

Public Document Pack  
**Blackpool Council**

Dear Councillor

**PUBLIC PROTECTION SUB-COMMITTEE - TUESDAY, 12TH JULY, 2022**

Please find attached additional information for Tuesday, 12th July, 2022 meeting of the Public Protection Sub-Committee, which were received after the agenda had been despatched.

<b>Agenda No</b>	<b>Item</b>
3	<b><u>APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE - 15-17 QUEEN STREET (Pages 1 - 22)</u></b>
	Applicant additional information
	Objector additional information

Yours sincerely

Sarah Chadwick  
Democratic Governance Senior Advisor

Please ask for:

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## APPLICATION FOR A SEX ENTERTAINMENT VENUE LICENCE

### MYSTIQUE, 15-17 QUEEN STREET BLACKPOOL

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#### SUBMISSION ON BEHALF OF THE APPLICANT

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1. This is an application on behalf of UK Exclusive Entertainments Ltd, trading as “Mystique”, located at 1st & 2nd Floor, 15-17 Queen Street, Blackpool. The application was submitted on 29 April 2022.
2. There has been one anonymous and one identified objection to the application. The identified objection has been made on behalf of Mr Mark Newton, of AA Entertainment 1 Limited, and AA Recreation 1 Limited. Mr Newton is clearly a trade objector whose resistance to the grant of this application is based upon competition.
3. The anonymous objection appears clearly also to be from a trade objector, and it refers exclusively to the application of the Council’s SEV policy. It is assumed that the anonymous objection comes from Mr Sayers, the previous lessee, and holder of the SEV at 15-17 Queen Street. Mr Newton did a “deal” with Mr Sayers, to “buy” the SEV off him, which was entirely illegitimate. Mr Sayers has therefore taken money off Mr Newton, and may be attempting to placate him by supporting him with an objection to the licence going away from Mr Newton.
4. The Council’s Sex Establishment Policy that applies to this application is that dated 2021-2026. This states that the Local Authority may refuse an application “if it is satisfied that the number of sex establishments of a particular kind in the relevant locality at the time the application is made, is equal to or exceeds the number, which the authority considers is appropriate for that locality”. The Council has determined that the appropriate number of sexual entertainment venues in the Bloomfield, Claremont and Talbot Wards is nil. This is subject to the continuation of the licences of the SEVs that were already there at the time that the Policy was made.

5. The current case is an extraordinary one, that should be granted as a clear exception to the policy, in that the premises at 15-17 Queen Street did benefit from a licence, until the time that the Council wrongly allowed the transfer of it to Mr Newton. This should never have happened. The circumstances of this wrongful transfer are currently being examined in the context of the appeal to the Magistrates' Court. The Council accepted an application to transfer the licence to Mr Newton in 2020. Mr Newton had no rights of ownership or occupation over the premises at 15-17 Queen Street, for which he was making the application. This, and his lack of transparency in making the application in the first place, obviously made him an unsuitable person to hold the licence, and the transfer application should have been refused. Bizarrely, it was granted, and Mr Newton has used the SEV licence for these premises as a bargaining tool and to secure commercial advantages for himself ever since. This is entirely inappropriate, and the Council should never have allowed itself to become associated with this exercise. Having done so, the Council has precipitated a series of events, which has finally culminated with the unavoidable necessity of this application. Those with rights to the venue - Mr Moseley ( freeholder and landlord) and Mr Rafael Suski ( Leaseholder and operator) have had no choice but to make an application for a new licence. Several attempts have been made to transfer the licence back to legitimate hands, but Mr Newton has thwarted those efforts. This is what has caused the delay.

6. The Council should certainly approach this application as the extraordinary situation that it is, and should not apply the latest Policy or refuse it on that basis. This case is a very clear exception to the Policy. This will be expanded upon at the Committee Hearing.

7. Mr Newton, the objector, holds other SEV licences in Blackpool, including SEV00005 at 132-134 The Promenade, Blackpool FY1 1RA. Mr Newton has conceded that this licence is in an inappropriate location for Blackpool, as he has offered to surrender it. This offer will, no doubt, be made good at the next renewal application for that licence.

