

Blackpool Council

12 July 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, 23 July 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 2 JULY 2019 (Pages 1 - 2)

To agree the minutes of the last meeting held on 2 July 2019 as a true and correct record.

3 APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE (Pages 3 - 6)

*** 4 DONKEY DRIVER'S LICENCE** (Pages 7 - 12)

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

*** 5 PRIVATE HIRE DRIVER'S LICENCES** (Pages 13 - 24)

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

6 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - EDEN ONE (Pages 25 - 172)

(The report for this item is public. However, Appendices 6(a-f) contain information regarding complainants 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. It is considered on balance that the public interest would not be served by publishing the information as it could prejudice the outcome)

*** 7 HORSE DRAWN HACKNEY CARRIAGE DRIVER** (Pages 173 - 180)

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

8 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 10 September 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

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

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Present:

Councillor Hutton (in the Chair)

Councillors

Brookes

Farrell

D Scott

Wilshaw

Mrs Callow JP

Hunter

R Scott

In Attendance:

Mrs Sharon Davies, Principal 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 12 JUNE 2019

The Sub-Committee considered the minutes of the last meeting held on 12 June 2019.

Resolved:

That the minutes of the meeting held on 12 June 2019 be approved and signed by the Chairman as a correct record.

3 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - EDEN ONE

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.

Included with the report were a series of complaints from the previous six months which the Sub-Committee had intended to consider. However, Mr Lee Petrak, Trading Standards and Licensing Manager, who was in attendance, reported that earlier on the day of the meeting, new evidence in the form of a complaint of a very serious nature from a member of the public against Eden One had been received. Members were made aware of the precise nature of the incident and carefully considered whether it required further investigation.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 2 JULY 2019

Resolved: To defer consideration of the application for the renewal of the Sexual Entertainment Venue (SEV) Licence for Eden One until the next scheduled meeting on 23 July 2019 to allow further investigation of a serious complaint made against the premises.

4 DATE OF NEXT MEETING

The date of the next scheduled meeting was noted as 23 July 2019.

Chairman

(The meeting ended at 5.15 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 Decision/ Meeting	23 July 2019

APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

1.0 Purpose of the report:

- 1.1 To consider an application to licence a Cinderella style Horse Drawn Hackney Carriage

2.0 Recommendation(s):

- 2.1 To determine whether this carriage is suitable to be licensed as a Horse-Drawn Hackney Carriage.

3.0 Reasons for recommendation(s):

- 3.1 Licensed Horse-Drawn Hackney Carriages are responsible for transporting passengers. It is important for the protection of the public that only carriages that are suitable and fit for purpose to be 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 On 17 June 2019, Darren Bradley made an application to licence a Cinderella Horse-Drawn Hackney Carriage.
- 5.2 The Sub-Committee decided at its meeting on 23 September 2010 to permit any style carriage however any carriages that were not of the traditional style were required to be produced before the Sub-Committee for approval.
- 5.3 Since 21 October 2010 up until 26 March 2019, the Public Protection Sub-Committee has licensed 23 non-traditional style Horse-Drawn Hackney Carriages.
- 5.4 This carriage has previously been licensed as a Blackpool Council Horse Drawn Hackney Carriage and was re-tested on 15 May 2019 by the Council's approved inspector and passed as fit for use.
- 5.5 Approval from the Sub-Committee is required as this carriage would replace a traditional carriage and increase the number of licensed non-traditional style carriages.
- 5.6 The applicant has been invited to attend the meeting and bring the carriage for inspection by the members.
- 5.7 Does the information submitted include any exempt information? No

6.0 Legal considerations:

- 6.1 The Head of Legal Services will be represented to advise the Sub-Committee

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:

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	23 July 2019

DONKEY DRIVERS LICENCE

1.0 Purpose of the report:

- 1.1 To consider an applicant 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 application 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 suitable applicants are licensed.

- 3.2 Licensed drivers are responsible for the wellbeing of the animals entrusted to them under the terms of the licence

- 3.3a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3b 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 application.

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 applicant is a fit and proper person to hold a Donkey driver's licence, in respect of the following case:

L.A.E (New applicant)

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 case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	23 July 2019

PRIVATE HIRE DRIVER'S LICENCES

1.0 Purpose of the report:

- 1.1 To consider an applicant and licence holder 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 application and 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 application and 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 applicant and licence holder are fit and proper persons to hold a Private Hire Vehicle driver's licence, in respect of the following cases:

S.F. (New), K.J.M. (Existing)

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 applicant and licence holder 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	23 July 2019

RENEWAL OF SEXUAL ENTERTAINMENT VENUE – EDEN ONE

1.0 Purpose of the report:

- 1.1 To consider an 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.

2.0 Recommendation(s):

- 2.1 To determine whether the licence should be renewed for a further period of six months with the previously agreed additional conditions listed in paragraph 5.4.

3.0 Reasons for recommendation(s):

- 3.1 An application for renewal needs to be determined.

- 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:

The Sub-Committee could grant the application for renewal without the additional conditions or refuse the application to renew.

