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Blackpool Council

16 May 2022

To: Councillors Baker, Brookes, G Coleman, Collett, Cox, Farrell, Hunter, Hutton, Matthews, O'Hara, D Scott, Sloman and Wilshaw (subject to confirmation at Annual Council on 18 May)

The above members are requested to attend the:

LICENSING COMMITTEE

Tuesday, 24 May 2022 at 6.00 pm
in Council Chamber, 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 21 SEPTEMBER 2021 (Pages 1 - 4)

To agree the minutes of the last meeting held on 21 September 2021 as a true and correct record.

3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE (Pages 5 - 8)

Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

4 POLICIES UPDATE (Pages 9 - 12)

To update the Committee on the status of policies within its area of responsibility.

5 LICENSING UPDATE (Pages 13 - 16)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 September 2021 to 30 April 2022 and to update the Committee on recent licensing enforcement activities.

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 Senior Advisor, 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

Baker	Cox	O'Hara	Wilshaw
Burdess	Farrell	D Scott	
G Coleman	Hunter	Sloman	

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

The Licensing Committee considered the minutes of the meeting held on 25 May 2021.

Resolved:

That the minutes of the meeting of the Licensing Committee held on 25 May 2021 be approved and signed by the Chairman as a correct record.

3 REVIEW OF SEX ESTABLISHMENT POLICY

The Licensing Committee was asked to consider approving the revised Sex Establishment Policy and recommend it to the Executive.

Mrs Sharon Davies, Senior Solicitor, highlighted the revisions to the Policy, in particular the amendments to the standard conditions for Sexual Entertainment Venues and the reduction in the number of sex establishments. As a White Ribbon accredited authority Blackpool Council intended to reduce the number of Sexual Entertainment Venues in the town from four to zero, although the policy would allow existing operators to carry on trading under "Grandfather Rights" provided that they continued to abide by their licence conditions and the premises remained in an area that the authority considered appropriate.

A period of consultation took place between 01 February and 31 March 2021 during which time a number of comments were received. Mrs Davies advised the Committee that further responses were received after the consultation closed from the National SEV Coalition and the Northern Sex Workers Collective who indicated that they had been unaware of the consultation until after the closing date. Having considered the comments, including the late responses, it was proposed that no further changes were

MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 21 SEPTEMBER 2021

required to the revised Sex Establishment Policy following the consultation.

The Committee acknowledged the late responses and agreed to take them into account to allow for a full and open consultation. Having reviewed all the comments it agreed on balance to recommend the revised Sex Establishment Policy to the Executive, subject to a minor typographical error being corrected as highlighted by Members.

Resolved:

1. That the late responses received to the consultation as attached to the agenda at Appendix 3b be taken into consideration.
2. That the comments received within the timeframe of the consultation as attached to the agenda at Appendix 3a be taken into consideration.
3. To recommend the revised Sex Establishment Policy to the Executive.

4 LICENSING UPDATE

The Licensing Committee received an update on the details of licences applied for, dealt with and appealed in the period 01 January to 31 August 2021 together with an update on licensing enforcement activities during that period.

Mrs Sharon Davies, Senior Solicitor, highlighted that the Licensing Service had been busy in recent months with 42 new Premises Licence applications being received in addition to a large number of applications to transfer and vary the Designated Premises Supervisor on Premises Licences. A number of Licensing Panel hearings were scheduled in the coming weeks to determine applications against which representations had been made and the Committee noted that the appeal against the decision of a Licensing Panel to vary the Premises Licences for the Lawton Hotel, Charnley Road and the Beechfield Hotel, Hornby Road had been concluded after the appellants withdrew their appeal.

