

# Blackpool Council

28 August 2020

To: Councillors Mrs Callow JP, Collett, Cox, Critchley, Farrell, Hunter, Hutton, R Scott and Wilshaw

The above members are requested to attend the:

## **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 8 September 2020 at 6.00 pm  
Via Zoom Meeting

### **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 28 JULY 2020** (Pages 1 - 6)

To agree the minutes of the last meeting held on 28 July 2020 as a true and correct record.

#### **3 HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 7 - 14)

To consider a licence holder who has been convicted of offences or who has otherwise given reasons for concern.

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

**4 USE OF DELEGATED POWERS SINCE THE LAST MEETING** (Pages 15 - 18)

To receive a verbal update on the use of Delegated Powers by the Trading Standards and Licensing Manager since the last meeting of the Sub-Committee.

**5 DATE OF NEXT MEETING**

To note the date of next meeting as 6 October 2020.

**Other information:**

For queries regarding this agenda please contact John Greenbank, Senior Democratic Governance Adviser, Tel: (01253) 47722, e-mail [john.greenbank@blackpool.gov.uk](mailto:john.greenbank@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](http://www.blackpool.gov.uk).

### **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.

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

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 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.

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

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.

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.

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

### 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

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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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Lee Petrak, Trading Standards and Licensing Manager
<b>Date of Meeting</b>	8 September 2020

## **USE OF DELEGATION OF POWERS - REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

### **1.0 Purpose of the report:**

1.1 To highlight to the Sub-Committee the use of delegated powers to revoke a Hackney Carriage and Private Hire Driver's Licence following consultation with the Chairman.

### **2.0 Recommendation(s):**

2.1 To note the use of delegated powers by the Licensing Enforcement and Health and Safety Manager in the period since the last Sub-Committee meeting on 28 July 2020 contained at section 5.8.

### **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. It is

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, for information only.

### **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 Local Government (Miscellaneous Provisions ) Act 1976 provides that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:
- (a) That he has since the grant of the licence:
    - (i) Been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or
  - (b) Any other reasonable cause.
- 5.2 In August 2017, the Sub-Committee agreed changes to the delegation of powers as recent case law had confirmed that a Council cannot use the suspension of a Hackney Carriage or Private Hire driver's licence as holding operation pending further investigation. The Court held that if a Council were to suspend a licence "it must do so by way of a substantive decision on the fitness of the driver to hold the licence, after giving the driver a proper opportunity to state his case, not merely as a means by which to maintain a position pending the final outcome of the criminal proceedings."
- 5.3 It was agreed that due to changes in the officer structure that the power be allocated to the Licensing Enforcement and Health and Safety Manager.
- 5.4 It was agreed therefore that the procedure work as follows:
- 5.5 That in the event of a serious concern being raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Drivers' Licence the Licensing Enforcement and Health and Safety Manager be tasked in the first instance with investigating the issue. The concern could take the form of convictions, police information or complaints from the public.
- 5.6 The driver be invited to a formal interview to discuss the area of concern with the Licensing Enforcement and Health and Safety Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:
- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
  - ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
  - iii) That no action be taken at present, this does not preclude further

investigation of the issue.

5.7 Where the Licensing Enforcement and Health and Safety Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.

5.8 The Sub-Committee is asked to note the decisions taken using delegated powers, in a number of cases that have arisen since the last meeting.

5.9 A verbal update on the details of offences or matters causing concern in these cases will be provided at the meeting and action taken.

5.10 Does the information submitted include any exempt information? Yes

**5.11 List of Appendices**

None

**6.0 Legal considerations:**

6.1 None.

**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.