

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 8
SEPTEMBER 2021**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Hunter	Mrs Scott
Farrell	D Scott	Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Advisor
Sharon Davies, Senior Solicitor

1 DECLARATIONS OF INTEREST

Councillor Wilshaw declared a prejudicial interest in Agenda Item 5, Private Hire and Hackney Carriage Driver Licences. The nature of the interest being that he was a family friend of one of the drivers (B.H.S.)

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda item five as that item contained information which was exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A 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 Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of agenda item five, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 20 JULY 2021

Resolved: That the minutes of the meeting held on 20 July 2021 be approved and signed by the Chair as a correct record.

4 TAXI FARES REVIEW FOR 2021/22 - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION (B.L.T.O.A.) SUBMISSION

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the Sub-Committee with a proposal from the Blackpool Licensed Taxi Operators Association (B.L.T.O.A.) to review the fares charged by Hackney Carriages in Blackpool.

Members were provided with a detailed breakdown of the proposals which would make changes to the yardage, tariff start times and waiting charges if approved. The Licensing Service considered the proposed changes reasonable and Mr Ratcliffe explained that the

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increase in fares would bring Blackpool in line with the national average for a two mile journey on Tariff 1.

In considering the impact of the revised fares on the public the Sub-Committee was reminded that the proposed changes only applied to Hackney Carriage vehicles who had to remain competitively priced or would risk losing custom to Private Hire vehicles. Members concluded that the proposed fares were reasonable and agreed to approve the fare increase for advertisement.

Resolved:

1. To approve the advertisement of the following proposed amendments to the Blackpool Hackney Carriage tariffs:
 - i. That a change be made to the yardage and maximum tariffs for 2021/22 as outlined in the table attached to appendix 3(a) of the agenda.
 - ii. That the start time of Tariff 2 be brought forward from 22.00 to 21.00 Monday to Friday.
 - iii. That the start time of Tariff 3 be brought forward from 01.00 to midnight every night.
 - iv. That a change be made to the taxi meter waiting time for Tariff 1 from 20 pence every 40 seconds to 20 pence every 35 seconds.
 - v. That a change be made to the taxi meter waiting time for Tariff 2, Tariff 3 and Tariff 4 from 20 pence every 40 seconds to 20 pence every 30 seconds.
2. To delegate the Trading Standards and Licensing Manager to implement the fare increase if no objections are received on a date no later than 5 working days from the expiry of the deadline for objections.

5 APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by AA Recreation 1 Ltd for a new Sexual Entertainment Venue licence for Dreams, 11 – 13 Queen Street, Blackpool.

Mr Mark Newton of AA Recreation 1 Ltd was in attendance with his legal representative Mr Richard Williams. The objector to the application Mr David Moseley attended with his legal representative Ms Sarah Clover.

Members were first asked to determine whether to consider the late objection to the application. Mr Williams explained that the objection had been submitted almost eight weeks after the expiry of the statutory objection period and suggested the submission was a trade objection prompted by the decision of the Sub-Committee on 22 June 2021 to refuse an application by Mr Moseley's company to transfer another Sexual Entertainment Venue licence for 15-17 Queen Street from Mr Newton's company. He reminded Members that no other objections had been received and invited the Sub-Committee to use their discretion to not consider the objection when determining the application.

In response Ms Clover explained that the objection had been submitted as a result of concerns identified by Mr Moseley and Ms Clover at the June meeting of the Sub-Committee in respect of Mr Newton's operational intentions and that the granting of the application would be contrary to Blackpool Council's Sex Establishment Policy which limited the number of Sexual Entertainment Venues. She reminded the Sub-Committee of

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their discretionary powers to allow late objections and argued that if the objection was not considered it would deprive the Sub-Committee of information which would be important to its decision making process.

The Sub-Committee noted the information provided by both parties and concluded that considering the information provided in the objection would allow it to make a more informed decision. It therefore agreed to use its discretion and allow the objection to be considered.

Mr Williams outlined the case on behalf of the applicant. Members were advised that the proposed premises was in the main entertainment area of the town centre which Mr Newton considered appropriate for such a venue and that he had met with the Police, Licensing Service and Planning Department who had not expressed any concerns, nor had any objections been received from members of the public. The Sub-Committee were advised that Mr Newton already operated a number of other similar venues in the town and should therefore be considered a suitable operator due to his experience in the sector.

Referring to the grounds for refusal available to the Sub-Committee under the Local Government (Miscellaneous Provisions Act) 1982, Mr Williams argued that the only possible grounds would be that the granting of the licence would exceed the limit of four Sexual Entertainment Venues set by Blackpool Council's Sex Establishment Policy. To avoid exceeding that limit, Mr Newton offered to surrender another licence held by his company for Heaven at 169 Promenade and produced a discretionary cancellation in writing, conditional on the Sub-Committee granting the new licence for 11-13 Queen Street. Addressing the Members directly, Mr Newton considered that taking away a Sexual Entertainment Venue from the Promenade would be beneficial to the town by removing it from a family area and instead opening a venue in the night time entertainment zone which he believed was a more suitable area.