Mr Lee Petrak, Licensing and Trading Standards Manager, updated Members on the work of the licensing enforcement team. Due to varying levels of Coronavirus restrictions remaining in place up until 19 July there had been limited enforcement intervention required around licensed premises in the first months of the year. Since the lifting of restrictions there had been an increase in minor noise complaints, some of which as a result of windows and doors being left open in contravention of Premises Licence conditions to aid air circulation as a Covid mitigation measure. Venues had been advised to be mindful of the volume levels and Mr Petrak reported there were currently no serious concerns with any licensed premises.

Taxis had continued to operate throughout the early part of the year during the lockdown period and vehicle inspection and enforcement activities had continued as normal. The Committee was advised of one serious incident in relation to a licensed driver which had resulted in the immediate revocation of their licence.

Resolved:

To note the update on licences considered, dealt with and appealed and to note the update on licensing enforcement.

MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 21 SEPTEMBER 2021

Chairman

(The meeting ended 6.33 pm)

Any queries regarding these minutes, please contact:

Sarah Chadwick Democratic Governance Advisor

Tel: 01253 477153

E-mail: sarah.chadwick@blackpool.gov.uk

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Report to:	LICENSING COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting:	24 May 2022

FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

1.0 Purpose of the report:

1.1 Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

2.0 Recommendation(s):

2.1 To agree to the formation of a politically balanced Public Protection Sub-Committee with a membership of 6.

2.2 Subject to the approval of 2.1 above, to note the membership of the proposed Sub-Committee as informed by the Group Leaders.

2.3 That the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.

2.4 To consider whether or not to appoint at this meeting, the Chairman and Vice-Chairman of the Public Protection Sub-Committee.

2.5 To request the Public Protection Sub-Committee to consider the start time of its future meetings.

3.0 Reasons for recommendation(s):

3.1 Following the recommended confirmation of the Committee structure at the Council meeting on 18 May 2022, if the Licensing Committee wishes to delegate functions to a Public Protection Sub-Committee such a body needs to be created.

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 Not to create a Public Protection Sub-Committee which would mean that all the functions previously delegated would remain the responsibility of the Licensing Committee.

5.0 Council priority:

5.1 The relevant Council priority is

- “Communities: Creating stronger communities and increasing resilience”

6.0 Background information

6.1 The Council at its meeting on 18 May 2022 will be asked to recommend to the Licensing Committee the re-appointment of a politically balanced Public Protection Sub-Committee with a membership of 6. The functions assigned to the Sub-Committee are as set out in Part 3 of the Council’s Constitution. The Council will be asked to recommend that the Sub-Committee continues to meet on a monthly basis.

6.2 The functions of the Licensing Committee under the Licensing Act 2003 would continue to be discharged by panels consisting of 3 members of the Licensing Committee. Members are reminded that these Panels are appointed as required by the Head of Democratic Governance.

6.3 If the Committee agrees to the creation of a Public Protection Sub-Committee, it should also consider whether it wishes to appoint a Chairman and Vice-Chairman at this meeting or to leave the appointments for consideration by the Sub-Committee itself.

6.4 The Council at its meeting on 18 May 2022 in line with previous years will not be recommended to agree a set meeting time for the Public Protection Sub-Committee as given the length of the previous meetings it is considered that 6pm may on occasion not be suitable. The Public Protection Sub-Committee would be asked to agree that meetings start at 6pm except where the business to be transacted will in the view of officers take significantly longer than two hours when a revised start time will be agreed after consultation with the Chairman and Vice-Chairman.

6.5 This report has been formulated based on approval of the recommendations related to the Political Balance by the Council at its meeting on 18 May 2022, which at the time of publication has not yet taken place. If the Council agrees decisions that are different from the recommendations then an update will be given to the Committee.

6.6 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 This Committee was reconstituted at the meeting of the Council on 18 May 2022 and as such the Public Protection Sub-Committee has to be reconstituted for this Municipal Year, in order for it to carry out its duties.

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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Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Head of Public Protection
Date of Meeting	24 May 2022

POLICY UPDATE

1.0 Purpose of the report:

1.1 To update the Committee on the status of policies within its area of responsibility.

2.0 Recommendation(s):

2.1 To note the update.

3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to ensure that relevant policies are kept under regular review.

