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Blackpool Council

21 June 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, 2 July 2019 at 5.00 pm
in Committee Room B, Town Hall, Blackpool

A G E N D A

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 12 JUNE 2019 (Pages 1 - 8)

To agree the minutes of the last meeting held on 12 June 2019 as a true and correct record.

3 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - EDEN ONE (Pages 9 - 86)

(The report for this item is public. However Appendix 3(a) contains 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)

4 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 23 July 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 12 JUNE 2019

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Critchley

Farrell
Hunter

D Scott
R Scott

Wilshaw

In Attendance:

Mrs Sharon Davies, Principal Solicitor

Mr Chris Williams, Democratic Services Adviser

1 APPOINTMENT OF CHAIRMAN

Following the Licensing Committee meeting held on 3 June 2019, the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year was approved. However, the decision was taken not to appoint the Chairman of the Public Protection Sub-Committee at that meeting.

Resolved:

To appoint Councillor Hutton as Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2019/2020.

2 APPOINTMENT OF VICE-CHAIRMAN

Following the Licensing Committee meeting held on 3 June 2019, the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year was approved. However, the decision was taken not to appoint the Vice-Chairman of the Public Protection Sub-Committee at that meeting.

Resolved:

To appoint Councillor D Scott as Vice-Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2019/2020.

3 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

4 MINUTES OF THE LAST MEETING HELD ON 23 APRIL 2019

The Sub-Committee considered the minutes of the last meeting held on 23 April 2019.

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Resolved:

That the minutes of the meeting held on 23 April 2019 be approved and signed by the Chairman as a correct record.

5 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 5, 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.

6 DONKEY DRIVER'S LICENCE

The Sub-Committee was informed of 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)

The applicant was not in attendance. However, Members agreed that he had been given adequate notification to attend and therefore heard the case in his absence.

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the authority's case. He explained that the applicant had committed two offences that had involved damage to property.

The Sub-Committee were concerned about the nature and recency of the offences committed by the applicant and saw no reason to depart from the guidance on this occasion.

Resolved:

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.

7 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

The Sub-Committee was informed of applicants and existing drivers who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications and referrals as appropriate.

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(i) G.J.R. (New Applicant)

GJR was in attendance and made representations to the Sub-Committee. He explained that in relation to the offences he had committed, which had involved dishonesty or violence in some cases, they had occurred during difficult periods in his life. He added that he now had a family and had held positions of responsibility without issue for many years. He also presented two supporting character references to the Sub-Committee.

Members reasoned that the number and nature of offences committed by the applicant were unfortunate and this was compounded by a relative lack of explanation regarding the details of some of those offences. However, the applicant had shown maturity and remorse for his actions and seemed to present himself as someone that that learned from previous mistakes.

Resolved:

To grant the Private Hire Driver Licence with the addition of a warning letter in relation to future conduct indicating that if GJR were brought before the Sub-Committee again in the future for any reason, then serious action would likely be taken.

(ii) S.B. (New Applicant)

Mr Ratcliffe presented the case on behalf of the authority. He informed Members that the applicant had a significant number of convictions for numerous offences committed during a seven year period, some for dishonesty, with the last having occurred over 25 years ago.

SB was in attendance and made representations to the Sub-Committee. He admitted that he had made many mistakes as a younger man and regretted much about that period of his life. He claimed he had changed many aspects of his life since and had managed numerous businesses, worked with a wide variety of people, managed significant sums of money and had a family to provide for.

The Sub-Committee expressed concern about the number and nature of the offences committed by the applicant. However, all of the convictions were historical and members reasoned the applicant had displayed remorse and made every effort to change as a person in the ensuing years.

Resolved:

To grant the Private Hire Driver Licence.

(iii) S.R.P. (New Applicant)

The applicant explained to the Sub-Committee that the various motoring offences including one for drink-driving, detailed in the authority's case, were unfortunate and regrettable and added that one of the offences at least was not actually a motoring offence at all. In response to a question from the Sub-Committee, SRP claimed to no longer drink alcohol and had no further convictions of any sort.

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The Sub-Committee reasoned that the offences were historical and accepted the applicant had made some poor choices in the past. However, Member's concerns were largely alleviated by the explanations he provided and the remorse demonstrated.

Resolved:

To grant the Private Hire Driver Licence.

(iv) S.B.S. (Private Hire Driver)

Mr Ratcliffe informed the Sub-Committee that the driver had a conviction for battery which he had failed to declare previously when re-applying for his licence upon its expiry.

SBS described the circumstances surrounding the offence and apologised for his part in it. He suggested that a drunken argument with his wife had led to a physical altercation. He added that his wife had not pursued the matter and when his case went to court, upon the advice of his solicitor, he had pleaded guilty. SBS explained that he was still with his wife and no other incidents had taken place before or since. With regard to non-declaration of the offence, SBS explained that this related to an application in 2017 and was due to a misunderstanding based on legal advice he claimed he had received.

