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Blackpool Council

4 January 2019

To: Councillors Collett, Hobson, Humphreys, Hutton, Owen, Robertson BEM and Mrs Scott

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 15 January 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 4 DECEMBER 2018 (Pages 1 - 8)

To agree the minutes of the last meeting held on 4 December 2018 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES** (Pages 9 - 44)

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

* **4 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES** (Pages 45 - 62)

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

* **5 HORSE DRAWN HACKNEY CARRIAGE LICENCES** (Pages 63 - 84)

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

6 DATE OF NEXT MEETING

To note the date of the next meeting as 12 February 2019.

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 DECEMBER 2018

Present:

Councillor Hutton (in the Chair)

Councillors

Humphreys

Mitchell

Robertson BEM

Hunter

Owen

Mrs Scott

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager

Mrs Sharon Davies, Principal Licensing Solicitor

1 DECLARATIONS OF INTEREST

Councillor Owen declared a Disclosable Pecuniary Interest in Item 3, Renewal of Sexual Entertainment Licence- Eden One, the nature of the interest being that the applicant Mr Sayers was a client of his law practice. Councillor Owen left the room during consideration of that item.

2 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole items, including the decisions referred to at Agenda items 4 and 5 (Minute items 6 and 7) 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.

3 MINUTES OF THE LAST MEETING HELD ON 6 NOVEMBER 2018

The Sub-Committee considered the minutes of the last meeting held on 6 November 2018.

Resolved:

That the minutes of the last meeting held on 6 November 2018 be approved and signed by the Chairman as a correct record.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 DECEMBER
2018**

4 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - EDEN ONE

The Sub-Committee considered an application for the renewal of a Sexual Entertainment Venue in respect of Eden One, First and Second Floor, 15-17 Queen Street.

The Sub-Committee noted that following the submission of the renewal application, representations had been received from both the Police and the Licensing Service. The representations referred to a significant number of issues on the premises particularly as regards complaints of alleged overcharging.

The Police had included in their representations that meetings had taken place with the operator who had shown a willingness to work with the authorities to reduce the number of complaints and a number of measures had already been put in place namely:

- Upgraded CCTV system with 20 cameras including the booths where dances take place and the area where card transactions are processed;
- All dancers to sign up to the 'appropriate sales techniques' document created by the licence holder
- Management interventions to take place before large card transactions take place.

The Police and Licensing Service had requested the following conditions be added to licence in addition to the standard conditions:

- All management, bar staff and dancers working on the premises should receive documented training which will be signed and dated. This training should include appropriate sales techniques and policies in place to prevent misleading or illegal sales of services. This should also make reference to drunkenness/capacity of customers.
- All electronic/card payments will be recorded in a consecutively numbered carbonated book and will include: What the customer has paid for in as much detail as possible, all staff members involved in services/transactions, the amount paid.
- The customer will be given the opportunity to sign this record, the customer will be provided with a copy of this record, these records will be clear and legible and the record book will be made available to an authorised officer on request.
- There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
- Dancers will not be allowed mobile phones in any performance area.
- All card terminals will be at a fixed point. There will be CCTV coverage to show the individual making the transaction.
- Interventions by a member of management will take place on all transactions above £100 to ensure that the customer has the capacity to pay for services.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 DECEMBER
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- A member of management should conduct random checks to ensure customers are not served when drunk.
- Dancers' price lists will be prominently displayed so that customers know how much services costs without ambiguity.
- Members of staff/dancers must not assist customers in using cash machines.
- Receipts of any card payments will be kept on the premises for at least one calendar month and be made available to an authorised officer on request.

Mrs Ashley Sayers, Manager of the Premises, was in attendance accompanied by two other members of staff. She explained that the premises was keen to work with responsible authorities and that it would accept the imposition of the proposed conditions on the licence. She emphasised that the self-employed nature of dancers meant that there could be difficulty in imposing management directives so that conditions imposed by the Council had a greater impact in improving dancers' behaviour. She also refuted a number of the incidents highlighting that no further action had been taken in a number of these cases.

In response to questions from the Sub-Committee, Mrs Sayers, explained how the conditions agreed could be implemented. She also emphasised that card payments would always been taken in one location well covered by CCTV and by a member of management, where it would be made clear the costs and services provided. Mrs Sayers explained how capacity to consent would be judged and the different modes of intervention.

The Sub-Committee expressed concern at the number of incidents but equally balanced this with the desire of the applicant to cooperate with the responsible authorities. The Sub-Committee considered that it would be reasonable and proportionate to allow the applicant to demonstrate that it could build on the improvements made and operate the premises in a responsible manner, members considered that by granting the licence for a shorter period than applying for the premises would effectively be put on notice of the intention not to renew if the premises did not significantly improve.