8. Mr Newton has also made an application for a new SEV licence at 11-13 Queen Street, Blackpool FY1 1NL - the application was submitted on 8 April 2021 This property

is next door to 15-17 Queen Street. It is obvious, ( and Mr Newton concedes in terms) that it would be totally inappropriate to have two SEV's next door to each other.

9. Mr Newton is on record as having said that he wants to hold all the SEV's in Blackpool. This would be a very negative monopoly, and bad for trade in Blackpool.

10. Mr Newton was originally going to sign a lease with Mr David Moseley, of Pool Construction Limited, the freeholder and landlord of 15-17 Queen Street. He was in negotiations with Mr Moseley for the lease, but Mr Newton conducted himself in such a way, and proposed such unacceptable terms and conditions that Mr Moseley decided to refuse to assign him the lease. Mr Newton has been hostile to Mr Moseley ever since.

11. Mr Moseley sought to deprive Mr Newton of the SEV licence for his property by making an application to transfer it to himself. This was primarily to end the ransom situation that Mr Newton had created by transferring the SEV to him. Mr Moseley made it plain at all times that he did not have experience at running SEVs, and would not be intending to run the premises himself. He wanted to instate Mr Rafael Suski as his lessee and operator. There was not time to prepare the application for transfer in Mr Suski's name in June 2021, and therefore it was presented by Mr Moseley. Mr Moseley was in difficulty in securing a new tenant for the property without the licence. Mr Rafael Suski signed the lease in his company name of RMS Coastal Resorts Investments, at the time of the hearing of the transfer application to Mr Moseley. Mr Suski is sole director and 100% shareholder of this company. The Committee was informed of this. The Committee was considering Mr Moseley as prospective licensee, and not Mr Suski, however.

12. It is also correct that the Committee decided that Pool Construction Limited (Mr Moseley) was unsuitable to hold the SEV Licence. The allegations of regulatory non-compliance are not conceded, but this is not relevant to these proceedings. These would form part of the Magistrates' Court appeal, if that becomes necessary.

13. Mr Moseley appealed against the refusal to transfer the licence to himself, and that appeal is now at Blackpool Magistrates' Court. It is entirely incorrect that the lodging of the appeal was a "delaying tactic", as the Mr Newton contends. There is no advantage in a long delay, either to Mr Moseley or to Mr Suski, and this contention has no logical basis. It is Mr Newton who has sought to subvert the proper progress of this licence.

14. Mr Suski made an application to transfer the licence to himself, to regularise the position, and avert the need for the Magistrates' Court appeal. The day before the Committee hearing to transfer the licence, on 24 May 2022, Mr Newton tactically surrendered the licence, meaning that there was nothing left to transfer. This wasted the time and costs of all involved, and frustrated the proceedings.

15. It is clear that the Magistrates' Court does not regard the progress of this appeal as a "delaying tactic" or it would not countenance it. The situation has been explained very carefully to the District Judge by Counsel, in the presence of the Council's Solicitor, and the District Judge understood entirely, and acceded to a relatively long adjournment in order to resolve matters. It is Mr Newton who has thwarted that process.

16. When Mr Newton says in his objection that: "The SEV Licence at 15-17 Queen Street has now expired and the only way it can be restored is by the Magistrates Court concluding that the Committee's decision to refuse the transfer was wrong", what he fails to mention is that the licence has expired because he deliberately and tactically surrendered it at the most inconvenient moment possible. It is Mr Newton who has employed delaying tactics. He has, all along, used this SEV licence as a weapon to attempt to harm his competition. This is not honourable behaviour and reflects badly upon him as an operator.

17. Mr Newton is quite wrong, practically and legally to say:

"In our view, Pool Construction Limited must now conclude its appeal before any subsequent SEV Licence applications in relation to this site can be determined. This is a view that is shared by the Council's Sub-Committee, as it has already deferred its decision on our client's application for a new SEV Licence. On 8 September 2022 [ sic], a final decision on our client's application for a new SEV Licence at 11-13 Queen Street was deferred "until the Magistrates' Court has determined Mr Moseley's appeal". A copy of that decision letter is attached – see Appendix B."

