

# Public Document Pack

## Blackpool Council

30 August 2019

To: Councillors Mrs Callow JP, Collett, Critchley, Farrell, Hunter, Hutton, D Scott, R Scott and Wilshaw

The above members are requested to attend the:

### **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 10 September 2019 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

### **A G E N D A**

#### **ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS**

The Head of Democratic Governance has marked with an asterisk (\*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

#### **1 DECLARATIONS OF INTEREST**

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

**2 MINUTES OF THE LAST MEETING HELD ON 23 JULY 2019** (Pages 1 - 6)

To agree the minutes of the last meeting held on 23 July 2019 as a true and correct record.

**3 TAXI SHARING SCHEME** (Pages 7 - 14)

To consider the Blackpool Borough Council (Taxi hire at Separate Fares) (Variation) Scheme 2019.

\* **4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER** (Pages 15 - 26)

(This item contains personal information regarding a Licence Holder which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

**5 DATE OF NEXT MEETING**

To note the date of the next scheduled meeting as 15 October 2019 in Committee Room A, Town Hall, Blackpool.

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Chris Williams, Democratic Governance Adviser, Tel: (01253) 477153, e-mail [chris.williams@blackpool.gov.uk](mailto:chris.williams@blackpool.gov.uk)

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

### Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Collett

Critchley  
Farrell

Hunter  
D Scott

R Scott  
Wilshaw

### In Attendance:

Mrs Sharon Davies, Principal Licensing Solicitor  
Mr Chris Williams, Democratic Services Adviser

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2 MINUTES OF THE LAST MEETING HELD ON 2 JULY 2019

The Sub-Committee considered the minutes of the last meeting held on 2 July 2019.

### Resolved:

That the minutes of the meeting held on 2 July 2019 be approved and signed by the Chairman as a correct record.

### 3 EXCLUSION OF THE PUBLIC

#### Resolved:

1. That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda items 4, 5 and 7.
2. To note Appendix 6(a-f) to the report at Agenda item 6, is not for publication on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

### 4 APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to license a modified Horse-Drawn Hackney Carriage.

The applicant Mr Bradley was in attendance at the meeting.

Mr Petrak, Trading Standards and Licensing Manager, who was in attendance, informed the Sub-Committee that the Carriage on display had been inspected by the Council's Carriage Inspector and been approved for use.

**Resolved:**

That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Mr Bradley as it had been passed as fit for use by the Council's Carriage Inspector.

**5 DONKEY DRIVER'S LICENCE**

The Sub-Committee was informed of an applicant who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as appropriate.

L.A.E. (New Applicant)

**NOTE:** At the Sub-Committee meeting on 12 June 2019, the decision was taken to refuse the application for a Donkey Driver's Licence on the grounds that the applicant was not a fit and proper person to be licensed. However, it later emerged that the applicant was incorrectly notified of the location of the meeting and would therefore be afforded another opportunity for his representations to be heard by the Sub-Committee.

Mr Petrak presented the case on behalf of the authority. He explained that the applicant had committed two offences that had involved damage to property, both of which had occurred within the last 12 months.

LAE was in attendance and explained the circumstances surrounding his convictions. He suggested that following an argument with his partner he had damaged some homewares. He apologised for his actions and claimed that he had since self-enrolled on an anger management course, completed his mandatory community service order and he now wished to put the unfortunate incident behind him.

The Sub-Committee remained concerned about the nature and recency of the offences committed by the applicant though Members felt he had demonstrated remorse and a willingness to improve his behaviour.

**Resolved:**

1. To set aside the decision previously made in relation to the application on 12 June 2019 as the applicant had been incorrectly notified of the venue for the meeting.
2. To grant the application for a Donkey Driver's Licence with the addition of a warning letter in relation to future conduct.

Background papers: exempt

**6 PRIVATE HIRE DRIVER'S LICENCES**

The Sub-Committee was informed of an applicant and existing driver who had given sufficient cause for concern as to be referred for consideration.

