

# Public Document Pack

# Blackpool Council

16 May 2022

To: Councillors Collett, Cox, Farrell, Hunter, Hutton, D Scott and Wilshaw (subject to confirmation at Licensing Committee)

The above members are requested to attend the:

## **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 24 May 2022 at 6.15 pm  
(or at the conclusion of the Licensing Committee meeting, whichever is later)  
in the Council Chamber, Town Hall

## **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 26 APRIL 2022**

(Pages 1 - 6)

To agree the minutes of the last meeting held on 26 April 2022 as a true and correct record.

**3 APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE (Pages 7 - 44)**

To consider an application by AA Recreation 1 Ltd to renew the Sexual Entertainment Venue (SEV) licence for First and Second Floor, 15 – 17 Queen Street, Blackpool.

**4 APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE (Pages 45 - 92)**

To consider an application by UK Exclusive Entertainments Ltd to transfer the Sexual Entertainment Venue (SEV) licence for First and Second Floor, 15 – 17 Queen Street, Blackpool.

**5 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE (Pages 93 - 136)**

To consider an application by AA Recreation 1 Ltd for a Sexual Entertainment Venue (SEV) licence for “Dreams” 11 – 13 Queen Street, Blackpool.

**6 DATE OF NEXT MEETING**

To note the date of the next meeting as 21 June 2022.

**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 Adviser, Tel: (01253) 477153, e-mail [sarah.chadwick@blackpool.gov.uk](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Collett  
Cox

Farrell  
Hunter

D Scott  
Wilshaw

### **In Attendance:**

Sharon Davies, Senior Licensing Solicitor

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **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 three, Horse Drawn Hackney Carriage Driver Licence, item four, Private Hire Driver Licences and item five Use of Delegated Powers – Revocation of Private Hire Driver's Licence.

### **3 MINUTES OF THE LAST MEETING HELD ON 29 MARCH 2022**

**Resolved:** That the minutes of the meeting held on 29 March 2022 be approved and signed by the Chair as a correct record.

### **4 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE**

The Sub-Committee considered a new application for a Horse Drawn Hackney Carriage Driver Licence, JS, who had failed to declare convictions for offences on their application for a new licence.

Mr Ryan Ratcliffe, Licencing Enforcement Officer, presented the case and explained that upon receipt of JS's application form in November 2021, an enhanced Disclosure and

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 APRIL 2022

Barring Service certificate had been requested and revealed that JS had three convictions for battery in July 2013, dangerous driving in July 2014 and common assault in May 2016.

Mr Ratcliffe explained that failure to disclose convictions on an application for a licence was contrary to sections 5.7, 6.7, 6.8 and 9.4 of the Hackney Carriage and Private Hire Convictions Policy in relation to violence and dishonesty. As such the Licensing Service recommended that JS's application for a licence be refused.

JS and a representative appeared before the Sub-Committee to explain the circumstances that had led to the convictions not being disclosed as part of the application process. The Sub-Committee was informed that the application form had been completed on JS's behalf by their perspective employer whom they had informed of the convictions. However they had failed to include the convictions as they believed that those over five years old did not have to be disclosed. JS's representative stated that the most recent offence had occurred six years ago and the first offence nine years ago. Since this time JS had improved their behaviour and had applied for a licence in order to provide for their family. It was added that the failure to disclose had been an honest mistake and that JS had not sought to mislead the Licensing Service at any point.

Mr Ratcliffe asked JS if at any point in the application process the individual filling out the form had read any portion of the document to them, highlighting that part four stated "any convictions or cautions must be declared, irrespective of if they could normally be regarded as spent". JS responded that they had been read parts of the form but could not recall this specific section.

The Sub-Committee informed JS that as a legal document they were legally responsible for the accuracy of its contents and could under certain circumstances be prosecuted for failing to do so.

Ms Sharon Davies, Legal Advisor, asked JS if they had been read the declaration of the application form. JS confirmed that they had and Ms Davies highlighted that point d stated "If no convictions are declared, I can confirm I have never been convicted of any offence and have no pending convictions." JS also confirmed in response to a query that they had not sought any advice from the Licensing Service while the form was being completed.

The Sub-Committee considered the information that had been provided by both parties and noted that ignorance of the responsibility to disclose convictions was not an acceptable excuse and that the Hackney Carriage and Private Hire Convictions Policy in relation to violence and dishonesty was clear. It was therefore agreed that JS's application for a new Horse Drawn Hackney Carriage Driver Licence be refused.

**Resolved:** That JS's application for a Horse Drawn Hackney Carriage Driver Licence be refused.

**5 PRIVATE HIRE DRIVER LICENCES**

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

i) PWH

Mr Ryan Ratcliffe, Licencing Enforcement Officer, presented the case of PWH who had been licenced since August 2011. On 1 April 2022 the Licensing Service had been informed that PWH had received six penalty points for using a mobile phone while in control of a vehicle. The Licensing Service therefore had recommended that PWH received a strict warning.