This is not a tenable position, as the Council has now realised. On the contrary, the Court has adjourned on more than one occasion, expressly in order to allow the Council to conclude these Committee proceedings. It would be tantamount to an abuse of process now for the Committee to refuse to do so, and to seek a conclusion to the appeal first.

That would be the diametric opposite of what the Council's Solicitor has said in open Court. Mr Newton is not a party to the appeal proceedings, and has not been present in Court, and so has no idea of what has been submitted to the District Judge. It is entirely the opposite of what he is suggesting to the Committee now. The appeal will not, therefore, be concluded before this Committee must determine these two SEV applications. There is no reason for any further delay.

18. It does not strictly matter which of the two applications currently before the Committee is determined first. Mr Newton's application certainly does not "have priority", as he claims. The order in which the applications were submitted is irrelevant. In real terms, the efforts to reclaim the SEV licence for 15-17 Queen Street from Mr Newton have been going on longer, one way or another. The fact that a new application by Mr Suski has been made necessary at all is only as a result of Mr Newton's tactical game playing. Both applications have been listed before the Committee at the same time. It is proper for the Council to have an awareness of both, particularly the fact that the venues are next to each other, before making a decision on each. There is no need to consider each application in a "silo" - that would be impractical, and would lead to suboptimal decision making.

19. In either order, Mr Suski's application should be granted, and Mr Newton's application must be refused. Mr Newton's application has already been adjourned once, because the Committee were unable to conclude that he was a suitable applicant with premises in a suitable location. Nothing has changed since, and no further evidence is available to the Committee, so they have no choice other than to conclude that Mr Newton and his premises are *not* suitable.

20. The premises at 11-13 Queen Street are unfit for purpose and specifically unsuitable for an SEV. Mr Newton is also an unsuitable candidate, and this has been represented in the objection previously made on behalf of Mr Moseley to his application. It is obvious that he is an unsuitable candidate because of the lack of transparency with the Council in the way that he obtained the transfer of the SEV for 15-17 Queen Street in the first place. The Council has been entirely misled by Mr Newton, causing the grave difficulties that we now find ourselves in.

21. The Council owe it to Mr Moseley and Rafael to get this one sorted first, as this pre-dates Newton's application next door. The fact that this current SEV application was made most recently is only because of the game playing that has gone on so far. This is the third attempt ( not including the appeal) to sort this situation out. It is all Newton's fault.

22. Mr Newton objects to the grant of a new SEV Licence to UK Exclusive Entertainments Limited for the following reasons:

(a) That the applicant is unsuitable to hold the licence.

Mr Newton sets out the facts in relation to Mr Suski's company, but there is no particular relevance or issue. Mr Suski and Mr Moseley have entered into an arm's length commercial lease for 15-17 Queen Street. The Council's Officers and Police have been able to examine the arrangement and are perfectly content with it. Mr Newton's dramatic allegations of "coercion" are entirely fictitious and baseless, and rather extraordinary. Mr Newton has no evidence or basis whatsoever for what he says. There is no need for a "clean" company, as there was nothing underhand about Mr Moseley or his company previously. The Committee decided that Mr Moseley was not the right man to run the SEV licence. Mr Moseley did not want to run it at any time. Mr Suski was put forward at Mr Moseley's application for transfer in 2021: his position has always been consistent. Mr Moseley was trying to get the licence back from Mr Newton, who was holding him to ransom. Mr Moseley had no intention of actually operating the premises, and it was always Mr Suski who was going to do this, as was clearly explained to the Committee in 2021. Mr Suski is a well known licensee in Blackpool, and is respected by the Officers. Mr Suski absolutely does have a clean record of compliance, and Mr Newton's allegations in this regard are false and misleading. If Mr Suski did not have a clean record of compliance, then the Officers of the Responsible Authorities would be reporting it to this to the Committee. It is to be noted in this regard that the Officers have not repeated any allegations that were being made at the time of the application for transfer to Mr Moseley in 2021, with regard to compliance with COVID regulations. Those contentions, relating to Shadow Bar, South Beach, between April and June 2021 were not accurate in their particulars, and did not reflect on Mr Suski. The visits in May and June were not about Coronavirus Regulation compliance. It is not appropriate for Mr Newton to repeat those