Ms Clover responded on behalf of the objector, Mr Moseley, who suggested that it would be unsuitable for Mr Newton to hold all but one of the Sexual Entertainment Venue licences in Blackpool. In addition, Mr Moseley considered Mr Newton's existing venues to be in poor condition and in need of reinvestment and the application submitted was not believed to be sufficiently detailed, lacking information such as a business plan or proposed house rules and policies for the venue.

Referring to the proposal from Mr Newton to surrender the licence for Heaven, 169 Promenade, on condition that this application was granted, Ms Clover invited the Sub-Committee to consider the complications of potentially having two Sexual Entertainment Venues next to each other on Queen Street should the application be granted. The Sub-Committee were reminded that an appeal was ongoing in respect of its decision to refuse the transfer of a Sexual Entertainment Venue licence for 15-17 Queen Street from a company operated by Mr Newton to one operated by Mr Moseley. Members were encouraged to refuse the application on the basis that the grant of a new licence next to an existing Sexual Entertainment Venue at 15-17 Queen Street would be an unsuitable location, and Ms Clover argued that the grant of one licence conditional on the surrender of another would be unlawful.

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The Sub-Committee carefully considered the information provided by both parties. It was not persuaded by the argument that a company under the control of Mr Newton was unsuitable to hold a licence, noting that he was an experienced operator and that neither the Police nor the Licensing Service had objected to the application. Whilst the offer to surrender the licence for Heaven on the Promenade was thought to be a positive move, concerns were expressed in relation to the potential of having two competing Sexual Entertainment Venues adjacent to each other on Queen Street. Members therefore concluded that they should defer their consideration until after the appeal in respect of the transfer of the licence for 15-17 Queen Street had been determined.

Resolved:

1. That the late objection attached to the agenda as Appendix 4b be considered and that the objector be permitted to make representations at this meeting of the Sub-Committee.
2. That the consideration of whether or not to grant a new Sexual Entertainment Venue licence for 11-13 Queen Street be deferred until after the appeal in respect of the transfer of the Sexual Entertainment Venue licence for 15-17 Queen Street has been determined.

6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered licence holders who had been convicted of offences or who had otherwise given reasons for concern.

i. J.R.H

Mr Ryan Ratcliffe, Licensing Enforcement Officer, advised Members that J.R.H. had attended the Town Hall but had to leave before consideration of their item due to childcare responsibilities and so requested a deferral of their case. The Sub-Committee considered the request and resolved to hear the item in J.R.H.'s absence, noting that the case had already been deferred from its last meeting in July.

Members were advised that J.R.H. was an existing Private Hire Driver who, upon the renewal of their licence in June 2021, declared that they had received a Police caution for harassment in June 2018. The caution had not been notified to the Licensing Service at that time and a Disclosure and Barring Service check undertaken in June 2019 had only been provided to the Licensing Service as part of the renewal process in June 2021. Section 17.1 of the Hackney Carriage and Private Hire Convictions Policy was highlighted which required drivers to notify the Licensing Service of the caution within seven days of receiving it. As that condition had not been complied with the Licensing Service recommended that a severe warning letter be issued.

The Sub-Committee considered the information presented and agreed with the recommendation that a severe warning letter be issued indicating that if J.R.H. was brought before the Sub-Committee again at any point in the future, then suspension or revocation of their licence would be the likely outcome.

Resolved: That a severe warning letter be issued that in the event of any future misconduct J.R.H.'s licence may be suspended or revoked.

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ii. B.H.S.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, informed the Sub-Committee that B.H.S. had requested a deferral of consideration of their case as they were unable to attend due to working away on a shift pattern which could not be changed.

The Sub-Committee agreed to defer the case to its next meeting on 5 October 2021.

Resolved: That the case of B.H.S. be deferred to the next meeting of the Public Protection Sub-Committee on 5 October 2021.

[Councillor Wilshaw, having declared a prejudicial interest, took no part in the discussion or voting on this item.]

iii. R.R.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, explained to the Sub-Committee that attempts had been made to contact R.R. to invite him to the meeting but that these had been unsuccessful. Members considered that the information provided in the report was of an urgent nature and resolved to consider the case in R.R.'s absence.

The Sub-Committee was informed that R.R. was an existing Hackney Carriage and Private Hire Driver who had been arrested and subsequently charged in October 2019 on suspicion of inappropriate behaviour. Due to a failure to attend court a warrant had been issued for their arrest and they were currently subject to an investigation by Lancashire Constabulary to bring them back to court.

Members considered the serious nature of the alleged offences and concluded R.R. was not a fit and proper person to hold Hackney Carriage and Private Hire driver licences. The Sub-Committee therefore resolved to revoke R.R.'s Hackney Carriage and Private Hire driver licences.

Resolved: To revoke R.R.'s Hackney Carriage and Private Hire driver licences.

7 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 5 October 2021.

Chairman

(The meeting ended 8.11 pm)

Any queries regarding these minutes, please contact:
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