

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 28 JULY 2020

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Cox
Critchley

Farrell
Hunter

R Scott
Wilshaw

In Attendance:

Sharon Davies, Solicitor

Lee Petrak, Trading Standards and Licensing Manager

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

Ryan Ratcliffe, Licensing Officer

1 DECLARATIONS OF INTEREST

There were no declaration of interest made on this occasion.

2 EXCLUSION OF THE PUBLIC AND PRESS

The Public Protection Sub-Committee considered excluding the public and press from the agenda item 7 as those items contained information which was exempt from publication by virtue of Paragraph 1 of Section 100 (A) of the Local Government Act 1972.

It considered that the public interest would not be served by allowing the information to be held in open session due to the sensitive information about individuals outlined.

Resolved: That under Paragraph 1 of Section 100 (A) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the whole item, including the decisions referred to at agenda items 7.

3 MINUTES OF THE LAST MEETING HELD ON 30 JUNE 2020

The Sub-Committee considered the minutes of the meeting held on 30 June 2020.

Resolved: That the minutes of the meeting held on 30 June 2020 be approved and signed by the Chairman as a correct record.

4 STREET TRADING CONSENT FOR THE PROVISION OF DONKEY RIDES ON THE SEASHORE

The Sub-Committee consider proposals to the revised system to regulate the provision of donkeys on the seashore.

Mr Ryan Ratcliffe, Licensing Officer, presented the report which outlined that following the Animal Welfare (Activities Involving Animals) (England) Regulations 2018, local authorities had been required to change how licensing of activities involving donkeys took place. In order to implement this change Mr Ratcliffe informed the Sub-Committee that

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the use of Street Trading Consents would be more appropriate than the existing system. He therefore asked that the Sub-Committee consider the granting of nineteen Street trading Consents for Donkeys on the Seashore and if they wish to consider future application or delegate this function to the Head of Trading Standards and Licensing.

Resolved:

1. That the nineteen consents to operate donkey rides on the seashore be granted;
2. That the provision of donkeys on the beach may not take place otherwise than in accordance with a consent and each consent will
 - a. Last for a period of 12 months
 - b. Be subject to the standard conditions listed at Appendix 3a
 - c. Entitle the holder to operate donkey rides on an identified pitch in
 - d. accordance with the rotation procedure detailed in Appendix 3c
3. That the fee per consent will be £50.00;
4. That the criteria to be satisfied by applicants for a consent for the provision of donkeys on the seashore attached at Appendix 3c be approved; and
5. That delegated powers be granted to the Trading Standards and Licensing Manager after consultation with Public Protection Service Manager to have the authority to issue suitable applicants with a consent.

Councillor Cox joined the meeting following this item.

5 RENEWAL OF SEXUAL ENTERTAINMENT VENUE - SINLESS

The Sub-Committee considered an application by AA Entertainment1 Ltd for the renewal of the Sexual Entertainment Venue (SEV) Licence for Sinless, First Floor, 132 – 134 Promenade, Blackpool.

Mr Ryan Ratcliffe presented the report which outlined that renewals for SEV Licences needed to be renewed every twelve months and that during the process of renewing the licence for Sinless an objection had been received which required its consideration by the Sub-Committee.

The objector (whom had chosen to remain anonymous) detailed that they believed Mr Mark Newton, the applicant, was an unsuitable person to hold a licence due to allegations of inappropriate behaviour towards staff, drug use at Sinless and insisting staff collect card payments at the venue without customers knowing. They also stated that they had informed the Police of potential crimes committed at Sinless. However following enquires with Lancashire Constabulary, officers determined that the Police were unaware of the allegations and had not been asked to undertake any investigation into Mr Newton or Sinless. Furthermore following a request by Licensing Officers the objector had failed to provide further details or evidence of the alleged offences.

The Sub-Committee queried how long Sinless had held a licence as a SEV. Mr Ratcliffe replied that a licence had been held since 2012.