allegations at this time when the Authorities ( who were involved with investigation and compliance during the pandemic) have withdrawn this evidence and place no reliance upon it. The Committee should therefore disregard any “evidence” submitted by Mr Newton in relation to an earlier application that has since been withdrawn by the Officers who originally submitted it. Mr Suski has maintained consistently that he did not breach Coronavirus Regulations. He received no letters; no warnings; no fixed penalties and no further intervention. He has never received any interventions on his licences. Mr Suski met with Police Officer Emma Pritchard, and Mr Lee Petrak in relation to music, and they indicated that they might send an Environmental Health Officer to measure noise output. Mr Suski agreed to cooperate with any such visit, but nobody ever attended. No Officer raises anything in this regard now, and it would be entirely irrelevant to an SEV application at totally unrelated premises.

23. Mr Suski does not operate 15-17 Queen Street currently “in breach of its licence conditions”. It is not clear where Mr Newton has got this allegation from, but it is entirely false. The conditions on the premises licence do not require the sale of food on the ground floor, and there are no issues with the number of seats. There have been numerous visits from Council and Police Officers to the premises. There has been correspondence with the Council Officers in relation to conditions. No allegation has been made by any Council or Police Office about breach of conditions, and Mr Newton is simply wrong in this regard. Officers have confirmed that they have a good working relationship with Mr Suski, and have no complaints about him. The licence will be run impeccably, as Mr Suski’s other premises have and are being. There are no substantiated complaints about him whatsoever.

24. Any licence condition in relation to adult entertainment can be made commensurate with the SEV that is granted. This is clearly not a reason to refuse the SEV. It is not uncommon to have authorisations that need to be reconciled with one another.

25. Mr Newton’s objection “Ground b” is likewise rejected. The business will not be managed by or carried on for the benefit of Mr Moseley. The situation is entirely transparent, and exactly as it was described at the time of the application for the transfer to Mr Moseley, at which time Mr Suski attended the Committee hearing on 22 June 2021, and it was explained who he was, and what his future role would be. Mr Moseley has

signed an arm's length lease with Mr Suski. Mr Moseley benefits from the rent from the lease. It is an irrelevance to him how well or otherwise Mr Suski fares with the profitability of the SEV licence. The rent remains the same. The SEV is not being run for Mr Moseley, who has nothing to do with it. The only reason Mr Moseley ever attempted to get involved was to try to get the SEV licence back from Mr Newton, who should never have held it in the first place. This has all been made clear.

26. Furthermore, Mr Suski has taken out an option to purchase the property from Mr Moseley. There is no sense in which this application is a "front for Pool Construction Limited and/or Mr Moseley", as Mr Newton contends, and Mr Newton is simply creating drama to try to thwart his competition.

27. Mr Suski has operated numerous hotels in Blackpool for the last 10 years and has had many visits from the Police, Fire Brigade and Local Authority. He has formed excellent relationships with the Local Authority in particular, including Licensing, Health and Safety and Safety, Trading Standards and Commercial Waste. He is an entirely suitable candidate for this SEV licence.

