted that the current licence conditions relating to advertising on Hackney Carriage and Private Hire vehicles requires review. As such, Officers would ask that Members of the Committee consider adjourning this application, with the provision that no advertising takes place in the interim, so that a full review of the existing licence conditions may be undertaken in conjunction with the trade through the Taxi Quality Partnership.

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	9 th August 2005	

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

Attached documents

- 1) Letter from J Whiteside

CREDIT COLLECTION SERVICE

THOS. WHITESIDE & SONS LTD.

Established 1880

Licenced Taxi Proprietors

STATION YARD, ST. ANNES

LYTHAM ST. ANNES

LANCASHIRE

FY8 2JE

TEL: 01253 711611 (6 LINES)

FAX: 01253 720837

www.whitesidetaxis.co.uk

10th June 2005

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


2005 JUN 13 PM 6:04

Dear Sir,

In light of a recommendation by the Office Of Fair Trading that price competition should be encouraged in the taxi and private hire trade, I respectfully request permission to place advertising stickers on the rear doors and boot of the private hire vehicles operated by Whiteside Taxis. These stickers would offer the public a discount off Fylde Borough Council meter fare. They would be no larger than 42cm x 6cm and would be similar to the example enclosed.

I think that you will agree, that your approval will be a benefit to the taxi users of the Fylde.

Yours sincerely,



J.H. Whiteside.

DIRECTORS: J.H. WHITESIDE, B.Eng: H.L. WHITESIDE
MANAGER: D. WHITESIDE

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION UNIT	PUBLIC PROTECTION COMMITTEE	22 ND AUGUST 2005	8

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 Act.