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.

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 Licensing Committee is responsible for keeping policies within its area of responsibility under regular review to ensure that they remain fit for purpose.

5.2 Statement of Licensing Policy - Licensing Act 2003

This is a statutory policy, requiring review at least every five years. The current policy took effect on 11 February 2021. A full review and consultation exercise is not scheduled to take place until 2025 but this does not prohibit an earlier review if required.

5.3 Statement of Policy and Principles - Gambling Act 2005

This is a statutory policy requiring review every three years. This policy is due for a review. The Licensing Committee will be asked to consider a draft document for consultation at its next meeting.

5.4 Hackney Carriage and Private Hire Licensing Policy

The current policy took effect in February 2018. A full review is underway and the Public Protection Sub-Committee will consider a draft document at its meeting in June 2022. If approved for consultation, the Licensing Committee will be invited to consider a proposed policy at a meeting in the autumn, potentially a special meeting in October.

5.5 Horse Drawn Hackney Carriage Licensing Policy

This policy took effect in 2016. A full review is required. Officers aim to prepare a consultation document for consideration at the Public Protection Sub-Committee meeting in September 2022.

5.6 Sex Establishment Policy

This policy was reviewed in 2021 and is scheduled for review in 2026.

5.7 Does the information submitted include any exempt information? No

5.8 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.

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Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Head of Public Protection
Date of Meeting	24 May 2022

LICENSING UPDATE

1.0 Purpose of the report:

1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 September 2021 to 30 April 2022.

2.0 Recommendation(s):

2.1 To note the update on licences considered, dealt with and appealed.

3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the Licensing Service.

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.

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 During the period 1 September 2021 to 30 April 2022, the Licensing Service received 25 applications for new Premises Licences. Of those applications, 17 were granted administratively as no objections were received and 2 are still in the representation

period.

5.2 The following were granted administratively:

B&M Store – Holyoake Avenue
Scream & Shake - 33 Birley Street
73 Victoria Street
Blackpool Service Station - 189 Preston New Road
Squires Gate Convenience Store – 301 Squires Gate Lane
Back Yard Bistro – 266 Whitegate Drive
Mamas – 36/40 Topping Street
Redbank News – 143 Redbank Road
Arcade Club – 74 Bloomfield Road
North Crest – 22 King Edward Avenue
Re Italiani – 513 Lytham Road
Eastern Balti – 227/229 Dickson Road
Thai Café – 66/68 Highfield Road
Pablos – 491/493 Promenade
Cosy Nook – 52 St Chad’s Road
Oak Lea Hotel – 83-87 Albert Road
Subway – Market Street

5.3 The following applications were considered at a hearing:

Seagulls Mini Mart – 1-3 Dean Street – refused
253 Fleetwood Road – refused
Marvins – 19-23 Highfield Road - granted

5.4 The following applications were withdrawn:

KT Convenience Store – 39 Torsway Avenue
Riversvale Hotel – 79/81 Lord Street

5.5 The following application is to be considered at a hearing:

KFC – 160-170 Devonshire Road – hearing 31 May 2022

5.6 The following applications are still within the representation period at the time of writing:

Unit 3 Clifton Trading Park, Brinwell Road – last date for representations 3 June 2022
424/428 Waterloo Road – last date for representations 22 May 2022

- 5.7 During the same period, the Licensing Service also received 12 variation applications, 127 vary Designated Premises Supervisor applications and 48 transfers of Premises Licence.
- 5.8 No reviews have been received during this period.
- 5.9 There is one appeal listed for hearing at the Magistrates' Court. A public objector has appealed against the panel's decision to grant a Premises Licence for Marvins, 19-23 Highfield Road, Blackpool. This appeal is listed for hearing on 8 June 2022.
- 5.10 Does the information submitted include any exempt information? No
- 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.