28. It is high time that this situation with the SEV licence for 15-17 Queen Street was regularised.

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## **AA ENTERTAINMENT 1 LIMITED/AA RECREATION 1 LIMITED**

### **NEW SEV, 15-17 QUEEN STREET, BLACKPOOL**

#### **OBJECTOR'S ADDITIONAL SUBMISSIONS**

- Detailed grounds of objection to the new SEV Licence made by UK Exclusive Entertainments Limited (“Applicant”) for 15-17 Queen Street are set out in a letter dated 26 May 2022, which is included in the Committee report. Those grounds of objection stand. These submissions are additional points in relation to the Applicant’s written submissions.
- [Paragraph 2] The Applicant states that Mr Newton (via his limited companies) is a trade objector and that the objections are based on competition. The LG (MP) Act 1982, Schedule 3, paragraph 15 authorises “any person” to object to an application for a new SEV Licence. Objections made by other SEV operators are just as valid as any other objection.
- [Paragraph 5]. The Council’s Sexual Establishment Policy 2021-2026 (“SEP 2021-2026) at s.3.3, under which this application must be considered, is quite clear that the nil cap applies “where, however a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers”. The pre-existing SEV has lapsed. There is no exception to the Council’s SEP 2021-2026 for premises that have previously been licensed.
- [Paragraph 5] This application is only concerned with the suitability of the applicant, UK Exclusive Entertainments Limited (Directors and beneficial owners: Rafael Suski and Robert Norton) to hold a SEV Licence. The applicant states that Mr Newton is “an unsuitable person to hold the licence”. Whilst this is irrelevant for the purposes of this application, Mr Newton must point out that at a hearing on 20 September 2021, the Sub-Committee concluded that he was “an experienced operator of SEV venues in Blackpool” and suitable to hold a licence.
- [Paragraph 7] This is again irrelevant, but Mr Newton has never said that the SEV Licence for 132-134 The Promenade, Blackpool is in an inappropriate location, nor has he ever offered to cancel or surrender this

SEV Licence. It is the SEV Licence at 169 The Promenade which Mr Newton has offered to cancel on a like-for-like basis, subject to the grant of a SEV Licence for 11-13 Queen Street.

- [Paragraph 8] There is no SEV Licence currently in force at 15-17 Queen Street. If the SEV Licence for 11-13 Queen Street (decision deferred) were granted, the only way there could be two SEVs next door to each other would be if either (a) Mr Moseley’s appeal is granted (he would be required to persuade the Magistrates’ Court that the Sub-Committee’s decision to refuse to transfer the licence to him was wrong); or (b) if the Sub-Committee grant a new SEV Licence at 15-17 Queen Street, which would be in breach of the Council’s nil cap, stated in its SEP 2021-2026.
- [Paragraph 9] There are currently 3 SEV Licences in force in Blackpool. Mr Newton holds 2 of those licences. If his SEV Licence application for 11-13 Queen Street is granted, he will still only hold 2 licences as he has offered to cancel the licence at 169 The Promenade on a like-for-like swap basis. This is not a monopoly situation.
- [Paragraph 14] AA Recreation 1 Limited (a company controlled by Mr Newton) was the holder of a SEV Licence at 15-17 Queen Street. This SEV Licence lapsed on 19 May 2022, when the renewal application was withdrawn. Mr Moseley objected to the renewal of the SEV on procedural and other grounds and now complains that the renewal was withdrawn – he cannot have it both ways. It is not correct that “Mr Newton tactically surrendered the licence” – he did not surrender the licence and there is no obligation on a licence holder to proceed with the renewal of a licence, particularly where objections have been made. The Council was notified of the withdrawal of the SEV renewal on 19 May 2022, well in advance of the hearing on 24 May 2022. If there were delays notifying the parties of the withdrawal of the SEV renewal, that was nothing to do with Mr Newton.
- [Paragraph 18] A decision on the application made by AA Recreation 1 Limited for a new SEV Licence at 11-13 Queen Street was deferred by the Sub-Committee. We simply make the point that these two applications must be determined in order of submission (and under different Sex

Establishment policies). To do otherwise would be illogical. [Paragraph 21] It is incorrect that “this pre-dates Newton’s application next door”. The application for a new SEV at 11-13 Queen Street was made on 8 April 2021. This application for a new SEV Licence at 15-17 Queen Street was made on 29 April 2022, more than a year later (and when the new SEP with a nil cap was in force).