Resolved:

That the Sexual Entertainment Venue licence in respect of Eden One be renewed for a period of six months subject to the following additional conditions:

- i. All management, bar staff and dancers working on the premises will receive documented training which will be signed and dated. This training should include appropriate sales techniques and policies in place to prevent misleading or illegal sales of services. The training will also make reference to drunkenness/capacity of customers.
- ii. All electronic/card payments will be recorded in a consecutively numbered carbonated book and will include: What the customer has paid for in as much detail as possible, all staff members involved in services/transactions and the amount paid.

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- iii. The customer will be given the opportunity to sign this record, the customer will be provided with a copy of this record, these records will be clear and legible and the record book will be made available to an authorised officer on request.
- iv. There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
- v. Dancers will not be allowed mobile phones in any performance area.
- vi. All card terminals will be at a fixed point. There will be CCTV coverage to show the individual making the transaction.
- vii. Interventions by a member of management will take place on all transactions above £100 to ensure that the customer has the capacity to pay for services.
- viii. A member of management should conduct random checks to ensure customers are not served when drunk.
- ix. Dancers' price lists will be prominently displayed so that customers know how much services costs without ambiguity.
- x. Members of staff/dancers must not assist customers in using cash machines.
- xi. Receipts of any card payments will be kept on the premises for at least one calendar month and be made available to an authorised officer on request.

(Note: Having declared a Disclosable Pecuniary Interest in the item Councillor Owen left the room and took no part in the voting on this item.)

5 MOTIONS MOVED, SECONDED, VOTED UPON AND LOST

During consideration of the preceding item the following motions were moved, seconded, voted upon and lost:

“ To refuse the application for the renewal of the Sexual Entertainment Venue for Eden One on the grounds that that the applicant is unsuitable to hold the licence due to the number of complaints regarding the operation of the premises.”

“To defer consideration of the application for the renewal of the Sexual Entertainment for Eden One to a special meeting of the Sub-Committee to further consider the issue.”

(Note: Having declared a Disclosable Pecuniary Interest in the item Councillor Owen left the room and took no part in the voting on this item.)

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 DECEMBER
2018**

SCRAP METAL DEALER'S LICENCES

The Sub-Committee considered three applicants for Scrap Metal Dealer Licences who have been convicted of relevant offences or who have otherwise given reasons for concern in respect of the following cases:

G.D (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and outlined the relevant information. Mr Ratcliffe highlighted the serious concerns over G.D's suitability given the fact he has been refused a licence by another authority (Oldham MBC) within the last six months following an objection from the Police.

G.D was in attendance accompanied by a friend and made representations to the Sub-Committee. He explained that he remained unclear as to why he had been refused a licence from Oldham MBC and that he now resided permanently in Blackpool.

The Sub-Committee considered the evidence and expressed concern as to the reason behind the refusal of a licence in Oldham including offences related to dishonesty and suspicion that he had operated as a Scrap Metal Dealer after his licence from Oldham MBC had lapsed. There had been no suitable explanation provided by the applicant either in the application process in Oldham or Blackpool and the Sub-Committee remained unsatisfied that G.D. would, if licensed, operate within the restrictions placed by legislation.

Resolved:

That the application for a Scrap Metal Dealer's Licence in respect of G.D. be refused on the grounds that he is not a fit and proper person to hold such a licence.

P.S (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted the serious concerns over P.S's suitability given the fact he had been convicted of relevant offences under the Environmental Protection Act 1990.

P.S. was in attendance accompanied a family member and made representations. He explained that the offences had occurred when he first moved to the United Kingdom due to confusion about the regulatory regime. He emphasised that he had no issues since then and that he required the licence to support his extended family.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 DECEMBER
2018**

The Sub-Committee considered the evidence and expressed concern as to P.S's convictions for offences involving the illegal dumping of waste. It concluded that in the absence of suitable explanation or mitigation such convictions meant that P.S. was not a suitable person to hold such a licence.

Resolved:

That the application for a Scrap Metal Dealer's Licence in respect of P.S. be refused on the grounds that he is not a fit and proper person to hold such a licence.

A.J.B. (New Applicant)

Mr Lee Petrak, Licensing and Health and Safety Manager, was in attendance and outlined the relevant information. Mr Petrak highlighted that while A.J.B. had been convicted of a number of offences that while not directly relevant to the licence showed a pattern of violence and disobedience of authority.

A.J.B. was in attendance and made representations to the Sub-Committee. He emphasised his regret at the incidents and that he fully intended to comply with the requirements for such a licence.