Members discussed the application and referral as appropriate.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 23 JULY 2019

### (i) S.F (New Applicant)

The authority's case focused on the applicant's list of previous convictions, some of which were for offences of a violent nature and for dishonesty. In addition, the applicant had failed to declare any criminal convictions or motoring offences on the application to be licensed.

SF explained that he had made mistakes in the past and all of his previous convictions were now spent. He suggested that at least some of those offences were committed during a period when he had had to deal with trauma and mental health issues. The applicant added that he had been operating a delivery business with his wife for many years without incident and wished to drive a taxi in the remaining years before his retirement. He claimed that he thought his convictions were classed as spent and therefore there was no requirement to declare them on the application to be licensed.

The Sub-Committee expressed concerns about the erratic frequency and nature of the applicant's convictions but reasoned they were largely historical and SF seemed to have moved past his period of offending and had a proven track record and employment history without incident.

#### **Resolved:**

1. To grant the Private Hire and Hackney Carriage Driver's Licence with the addition of a severe warning letter in relation to future conduct.
2. To not prosecute the applicant for non-disclosure of offences on the application to be licensed.

### (ii) K.J.M (Existing Driver)

The Sub-Committee was shown a short video clip which contained footage obtained from a complainant's dashboard camera of the licence holder driving in a dangerous and reckless manner. KJM, who was in attendance, suggested that he had exercised poor judgement in relation to his driving on that day and apologised for his behaviour. He added that he had recently begun driving during the day after an extended period of working night shifts and had not taken a sufficiently long break or allowed himself to ease gently back in to the stresses and increased traffic associated with driving during the day.

Given the very clear and irrefutable video evidence presented and lack of reasonable grounds to explain the actions of the licence holder, the Sub-Committee formed the opinion that the standard of driving fell below that expected of a fit and proper person. Members took into consideration the length of time the driver had been licenced and the letter in support produced from his employer. This allowed the Sub-Committee to deal with this by way of a suspension rather than a revocation on this occasion.

#### **Resolved:**

To suspend the Private Hire Driver's Licence for a period of one month with immediate effect, in order to ensure the safety of the public.

Background papers: exempt

**7 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - EDEN ONE**

At the previous meeting on 2 July 2019, the Sub-Committee agreed to defer consideration of the application for the renewal of the Sexual Entertainment Venue (SEV) Licence for Eden One to allow the Licensing Service sufficient additional time to investigate a serious complaint made against the premises.

At its meeting on 4 December 2018, the Sub-Committee previously considered the application by John Simon Sayers for the renewal of the Sexual Entertainment Venue (SEV) Licence for Eden One, First and Second Floor, 15-17 Queen Street Blackpool. Following the application, both the Police and Trading Standards had submitted representations detailing a number of concerns and requesting the imposition of additional conditions. At that meeting, concerns were expressed about the nature and extent of the complaints received about the over-charging of customers. The Sub-Committee noted the suggested conditions; however, they remained concerned as to their effectiveness in resolving the issues. The Sub-Committee stated that they expected to see a significant reduction in complaints and concerns.

Mr Petrak presented the authority's case. He explained that in addition to the afore mentioned complaints from patrons about possible overcharging, a serious complaint had been received regarding second degree burns received by a member of the public at Eden One during the course of a group event held on the first floor of the club. Members were shown CCTV footage of the incident and still images of the significant burns received by the complainant during the course of the show. Mr Petrak suggested that he had no issue with the administration of the club. However, it was clear from the footage and images that several of the licence conditions had not been adhered to, which included performers using mobile phones in the performance area and being visible on the exterior balcony and a lack of visible presence of supervisory or management staff during the period when the incident had occurred.

Ms Ashley Sayers, proprietor, Eden One was in attendance with legal representation from Mr Charalambides, Licensing Barrister and Mr Malcolm Ireland, Solicitor. Also in attendance was the member of management staff who was in the club at the time of the incident and the dancer seen in the footage who had burned the complainant.