- [Paragraph 19] The applicant states that “the Committee were unable to conclude that [Mr Newton] was a suitable applicant with premises in a suitable location.....so they have no choice other than to conclude that Mr Newton and his premises are not suitable”. This is completely incorrect and misleading. The Council’s decision letter of 20 September 2021 states “The Sub Committee were not persuaded by the argument that Mr Newton (and therefore his company) are unsuitable to hold a licence. Mr Newton is an experienced operator of SEV venues in Blackpool.....Mr Newton’s honesty and integrity cannot be called into question for raising the concerns [about Mr Moseley] to the Sub-Committee, which they felt sufficient to refuse the transfer application”.
- [Paragraph 20] Whilst these points are not relevant to the new SEV application, suggestions that 11-13 Queen Street is unfit for purpose and/or unsuitable for a SEV and that Mr Newton is an unsuitable candidate are incorrect. The Sub-Committee considered the application and did not have any such concerns. A final decision on the licence application was simply deferred, due to the ongoing appeal by Mr Moseley.
- [Paragraph 22 and application form] The application form states that “a 10-year lease is held by RMS Coastal Resorts Investments Limited, taken out in May 2021 with an option to buy. The Sub Lease is held by UK Exclusive Entertainments Ltd, the applicant for this application”. Paragraph 22 states that “Mr Suski and Mr Moseley have entered into an arm’s length commercial lease for 15-17 Queen Street”. Enquiries have been made with HM Land Registry to verify whether these statements are correct. It is a legal requirement to register any lease in excess of 7 years

against the landlord's title<sup>1</sup> - failure to register a lease means that it is not a valid legal lease. There is no record of any lease having been registered against Mr Moseley's freehold title at HM Land Registry. A copy of the property title register is attached. A registered lease would appear on the freehold title register in the leasehold register. This suggests that, either (a) there is no such 10-year lease (which could constitute a false declaration on the application form); or (b) the lease has not been registered, which would be a breach of the legal requirement to register it. It should be noted that the title register shows that the property has been recently mortgaged and this charge has been registered against the freehold title.

- [Paragraph 22] The fact officers have not made objections to this SEV application does not mean that there were no COVID regulations breaches at premises operated and controlled by Mr Suski. A copy of the Council's FOI response in relation to alleged breaches of COVID regulations at premises controlled by Mr Suski are attached.
- [Paragraph 23] 15-17 Queen Street has rarely been open as a bar since COVID. The Premises Licence<sup>2</sup> relating to this site shows the conditions attaching to it. Notes from a licensing officer visit made to "Shadow Queen, 15-17 Queen Street" on 10 September 2021 indicates that a condition of the licence was being breached (no seating on the ground floor for at least 50 people). On that occasion, management in control indicated that a licence variation would be applied for, but there is no record of any variation having been submitted. It should also be noted that it is a condition of the Premises Licence (Annex 2, condition 2) that "no entertainment of an adult nature will take place on the premises". Operating a SEV in this location would therefore be a breach of this licence condition.

The Sub-Committee is requested to apply the Council's SEP 2021-2026 and to refuse the grant of the SEV Licence on the basis of its nil cap and the unsuitability

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<sup>1</sup> <https://www.gov.uk/government/publications/leases-when-to-register/practice-guide-25-leases-when-to-register>

<sup>2</sup>

[https://licensing.service.blackpool.gov.uk/PAforLalpaLIVE/1/LicensingActPremises/Search/971/Detail?LIC\\_ID=8992](https://licensing.service.blackpool.gov.uk/PAforLalpaLIVE/1/LicensingActPremises/Search/971/Detail?LIC_ID=8992)

of the applicant, UK Exclusive Entertainments Limited. The grounds for refusal will be expanded at the hearing.

Richard Williams, Solicitor

Keystone Law 11.07.22



## Title register for:

**15 Queen Street, Blackpool, FY1 1NL (Freehold)**

**Title number: LA969300**

Accessed on 05 July 2022 at 19:42:56

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



**This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.**

## Register summary

**Title number** LA969300

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**Registered owners** DAVID MOSELEY

656 Lytham Road, Blackpool FY4 1RG

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**Last sold for** £500,000 on 04 August 2005

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## A: Property Register

This register describes the land and estates comprised in this title.

Entry number	Entry date	
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1	2004-10-19	BLACKPOOL
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The Freehold land shown edged with red on the plan of the above title filed at the Registry and

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being 15/17 Queen Street, Blackpool (FY1 1NL).