Members expressed concerns over the incident and whether the driver had been involved in domestic violence or merely a drunken argument which had gotten out of hand. The Sub-Committee was generally satisfied with the explanations given by the driver and the level of remorse demonstrated.

Resolved:

1. To issue a warning letter in relation to future conduct indicating that if the driver were brought before the Sub-Committee again in the future for any reason, then suspension or revocation of the Licence would be the likely outcome.
2. To not prosecute for non-declaration of offences on an application to be licensed.

(v) A.L.D. (Hackney Carriage Driver)

The Sub-Committee was informed that the driver's case was linked to the vehicle licence holder P.M.H. at agenda item 7.

With regards to the maintenance issues identified with the vehicle operated by PMH and driven by ALD, the driver claimed that he performed regular checks but admitted that his overall mechanical knowledge was limited and as such, he had not picked up many of the faults detailed in the report.

The Sub-Committee were concerned at the driver's lack of mechanical knowledge and equally by his attitude which seemed to suggest he did not take his responsibilities seriously enough. In addition, the driver had some recent relevant motoring convictions.

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Resolved:

To issue the Hackney Carriage Driver with a warning letter indicating that if he were brought before the Sub-Committee again in the future, then suspension or revocation of the Licence would be the likely outcome.

Background papers: exempt

8 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

The Sub-Committee considered referrals in respect of the following cases:

i) P.M.H

The Sub-Committee noted that the case was linked to driver ALD contained in agenda item 6.

Mr Ratcliffe advised Members that during a routine inspection carried out by Licensing Enforcement Officers, PMH's vehicle was found to have a number of serious mechanical defects, four of which would constitute MOT failures.

The licence holder was in attendance and expressed regret that his vehicle was in such poor condition and added that he thought despite the nature of the faults, in his opinion, the vehicle was not unsafe. He also advised that he had put a maintenance schedule in place with each of his drivers complete with a checklist to be completed by each driver at the start of their shifts. A letter from the owner of a local taxi firm was also produced by way of character reference in support of PMH.

The Sub-Committee considered the case and accepted that despite the faults identified on the licence holder's vehicle, he had already made efforts to improve future conduct and appeared remorseful.

Resolved:

1. To issue the licence holder with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then suspension or revocation of the Vehicle Licence would be the likely outcome.
2. To impose the following conditions on the Vehicle Licence, effective immediately:
 - *The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.*
 - *The licence holder to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of two years.*
 - *Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle*
 - *All service/inspection records must be legible*
 - *All records to be produced to enforcement or police officers within 24 hours of the demand being made.*

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- *The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.*

(ii) J.J.S.

JJS was not in attendance but was instead represented by her brother, Mr Myers.

He explained that the poor maintenance identified during an inspection of the licence holder's vehicle was unfortunate and he apologised on her behalf. However, he proceeded to describe mitigating factors that he asked the Sub-Committee to consider. A number of receipts, photographs and car parts were circulated to Members and Mr Myers claimed that the regular mechanic used for the pre-testing of JJS's vehicle had let them down by suggesting the vehicle was in a condition ready to be presented for a routine pit-test.

The Sub-Committee appreciated the detailed case put forward by Mr Myers on behalf of the licence holder. However, despite assurances of improvements to JJS's future maintenance regime, ultimately the fact remained that the vehicle was not in a suitable state mechanically to carry fare paying passengers.

Resolved:

1. To issue the licence holder with a warning letter, indicating if she were brought before the Sub-Committee again for similar maintenance concerns, then suspension or revocation of the Vehicle Licence would be the likely outcome.
2. To impose the following conditions on all six of Vehicle Licences operated by the licence holder, effective immediately:
 - *The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.*
 - *The licence holder to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of two years.*
 - *Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle*
 - *All service/inspection records must be legible*
 - *All records to be produced to enforcement or police officers within 24 hours of the demand being made.*
 - *The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.*

(iii) R.J.E. and (iv) D.W.M.

The Sub-Committee considered the licence holders cases together as they operated the licence jointly at the time that the maintenance issues were identified with the vehicle in question.

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Mr Ratcliffe reported that the licence holder's vehicle had been found to have numerous serious mechanical defects, some of which were serious enough to constitute MOT failures. Also, DWM had a track record of 11 failed pit tests in a total of 12 over a four year period.

Both licence holders were in attendance and supported by Bill Lewtas, Blackpool Licensed Taxi Operator's (BLTOA). Mr Lewtas explained that both were sorry for the state of the vehicle as it was during the inspection by Council qualified mechanics. He added that the regular mechanic that prepared the vehicle for testing had simply not identified any of the faults despite receipts proving that a full inspection had indeed been undertaken in the days before the inspection by Council mechanics. RJE claimed that in his opinion, many of the faults, particularly those on the underside of the vehicle were not readily identifiable during the course of a simple walk-around of the vehicle as performed by himself.