In relation to the allegations of overcharging, it was suggested that most of those incidents reported to the Police had led to no further action being taken. It was implied that as such, there was no case to answer. It was accepted that in one case in particular, a dancer had initially failed to declare that a customer had effectively been charged twice for a performance and in the days that followed, the customer was subsequently refunded the amount overcharged. Further printed evidence was presented to the Sub-Committee which appeared to demonstrate accurate accounting practices by the Licence Holder and seemed to support the claims disputing instances of overcharging.

With regard to the incident in which the complainant had been burned during a performance, the Licence Holder claimed that working in a Sexual Entertainment Venue presented challenging situations for management and staff to deal with. The effects of alcohol and sexual stimulation had the potential to impact judgements and lead to irrational behaviour by both staff and customers. The performer's agreement, signed by all dancers at the club was referenced and it was suggested that performers should be aware of what was and was not acceptable in terms of behaviour and what could reasonably be included in a performance.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 23 JULY 2019

Mr Charalambides suggested that there was a clear distinction between the private dance performance area of Eden One and the more communal, interactive reception area in which the incident took place. As such, he suggested that perhaps it had been unclear whether certain things were permissible in the reception area, such as the use of mobile phones by performers or dancers being observed on an exterior balcony. In terms of the performance itself in which the complainant had been burned with an aerosol ignited by a cigarette lighter, it was alleged that the practice was anecdotally known to have been conducted elsewhere in various parts of the UK and beyond. As a result, it was suggested that some of the performers who had worked elsewhere where such activities had taken place, perhaps assumed that they could operate in the same way in Blackpool without prior approval or consultation with management staff. It was highlighted that during the performance, the complainant and his party had actually consented to each activity.

Mr Charalambides suggested that the premises wished to work with the Local Authority to ensure adequate measures would be put in place to guarantee that such breaches of the licence conditions and performances with the potential to injure patrons would not occur again. The suggested conditions were:

- There shall be no audience participation permitted in any performance within the caged area.
- Performers will not be permitted on the balcony at any time.
- A member of management will be allocated to a floor at any time that members of the public are present on that floor. The member of management will be tasked with supervision and management of the performers and customers, and will not have duties beyond the supervision and management of performers and customers (such as bar duties).

PC Emma Pritchard, Lancashire Police, was in attendance and suggested that she had a good working relationship with Ms Sayers and said that whenever offered advice by the Police, Ms Sayers had taken this on board and acted accordingly. PC Pritchard added that she felt the suggested conditions proposed by the Licence Holder were reasonable.

Members were especially concerned that existing conditions and those added to the SEV Licence for Eden One had been breached on several occasions. In addition, management oversight was judged to be inadequate and the Sub-Committee remained unconvinced that the additional conditions, changes to working practices and staffing arrangements suggested by the premises, would be sufficient to allow them to operate to the standards expected by the authority and/or result in greater compliance in the future. Further concerns regarding the staff to customer ratio in the club were also noted, particularly on busy nights.

The Sub-Committee, having considered all of the representations and evidence formed the view that the applicant was unsuitable to hold such a licence due to the lack of management, a lack of clarity about what were or were not acceptable practices and failure to comply with conditions described above.

### **Resolved:**

To not renew the Sexual Entertainment Licence for Eden One, 15-17 Queen Street.

## **8 HORSE DRAWN HACKNEY CARRIAGE DRIVER**

The Sub-Committee considered a Horse-Drawn Hackney Carriage Licence applicant who had been convicted of offences or who had otherwise given reasons for concern.

Members discussed the application as appropriate.

L.S (New applicant)

Mr Petrak presented the case on behalf of the authority. He drew the Sub-Committee's attention to the applicant's recent motoring conviction for operating a vehicle without appropriate insurance and his subsequent failure to declare the conviction on the application to be licensed. The Sub-Committee was informed that since the agenda had been dispatched, new information had come to light that the applicant's insurance company at the time of the offence had contacted the applicant in writing and admitted to having made an administrative error. This meant that in fact, on the date of the offence LS was actually covered by his insurance policy. The Police advised that they would therefore not be recording an offence and the applicant would not need to attend court.