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2	2004-10-19	<p>A Conveyance of the land in this title dated 16 November 1911 made between (1) Thomas Edward Topping and John James Topping and (2) Ellis Harrison contains the following provision:-</p> <p>"It is hereby declared that the walls dividing the hereditaments and premises hereby conveyed from the adjoining hereditaments and premises on the easterly side shall be deemed to be a party wall and maintained and repaired as the joint expense of the respective owners for the time being of the properties separated thereby."</p>
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## **B: Proprietorship Register**

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

**Class of Title:** Title absolute

<b>Entry number</b>	<b>Entry date</b>	
1	2005-08-10	PROPRIETOR: DAVID MOSELEY of 656 Lytham Road, Blackpool FY4 1RG.
2	2005-08-10	The price stated to have been paid on 4 August 2005 was £500,000.
3	2022-03-17	RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 17 March 2022 in favour of Together Commercial Finance Limited referred to in the Charges Register.

## **C: Charges Register**

This register contains any charges and other matters that affect the land.

**Class of Title:** Title absolute

<b>Entry number</b>	<b>Entry date</b>	
1	2004-10-19	A Conveyance of the land in this title and other land dated 23 April 1851 made between (1) Robert Dickson and (2) Thomas Topping contains restrictive covenants.  NOTE: Copy filed.
2	2022-03-17	REGISTERED CHARGE dated 17 March 2022.
3	2022-03-17	Proprietor: TOGETHER COMMERCIAL FINANCE LIMITED (Co. Regn. No. 2058813) of Lake View, Lakeside, Cheadle SK8 3GW.

## **Freedom of information results.**

### **Freedom of information request results for licensing visits to the following venues:**

- Shadow Queen 15 -17 Queen St.
- South Beach Kings 465 – 467 South Promenade.
- Shadow Bar 19 – 23 Clifton Street.

### **Saturday 17/04/2021**

#### **South Beach Kings (shadow south)**

Outside speakers in use after 21.00 advice given to keep music low level as per government advice re covid transmission.

### **Saturday 08/05/2021**

#### **South Beach Kings (Shadow South)**

Outside speakers in use after 21.00, customers also observed standing up and dancing in outside area. Duty manager spoken to regarding covid secure obligations.

### **Monday 17/05/2021.**

#### **Shadow Clifton Street (first day customers allowed back in premises)**

Female observed leaving premises with glass of alcohol female was drunk staggering across road. Doorman spoken to who walked over removed glass from female. Advice given to be more vigilant towards customers exiting premises.

### **Saturday 29/05/2021.**

#### **South Beach Kings**

DPS [REDACTED] spoken to again in relation to volume of music in the car park area (utilised outside space) which was supposed to be background music to prevent possibility of covid transmission and noise nuisance. Instructed to reduce volume of music.

### **Saturday 12/06/2021**

#### **South Beach Kings**

Attended in company with PPO Ratcliffe and PPO Nicci Todd where Nicci Todd spoke to [REDACTED] regarding the volume of music in the car park and Nicci spoke to the DJ playing music and confirmed a reasonable volume the music should be being played at. [REDACTED] was not present and [REDACTED] was unable to give a reasonable excuse as to his absence.

### Saturday 19/06/2021

#### **South Beach Kings**

Nicci Todd spoke to [REDACTED] and handed over paperwork in relation to noise complaints received regarding the volume of music being played in the car park (utilised outside space) [REDACTED] [REDACTED] not present at premises no reason given. But [REDACTED] stated [REDACTED] was to be undertaking a new role in the company but did not say what this was to be.

### Saturday 26/06/2021

#### **Shadow Clifton Street**

Premises was busy but appeared controlled

### Friday 10/09/2021

#### **Shadow Clifton Street**

On arrival outside the premises at 23.15 no door staff on the door. On entering premises observed a female door staff member engaged in conversation with bar staff. This was at the furthest most point away from the door. This female only moved back to the door on hearing I was from licensing and asking to speak to DPS who was not present on site. A short time later [REDACTED] arrived stating she was in charge and that [REDACTED] who is nominated DPS was at Shadow Queen Street. Advised of our observations and instructed to ensure door staff were in place at all times when on duty.