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 Eden One, 15-17 Queen Street, Blackpool has been licensed as a Sexual Entertainment Venue (SEV) since October 2013. Ordinarily these licences are granted for a period of twelve months, although there is the power to grant for a shorter period if the authority thinks fit.
- 5.2 On 8 October 2018, the Licensing Service received an application from John Simon Sayers for the renewal of the SEV licence. The Police and Trading Standards submitted representations detailing a number of concerns, requesting the imposition of additional conditions.
- 5.3 At its meeting on 4 December 2018, the Sub-Committee considered the application. 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.
- 5.4 The Sub-Committee resolved to renew the licence for a period of six months and impose the following conditions:
1. 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. This should also make reference to drunkenness/ capacity of customers.
 2. 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 option to sign this record
 - The customer will be given a copy of this
 - These records will be clear and legible
 - This book will be made available to an authorised Officer on request.
 3. There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
 4. Dancers will not be allowed mobile phones in any performance areas.
 5. All card terminals will be at a fix point. There will be CCTV coverage to show the individual making the transaction.
 6. 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.
7. A member of management should conduct random checks to ensure customers are not served when drunk.
 8. Dancers price lists will be prominently displayed so that customers know how much services cost without ambiguity.
 9. Members of staff/dancers must not assist customers in using cash machines.
 10. 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 upon request.
- 5.5 The venue has now been operating with the revised conditions for a period of six months and the Sub-Committee is asked to consider renewing this licence until 30 October 2019, a year after the previous twelve-month licence expired.
- 5.6 Trading Standards has confirmed that they have received no further reports of over-charging. The police comments can be found at Appendix 6(a).
- 5.7 On 2 July 2019, the Licensing Authority received notification of a complaint lodged by a member of the public alleging that they had received second degree burns following a performance that took place at Eden One the previous weekend. This email can be found at Appendix 6(c). Due to the seriousness of the complaint, urgent enquiries were carried out and a meeting was held at Eden One where officers of the Licensing Authority, the Health and Safety Team and the Police Licensing Team met with the operators. At this meeting, a document entitled 'Performance Agreement' was obtained from the operators. This document can be found at Appendix 6(d). In addition, a Prohibition Notice was served on the operators. A copy of this can be found at Appendix 6(e). A request for CCTV footage was also made during this meeting.
- 5.8 At the Sub-Committee meeting on 2 July 2019, Members took the decision to defer the hearing of this application to allow sufficient time to investigate the complaint referred to at 5.7.
- 5.9 CCTV footage has subsequently been provided to the Licensing Authority for the date range 21-23 June and 28-30 June 2019. The purpose of obtaining CCTV footage was not only to examine evidence in relation to the complaint referred to above, but also to establish whether or not these events were common practice. The CCTV footage has been examined by officers of the Licensing Authority and a number of Licence conditions breaches have been established. Details of these breaches along with still images evidencing the same are contained within Appendix 6(f) labelled EDEN 1-21. Still images labelled EDEN 2-13 relate to the complaint referred to at paragraph 5.7. The CCTV recordings represented by images EDEN 1-21 provide evidence of breaches of standard conditions 16, 19, 20 and 23 as well as condition four of the additional

conditions. Footage of the alleged breaches can be shown at the meeting required.

5.10 Does the information submitted include any exempt information? No

5.11 **List of Appendices:**

Appendix 6 (a) and 6(b) - Police representations

Appendix 6 (c) – Email from the complainant to the Licensing Service

Appendix 6 (d) - Performance Agreement for performers at Eden One

Appendix 6 (e) - Prohibition Notice issued to the operators of Eden One by the Licensing Service

Appendix 6 (f) - Details of Licence breaches and accompanying still images.

5.12 **Note on all Appendices** - Part of these documents contain information regarding complainants 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. It is considered on balance that the public interest would not be served by publishing the information as it could prejudice the outcome of the renewal application and investigation into potential licence breaches.

6.0 Legal considerations:

6.1 Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (the Act), governs the issue of SEV licences.

6.2 The Act provides a number of grounds on which an application may be refused –
(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard

- to the character of the relevant locality; or
- to the use to which any premises in the vicinity are put; or

to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6.3 Renewal of this licence may only be refused on one of the grounds listed in Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

6.4 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 Agenda and minutes of Public Protection Sub-Committee Meeting 04.12.2018

Item:

<http://democracy.blackpool.gov.uk/documents/g4760/Public%20reports%20pack%2004th-Dec-2018%2018.00%20Public%20Protection%20Sub-Committee.pdf?T=10>

Minutes:

<http://democracy.blackpool.gov.uk/documents/g4760/Printed%20minutes%2004th-Dec-2018%2018.00%20Public%20Protection%20Sub-Committee.pdf?T=1>

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Cogan, Service Manager - Public Protection
Date of Meeting	23 July 2019

HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

1.0 Purpose of the report:

- 1.1 To consider an applicant 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 application 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 application.

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 applicant is a fit and proper person to hold a Horse Drawn Hackney Carriage licence, in respect of the

following case:

L.S. (New applicant)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 7(a).

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 7(a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant 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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