LS was in attendance and echoed Mr Petrak's comments that the incident had all been an unfortunate misunderstanding initially created by an administrative error.

The Sub-Committee saw no reason not to grant the licence in light of the mitigating information provided, which meant that no offence had actually been committed.

### **Resolved:**

To grant the Horse Drawn Hackney Carriage Licence.

Background Papers: exempt

## **9 DATE OF NEXT MEETING**

The date of the next scheduled meeting was noted as 10 September 2019.

### **Chairman**

(The meeting ended at 9.05 pm)

Any queries regarding these minutes, please contact:  
Chris Williams Democratic Governance Adviser  
Tel: (01253) 477153  
E-mail: [chris.williams@blackpool.gov.uk](mailto:chris.williams@blackpool.gov.uk)

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Lee Petrak, Trading Standards and Licensing Manager
<b>Date of Meeting</b>	10 September 2019

## TAXI SHARING SCHEME 2019

### 1.0 Purpose of the report:

- 1.1 To consider the Blackpool Borough Council (Taxi hire at Separate Fares) (Variation) Scheme 2019.

### 2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to approve the Blackpool Borough Council (Taxi Hire at Separate Fares)(Variation) Scheme 2019.
- 2.2 Subject to approval of 2.1, to delegate to the Head of Legal to seal the Order.

### 3.0 Reasons for recommendation(s):

- 3.1 Blackpool Licensed Taxi Operator Association (BLTOA) put forward proposals to amend the Blackpool Borough Council (Taxi Hire at Separate Fares) Scheme 1990. The public Protection Sub-Committee approved consultation on the proposals at its meeting on 26 March 2019

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2 Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

- Reject the proposals put forward by BLTOA and remain with the existing Taxi Sharing Scheme.

**4.0 Council Priority:**

4.1 The relevant Council Priority is “The Economy: Maximising growth and opportunity across Blackpool”

**5.0 Background Information**

5.1 On 9 August 1990, Blackpool Council made the Blackpool Borough Council (Taxi hire at Separate Fares) Scheme 1990 under the powers given by section 10(4) of the Transport Act 1985. This scheme permitted hackney carriages to be used for the carriage of passengers at separate fares as long as they complied with the terms of the scheme. This scheme was varied in August 1991 to include more permitted routes.

5.2 Changes to the scheme were made on 26 July 2012. The fees that are prescribed by the scheme have been in place since 2012, with rising costs it would not be financially viable for hackney carriages to offer the scheme at the current rate.

5.3 The Public Protection Sub-Committee, whilst broadly supportive of the scheme when it was first considered at the March 2019 meeting, equally did not approve of it as presented at that meeting.

5.4 The Blackpool Borough Council (Taxi hire at Separate Fares) (Variation) Scheme 2019 (see Appendix 3a) was advertised in Blackpool Gazette on 1 August 2019. No comments have been received.

5.5 No comments have yet been received from Highways, Transport Policy or the police. An update will be provided at the meeting.

Does the information submitted include any exempt information?

No

**5.6 List of Appendices:**

Appendix 3(a) - The Blackpool Borough Council (Taxi hire at Separate Fares) (Variation) Scheme 2019

**6.0 Legal considerations:**

6.1 Blackpool Borough Council (Taxi hire at Separate Fares) Scheme 1990 and Transport Act 1985.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 If approved, changes to the signage on designated taxi ranks to promote the taxi sharing scheme and the Taxi Sharing Scheme Tariff Sheet would be required.