The Sub-Committee considered carefully the evidence submitted by both parties. The Sub-Committee expressed concern but balanced the concern with A.J.B's evidence and genuine remorse. It therefore agreed to grant the licence with a warning as to future conduct.

Resolved:

That a Scrap Metal Dealer's Licence be granted in respect of A.J.B. subject to the issuing of serious warning letter outlining that in the event of further offences the licence may be suspended or revoked.

7 HORSE DRAWN HACKNEY CARRIAGE DRIVERS AND PRIVATE HIRE DRIVERS LICENCES

The Sub-Committee was informed of two Horse Drawn Hackney Carriage Driver's Licence Holders and one applicant for a Private Hire Vehicle Driver's Licence who had been convicted of offences or given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

A.T (New Private Hire Driver)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the relevant information. Mr Ratcliffe highlighted that A.T. had been convicted for drink-driving with the driving ban ending less than five years ago and had been convicted of more than 2 violent offences within the last ten years and therefore the application should be considered as not in line with the Hackney Carriage and Private Hire Licensing Policy.

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A.T. was in attendance and made representations to the Sub-Committee. A.T. expressed remorse for the incidents but asked members to bear in mind the relatively minor nature of the offences and these had all taken place when he had a problem with alcohol. A.T. emphasised to the Sub-Committee that he no longer had issues with alcohol.

The Sub-Committee considered carefully the evidence submitted by all parties. It considered however that there were no grounds to depart from the Hackney Carriage and Private Hire Licensing Policy given the volume of relevant offences and their recent nature. It considered therefore that by virtue of the convictions particularly those involved violence and drink-driving that A.T had demonstrated that he was not a suitable person to hold a licence.

Resolved:

That the application for a Private Hire Driver's Licence in respect A.T. be refused on the grounds that he is not a fit and proper person to hold such a licence.

M.N (Existing Horse Drawn Hackney Carriage Driver)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the relevant information. Mr Ratcliffe highlighted that M.N. had been involved in an incident reported to the Council where the Horse Drawn Hackney Carriage he had been driving had nearly collided with a pedestrian having gone through a red light.

M.N. was in attendance and made representations to the Sub-Committee. He explained that in relation to the incident he had made an error of judgement but that it was not always possible to stop a horse drawn vehicle as quickly as one could a car. M.N expressed remorse but asked that his previous unblemished record having been licensed for many years be taken into account.

The Sub-Committee considered carefully the evidence submitted. It considered the incident very seriously and noted that on the day M.N's driving had fallen well below the expected standards of a licensed driver. It however took the view that the incident had been a one off so agreed to deal with by way of a warning as to future conduct.

Resolved:

That the case in respect of M.N. no action be taken other than a letter be issued warning the licence holder that in the event of any further incidents the licence may be suspended or revoked.

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A.C.H (Existing Horse Drawn Hackney Carriage Driver)

The Sub-Committee was informed that the Licence Holder had requested that the referral be deferred to enable his legal representative to attend.

Resolved:

That the referral in respect of A.C.H. be deferred to the next meeting of the Sub-Committee.

8 DATE OF NEXT MEETING

Resolved:

To note the date of the next meeting as 15 January 2019.

Chairman

(The meeting ended at 8.55 pm)

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

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	15 January 2019

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider applicants and licence holders who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the applications and referrals 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:

3.4 None, as the Sub-Committee is required to determine the applications and referrals

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 applicants and licence

holders are fit and proper persons to hold Hackney Carriage and Private Hire Vehicle driver's licences , in respect of the following cases:

A.W.B (Existing), K.B.J (Existing), S.L.B (New), R.D.C (New), C.R.N (New), D.S.J (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 3(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Appendix 3(a) Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicants and licence holders are fit and proper persons 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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	15 January 2019

HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

1.0 Purpose of the report:

1.1 To consider whether or not the licence holders are fit and proper persons to hold a Hackney Carriage Vehicle Licence.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

3.1 Licensed vehicles are responsible for transporting passengers. It is important for the protection of the public that only suitable vehicles that are fit for purpose 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:

3.4 None

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 holders are fit and proper persons to hold a Hackney Carriage Vehicle Licence, in respect of the following cases:

T.J.S (Existing), P.E (Existing)

5.2 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 case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the conditions are no longer reasonably necessary.

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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	15 January 2019

HORSE DRAWN HACKNEY CARRIAGE 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:

3.4 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 holders is a fit and proper person to hold a licence, in respect of the following case:

A.C.H (Existing Horse Drawn Hackney Carriage)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 5(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 5(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.

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