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Blackpool Council

12 July 2021

To: Councillors Collett, Cox, Farrell, Hunter, Hutton, D Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 20 July 2021 at 6.00 pm
in Council Chamber, Town Hall

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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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 22 JUNE 2021

(Pages 1 - 4)

To agree the minutes of the last meeting held on 22 June 2021 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

(Pages 5 - 18)

To consider licence holders who have been convicted of offences or who have otherwise given reasons for concern.

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

4 DATE OF NEXT MEETING

To note the date of the next meeting as 8 September 2021.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Adviser, Tel: (01253) 477153, e-mail sarah.chadwick@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.

Present:

Councillor Hutton (in the Chair)

Councillors

Hugo

Hunter

R Scott

Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 25 MAY 2021

Resolved: That the minutes of the meeting held on 25 May 2021 be approved and signed by the Chair as a correct record.

3 APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by Pool Construction Limited to transfer the Sexual Entertainment Venue (SEV) licence for Eden, 15 – 17 Queen Street, Blackpool.

Mr David Moseley, director of Pool Construction Limited, was in attendance with his legal representative Ms Sarah Clover and the proposed managers of the venue Mr Rafael Souski and Mr Arkadiusz Marczak. The objector to the application Mr Mark Newton, director of AA Recreation 1 Limited the current licence holder, attended with his legal representative Mr Richard Williams.

Ms Clover outlined the case for the transfer application on behalf of Mr Moseley, the landlord of the premises. The Sub-Committee was informed that when the previous tenant left in 2020 Mr Moseley had entered into negotiations with Mr Newton to take a lease for the venue but those negotiations had broken down and were not concluded successfully. At that time, in anticipation of being granted the lease, Mr Newton had bought the existing business from the previous operators and transferred the SEV licence for Eden to one of his companies, AA Recreation 1 Limited, but had never traded due to ongoing coronavirus restrictions. Ms Clover explained that in response to the failed lease negotiations Mr Moseley had applied to transfer the licence from AA Recreation 1 Limited to Pool Construction Limited (a company of which he was director) to retain control of the premises and to ensure compliance with the relevant rules and regulations as landlord.

Members were advised that Mr Moseley had subsequently signed a lease with Mr Souski who intended to run the premises with Mr Marczak. This management team had been carefully vetted by Mr Moseley and were considered by him to be suitable operators as

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they had significant experience running a number of hotels and bars in the resort over the last decade. The Sub-Committee was assured that whilst Mr Souski intended to run the premises Mr Moseley, as director of Pool Construction Limited, would ensure that regular audits and checks of the venue took place to ensure the tenant remained compliant with the licence conditions and regulations.

Ms Clover observed that no concerns had been raised by Mr Newton in relation to Mr Souski who would be operating the premises for Pool Construction Limited. Referring to Mr Newton's objection, Ms Clover considered the points raised in relation to the operation of care homes under the control of Mr Moseley's companies to be inaccurate and irrelevant to the SEV application. With regards to the reviews submitted in relation to the Premises Licence held by Mr Moseley in 2009 and 2010, it was suggested to the Sub-Committee that these were as a result of a difficult relationship with the Police Licensing Sergeant at that time. She therefore suggested that the alleged historical transgressions should not be taken into consideration when determining the application and presented Mr Moseley as a suitable operator who had appointed a competent and appropriate team to operate the venue.

Mr Williams presented the case to the Sub-Committee on behalf of the objector, Mr Newton, director of AA Recreation 1 Limited (the current licence holder) and whose companies operated two other Sexual Entertainment Venues in the resort who Mr Williams indicated was therefore already considered suitable to hold a SEV licence. He invited Members to consider the reasons the application should be refused, citing Mr Moseley's lack of experience and knowledge in running a SEV and previous regulatory non-compliance.

The Sub-Committee's attention was drawn to previous reviews of a Premises Licence and four failed test purchases within a twelve month period at the venue when Mr Moseley was licence holder in 2009 and 2010. Mr Williams considered that the failed test purchases were particularly relevant as the operator of a SEV had to ensure that under 18s were not permitted access to the venue. Previous compliance failures in respect of fire safety and health and safety breaches at care homes operated by Mr Moseley's companies were cited as further evidence of a poor track record of compliance and that he would be unable to comply with the numerous conditions associated with a SEV licence.

Mr Williams highlighted that neither Mr Moseley nor the proposed management team at the venue, Mr Souski and Mr Marczak, had any experience in running SEVs. He concluded that the lack of experience together with Mr Moseley's history of non-compliance made a company under his control unsuitable to be granted a licence to operate a Sexual Entertainment Venue.

The Sub-Committee carefully considered the information provided by both parties. Concerns were expressed in relation to Mr Moseley's previous regulatory non-compliance and associated convictions as well as his lack of experience in operating a Sexual Entertainment Venue. Having regard to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 and Blackpool Council's Sex Establishment Policy it concluded that,

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given Mr Moseley's unsuitability, a company under his control was unsuitable to hold a Sexual Entertainment Venue licence and so agreed to refuse the application.

Resolved:

That the application to transfer the Sexual Entertainment Venue licence for Eden, 15-17 Queen Street, to Pool Construction Limited be refused.

4 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 20 July 2021.

Chairman

(The meeting ended 8.24 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	20 July 2021

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

1.0 Purpose of the report:

1.1 To consider licence holders who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 To determine the referrals 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.

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

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, as the Sub-Committee is required to determine the application and referrals

5.0 Council priority:

5.1 The relevant Council priority is:
"The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

6.1 The Sub-Committee is asked to determine whether or not the licence holders are fit and proper persons to hold Hackney Carriage and Private Hire driver's licences, in respect of the following cases:

J.R.H (Existing)

J.S (Existing)

6.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 3(a), 3(b), 3(c), 3(d) and 3(e).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) J.R.H. Details of cases (not for publication)
Appendix 3(b) J.R.H. copy of application form (not for publication)
Appendix 3(c) J.R.H. copy of D.B.S. certificate (not for publication)
Appendix 3(d) J.S. Details of case (not for publication)
Appendix 3(e) J.S. Statement of Licensing Enforcement Officer

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976.
The Sub-Committee must be satisfied that the licence holders remain fit and proper persons to be licensed.
There is the right of appeal to the Magistrates' Court.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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