

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

### Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Collett

Critchley  
Farrell

Hunter  
D Scott

R Scott  
Wilshaw

### In Attendance:

Mrs Sharon Davies, Head of Licensing Service

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:** 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including the decisions referred to at Agenda items 4, 5 and 7 and Appendix 6(a-f), to the report at Agenda item 6, is not for publication on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.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:

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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.

(i) S.F (New Applicant)

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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

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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. 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

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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.

Background papers: exempt

## **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.

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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:

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