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

This page is intentionally left blank

THE BLACKPOOL BOROUGH COUNCIL (TAXI HIRE AT SEPARATE FARES) (VARIATION)  
SCHEME 2019

The Blackpool Borough Council in exercise of the powers conferred by section 10(4) of the Transport Act 1985 and having obtained the consents and carried out the consultations required by the Taxis (Schemes for Hire at Separate Fares) Regulations 1986 hereby resolve to vary the Blackpool Borough Council (Taxi Hire at Separate Fares) Scheme 1990 as follows: -

- 1 This scheme may be cited as the Blackpool Borough Council (Taxi Hire at Separate Fares) (Variation) Scheme 2019 and shall come into operation on XX/XX/2019.
- 2 The Blackpool Borough Council (Taxi hire at Separate Fares) Scheme 1990 (hereinafter referred to as “the said scheme of 1990”) shall have effect as though Schedule 1 to this Scheme was substituted for Schedule 1 to the said Scheme of 1990, Schedule 2 to this Scheme was substituted for Schedule 2 to the said Scheme of 1990 and Schedule 3 to this Scheme was substituted for Schedule 3 to the said Scheme of 1990.
- 3 The said Scheme of 1990 shall be in full force and effect as if the provisions of this scheme had originally formed part thereof.
- 4 Any provisions contained in the said Scheme of 1990 and inconsistent with the provisions of this Scheme is hereby revoked.

Given under the Common Seal of the Blackpool Borough Council on the XX day of XXXX 2019

COMMON SEAL of the Blackpool)  
Borough Council was hereunto )  
Affixed in the presence of: - )

SCHEDULE 1: AUTHORISED PLACES

The places listed are designated as places from which taxis may be hired under the scheme.

South Promenade Zone	Pleasure Beach to Central Pier
Central Promenade Zone	Central Pier to North Pier/Blackpool North Station
North Promenade Zone	North Pier to Norbreck Castle Hotel
Blackpool Zoo Zone	the area in the vicinity of Blackpool Zoo including Stanley Park

SCHEDULE 2: SIGNAGE

The notice referred to in paragraph 5 of the Scheme shall be in the following terms and must be approved by Blackpool Borough Council's Licensing Service:-

**AVAILABLE FOR SHARED HIRE TO NORBRECK CASTLE**

**AVAILABLE FOR SHARED HIRE TO BLACKPOOL TOWER AND NORTH PIER/STATION**

**AVAILABLE FOR SHARED HIRE TO PLEASURE BEACH**

**AVAILABLE FOR SHARED HIRE TO BLACKPOOL ZOO**

Signage must be removed from display before any journey commences. The only exception to this is if the driver is seeking additional passengers to the shared destination. Signage must not block windscreen vision

SCHEDULE 3: FARES

The maximum fare charged to each person shall be in accordance with the following:

£2.00 per person for the following journeys:

- Journeys within the same Promenade Zone, or into the adjacent Promenade Zone;
- Journey from South or Central Promenade Zone to Blackpool Zoo/Stanley Park and vice versa.

£2.50 per person for the following journeys:

- Journeys from North Promenade Zone to Blackpool Zoo/Stanley Park and vice versa;
- Journeys from South Promenade Zone to North Promenade Zone and vice versa.

This page is intentionally left blank

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Lee Petrak, Trading Standards and Licensing Manager
<b>Date of Meeting</b>	10 September 2019

## PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

### 1.0 Purpose of the report:

- 1.1 To consider a Licence Holder who has been convicted of offences or who has otherwise given reasons for concern.

### 2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to determine the referral as appropriate.

### 3.0 Reasons for recommendation(s):

- 3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

### 3.3 Other alternative options to be considered:

None, as the Sub-Committee is required to determine the referral.

### 4.0 Council Priority:

- 4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

### 5.0 Background Information

- 5.1 The Sub-Committee is asked to determine whether or not the licence holder is a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle driver's

licence, in respect of the following case:

H.M (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 4(a) Details of cases (not for publication)

**6.0 Legal considerations:**

6.1 The Sub-Committee must be satisfied that the licence holder is a fit and proper person to be licensed.

6.2 There is the right of appeal to the Magistrates' Court.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 None

**13.0 Background papers:**

13.1 None

This page is intentionally left blank