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Mr Newton outlined the case for granting the renewal of the SEV Licence for Sinless. He stated that he had provided a written submission to Members of the Sub-Committee, which was made available at the meeting. He further explained that had ensured that all necessary guidelines had been followed by Sinless and that he had been the subject of numerous unannounced inspection, none of which had resulted in any enforcement action. He also stated that he had been shocked by the allegations against him which he described as having no substance.

The Sub-Committee considered the application to renew the SEV Licence and in light of the failure of the objector to substantiate the allegations against the applicant, agreed that delegated authority be granted to the Licensing and Trading Standards Manager to grant the renewal subject to a satisfactory further inspection of the applicant's premises.

Resolved: that delegated powers be granted to the Head of trading Standards and Licensing to approve the application to renew the Sexual Entertainment Venue Licence in respect of Sinless, First Floor, 132 – 134 Promenade, Blackpool, subject to satisfactory further inspection.

6 APPLICATION TO LICENCE A MODIFIED HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to licence a Cinderella-style Horse Drawn Hackney Carriage.

Mr Ratcliffe presented the report which required consideration by the Sub-Committee due to the non-traditional style of carriage that would be used. He confirmed that the carriage had been passed its inspection and the Licensing Service had no objection to granting the application.

Ms Carolynne Edwards, the applicant, outlined that they had spent significant time and money ensuring that the carriage would be fit for use and asked that the application be granted.

The Sub-Committee noted that consideration of this type of application had become more common and recognised that non-traditional types of carriage had become normal in Blackpool. It was therefore requested that officers bring a report to a future meeting of the Sub-Committee to allow consideration of a change of policy so that approval of application of this sort, where there are no licensing objections, could be delegated to officers.

Resolved:

1. That the application to licence a non-traditional Horse Drawn Hackney Carriage be granted; and
2. That a report be brought to a future meeting of the Sub-Committee to allow consideration of the delegated powers to officer to approve non-traditional Horse Drawn Hackney Carriage Licence applications, where no objections are raised.

7 HACKNEY CARRIAGE DRIVER'S LICENCE

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The Public Protection Sub-Committee considered a Hackney Carriage Driver's Licence holder who had been convicted of an offence or otherwise given reason for concern.

(i)KA

Mr Ryan Ratcliffe presented the case to the Sub-Committee. He informed Members that the KA was an existing Hackney Carriage Driver's Licence holder, who had held their licence since June 2013. As part of the criteria for KA to maintain their Hackney Carriage Driver's Licence the Licensing Service conduct a DVLA check at least once every 12 months. The result highlighted a conviction of using a vehicle uninsured against third party risks from 18 March 2020, for which he had received 6 penalty points. Mr Ratcliffe informed Members that KA was required by the conditions on their Licence to inform Licensing Service of any conviction as part of their Licence criteria and had not done on this occasion.

Mr Ratcliffe also informed the Sub-Committee that KA had previously been issued with a warning letter due to poor vehicle maintenance in April 2019.

KA outlined their reasoning for not informing the Licensing Service of their conviction. They stated that they had been stopped while using a friend's car, which they had been incorrectly informed was fully insured. They described this as a genuine error and they had not been aware that they had to inform the Licensing Service due to the incident occurring while using a third party's car not a licensed vehicle.

The Sub-Committee asked why KA had been using a friend's car at the time of the incident. KA explained that at the time their own car had been in a garage for repair.

The Sub-Committee considered the information submitted by all parties and resolved that KA should have been aware of the responsibility to notify convictions as it was a condition of their licence, noting their previous receipt of a warning letter for poor vehicle maintenance. It was therefore agreed that he be issued with a severe warning letter in respect of the incident.

Resolved: That KA be issued with a severe warning letter in respect of their failure to disclose penalty points incurred to the Licensing Service.

8 DATE OF NEXT MEETING

That the date of the next meeting be confirmed as 8 September 2020.

Chairman

(The meeting ended 6.52 pm)

Any queries regarding these minutes, please contact:

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