#### **Shadow Queen Street.**

Spoke to [REDACTED] who was standing outside premises DPS not available advised [REDACTED] that the premises were operating in breach of licence conditions as on the ground floor area there should be seating for at least 50 people at all times. And that a variation of the licence should be applied for and that the DPS and licence holder should sit down and check through all licence conditions to see if there was anything else they felt required changing on the conditions. [REDACTED] stated that this was on going and a variation would be applied for. At time of visit there were only approx. 10 people in the ground floor area with no seating for 50 people and customers encouraged to go upstairs.

### Saturday 09/10/2021

#### **Shadow Queen**

One male observed being ejected from the premises, this male was extremely aggressive and kept returning to front door. Doorstaff acted appropriately with this male.

**Summary of Visits by Public Protection - South Beach Kings Promenade Hotel (Shadow Bar South Beach), 465 – 467 South Promenade & Shadow Bar, 19 -23, Clifton Street**

16<sup>th</sup> April 2021

Shadow Bar South Beach - Officers observed issues around the music level and use of external speakers, officers observed patrons getting up and dancing.

17<sup>th</sup> April 2021

Shadow Bar South Beach – Officers observed loud music playing from external speakers after 21.00hrs, officers identified [REDACTED] as the person in managerial control on site and he was advised to turn the music off, which he complied with. On further investigation the manual list being maintained for the purposes of track and trace was unsatisfactory, not all names and phone numbers of every patron had been recorded and officers advised on keeping the correct information.

24<sup>th</sup> April 2021

Shadow Bar South Beach – Officers observed loud music form the external speakers, staff and the DJ were informed to keep music low and to a background level.

8<sup>th</sup> May 2021

Shadow Bar South Beach – Officers attended and spoke to [REDACTED] following a complaint from a taxi driver of people standing up & dancing the previous night (video evidence provided by complainant). [REDACTED] stated there was a couple of instances when customers had got rowdy and on each occasion music was stopped until they sat down. Advised to keep a close eye on customers and ensure they remain seated.

17<sup>th</sup> May 2021

Shadow Bar – Officers observed customers leave the premises with an alcoholic drink in a glass and stand across the road. Door supervisor advised of the observations and the glass was subsequently removed from the customers, door supervisor reminded of their responsibility to ensure glasses are not removed from the premises.

21<sup>st</sup> May 2021

Shadow Bar – Officers attended and observed groups of girls being allowed to stand up and dance. Manager turned the music off during the visit, that caused the patrons to start clapping and chanting. Officers had a heated discussion with the manager on site regarding covid safety measures.

Shadow Bar South Beach – Officers attended and spoke to [REDACTED] regarding the music level from the external speakers and large group of people sat at different tables but very close together congregating and messing about.

22<sup>nd</sup> May 2021

Shadow Bar – Officers attended and advised on the volume of music and it being at a background level. Spoke to manager and informed that if it does not stay at a background level then we would need to look at having it at a set level. Music was above background level at time of visit, went back later on and it had been lowered.

29<sup>th</sup> May 2021

Shadow Bar South Beach - Spoke to the DPS [REDACTED] who was outside in his car talking to [REDACTED] DPS of Shadow bar on Clifton St. Explained the music was always too loud in the outside area and he should be in control of it, the bass level in particular was extremely loud on officers arrival. [REDACTED] then stated [REDACTED] would be coming off the licence as DPS as [REDACTED] was his business partner in hotels they were involved in and someone else would be nominated as DPS for South Beach Kings & Shadow bar that would be at the venues constantly

Shadow Bar – Officers attended and reminded the staff regarding music level to be at a background level.

5<sup>th</sup> June 2021

Shadow Bar South Beach – Officers attended on 2 separate occasions regarding excessive music levels from external speakers, warnings given by officers on both occasions to ensure music is kept at a background level.

12<sup>th</sup> June 2021

Shadow Bar South Beach - Officers attended regarding music level in the outside area, DJ set outside, the music was very loud and could be clearly heard at the junction of Waterloo Road. Spoke to [REDACTED] and the DJ about the music. Music level was lowered by the DJ and then subsequently turned up again while officers were still on site. [REDACTED] demonstrated no control over the actions of the DJ.

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