As neither licence holder had previously been before the Sub-Committee for any reason and had provided satisfactory accounts and supporting evidence of their claims, the Sub-Committee reasoned that despite earlier concerns, the vehicle in question had now been replaced and a stricter maintenance regime put in place by both licence holders, containing conditions similar to those recommended by the Licensing Service.

Resolved:

1. To issue the licence holder RJE with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then then more serious action would result.
2. To issue the licence holder DWM with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then more serious action would result.

Background papers: exempt

9 DATE OF NEXT MEETING

The date of the next meeting was noted as 2 July 2019.

Chairman

(The meeting ended at 1.50 pm)

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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager - Public Protection
Date of Meeting	2 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 are asked to consider renewing this licence until 30 October 2019, a year after the previous twelve-month licence expired.
- 5.6 Trading Standards have confirmed that they have received no further reports of over-charging. The police comments can be found at Appendix 3(a).
- 5.7 Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (the Act), governs the issue of SEV licences.

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.

- 5.8 Does the information submitted include any exempt information? No

5.9 List of Appendices:

Appendix 3(a) Police representations: Part of this document contains 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.

6.0 Legal considerations:

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

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 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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Blackpool Council Licensing Service				
Representation made by a Responsible Authority to an application for a Sex Establishment				
Responsible Authority				
Name of Responsible Authority	LANCASHIRE CONSTABULARY			
Name of Officer <i>(please print)</i>	PC 4107 Emma Pritchard			
Signature of Officer	<i>E.P. Pritchard</i>			
Contact telephone number	01253 604073			
Date representation made	23	05	19	
Do you consider mediation to be appropriate			YES	<input type="checkbox"/>
Premises Details				
Premises Name	Eden One			
Address	15-17 Queen Street			
	Blackpool			
Post Code	FY1 1NL			
Reasons for making representations				
<p>Following an SEV renewal I made a representation on 1st November 2018 in relation to the above premises. As requested by Blackpool Council I would like to report the below incidents reported to Police from 1st November 2018 – 22nd May 2019 prior to the next renewal application.</p> <p>I will detail below a brief summary and attach the full incident reports and photographs taken at the premises which show measures taken by management at the premises to try to prevent issues arising.</p> <p>I would also like to add that the management have continued to work with Police and are contactable and take on board any advice given.</p>				

Summary of incidents:

1. 04:05hrs 05/05/2019: Male contacted Police stating he paid a lapdancer £140 but didn't give him the service he requested. Comms operator advised this is a civil matter, male has recalled stating the lapdancer has told him she would get him killed. Crime report created for section 4 Public Order but informant couldn't be contacted and lives out of area so no further action.
LC-20190505-0282
2. 03:45hrs 17/03/2019: Email contact to Police, male stated his phone was used by 2 girls who have accessed his online banking a transferred 2 x £400 into their own accounts without permission, he has also lost his driving licence. Male attended Police station and stated he initially paid £20 for a dance but was then led upstairs and was allegedly offered another dance for £20-£30 but as he hadn't enough cash he used his phone to transfer cash directly to her account but did not check the amount that she entered (He stated he was too drunk to carry out the transaction himself). This was then passed to another PC at a later date (by which time over 28 days of CCTV recording had passed) who spoke to male who accepts he could have been charged £400 and that the other £400 was a duplication which was paid back by the staff member via Police. Licence Holder Ashley also disciplined this member of staff and produced a poster (attached) advising customers against handing their phone to a performer.
LC-20190317-0815
3. 12:56hrs 10/02/2019: Confusing report from female who contacted Police stating last night staff at the premises where she was working accused him of stealing and then beat her up and smashed her phone. She failed to attend an appointment at the Police station and there have been difficulties contacting her since. No further action.
LC-20190209-1200
4. 15:40hrs 09/02/2019: Male states he has had £255 taken out of his account which was withdrawn from a cash machine at Eden which he has no knowledge of. Informant failed to attend an appointment at the Police Station and when re-contacted said he didn't want to pursue this as he can't remember he can't say that he didn't withdraw the money himself. No further action.
LC-20190209-1200
5. 17:33hrs 28/12/2018: Female states she has learning difficulties and last night at 01:20 she went to Eden and had a 5 minute dance and 4 drinks but staff made her withdraw money from the cash machine; £100, £75 and £85 and that she felt pressured into doing this. States staff took photo of her ID and gave her a receipt for £220. PC spoke to informant at a later date who states she wasn't forced into paying the money so no criminal offences and no further action.
LC-20181228-1109
6. 02:10hrs 09/12/2018: Male stating he was robbed by the strippers at

Eden and then the bouncers kicked them out. Caller hung up and Police have been unable to contact him since. Informant lives in Thames Valley. No further action.

LC-20181209-0167

7. 23:47hrs 29/11/2018: anon report that staff are always pestering people to come in and that the managers pay people cash in hand for leaflet work outside. No further action.

LC-20181129-1463

It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.

N/A

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