PWH had declined to attend the meeting of the Sub-Committee and informed Mr Ratcliffe that he would not be renewing their licence once it expired.

The Sub-Committee considered the information provided and agreed that in this case a strict warning be issued in line with the Licensing Services recommendation.

**Resolved:** That PWH be issued with a strict warning in relation to penalty points they had received.

ii) CVS

Mr Ryan Ratcliffe present the case of CVS to the Sub-Committee, informing them that they were an existing Private Hire Licence holder who in March 2022 had informed the Licensing Service that they had received three penalty points on their driving licence for speeding. Following a check with the DVLA Mr Ratcliffe reported that CVS had accumulated nine penalty points over the last two years. He added that CVS had therefore been referred to the Sub-Committee for consideration in line with section 14.5 of the Hackney Carriage and Private Hire Convictions Policy. As a result of the accumulated penalty points Mr Ratcliffe informed the Sub-Committee that it was recommending a minimum of a suspension of CVS's licence.

CVS appeared before the Sub-Committee to explain the circumstances under which they had received penalty point for speeding on his licence. They informed members that on 23 March 2022 they had been travelling on Devonshire Road when an Ambulance had approached them from behind with its siren and lights on. In order to swiftly reach a point to safely allow the ambulance past CVS stated they had sped up for a short period until they reach a point where they could pull their car over. During this brief period CVS had passed a speed camera which had recorded them exceeding the speed limit.

The Sub-Committee queried the circumstance of CVS's 2021 conviction for speeding to which they stated that it had been incurred while they were driving the vehicle of an older lady whom they periodically worked to transport to the shops. They added that as it was not their vehicle and therefore could have been used by others, they could not be sure that they had been driving the vehicle when the speeding offence occurred. In

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 APRIL 2022

response to a query regarding how they came to be charged with speeding in another person vehicle, CVS responded that a member of their client's family had referred the fine to them. They also stated that they had not challenged the penalty points in these circumstance as they could not be sure who had been driving the vehicle.

In relation to the March 2022 fine CVS stated that they had been unaware that they could challenge the penalty points and that the circumstance under which it had occurred could have been used in this case. They also added that on no occasion had they been transporting a fare paying passenger when they had received penalty points.

The Sub-Committee considered the information that had been provided and the circumstance under which CVS had received their penalty points and agreed that in view of the multiple occasions that CVS had been fined for speeding that their licence be suspended for two weeks.

**Resolved:** That CVS's Private Hire Licence be suspended for a period of two-weeks.

### iii) MCE

Mr Lee Petrak, Trading Standards and Licensing Manager, presented the case of MCE to the Sub-Committee. MCE had been referred to the Sub-Committee following an incident where a passenger had fallen from MCE's vehicle while they were driving, and was under investigation by Lancashire Constabulary. Upon interviewing MCE regarding the incident they had provided a statement that was significantly different from the information provided by the Police based on the passenger statement.

Mr Petrak had therefore contacted the Police asking for additional information, including if a charging decision had been made in relation to the incident, if witness statements could be shared with the Licensing Service and if details of the passengers hospital visit and injuries could be shared. In response to this the police had informed Licensing that the case had been referred to the Crown Prosecution Service (CPS) to determine if MCE would be prosecuted, that the witness statements could not be shared but that they corroborated the statement made by the passenger. They had also replied that the details of passenger injuries and the circumstances of their hospital visit could not be shared until after the CPS charging decision had been made.

The Sub-Committee therefore sought advice from its Legal Advisor, Ms Sharon Davies, regarding how to proceed. Ms Davies informed members that nothing prevented the consideration of the case before a charging decision had been made, and that the Sub-Committee would have to determine how important the CPS charging decision was to its deliberations. Members also queried what legal liabilities could be incurred if the item was not deferred, for example if the Sub-Committee suspended MCE's licence but they were not charged by the CPS. In response to this Ms Davies explained that the Sub-Committee should only consider the case if members were satisfied that a fair decision could be made on the known facts.

The Sub-Committee agreed that although the case could be considered at the meeting, in

## **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 APRIL 2022**

order that MCE receive a fair hearing that the case be deferred until the outcome of the CPS's charging decision was known and additional information relating to the incident could be shared by the Police.

**Resolved:** That consideration of MCE's Private Hire Licence be deferred until the decision of the Crown Prosecution Service is known.

### **6 USE OF DELEGATED POWERS - REVOCATION OF PRIVATE HIRE DRIVER'S LICENCE**

(i)JH

Mr Lee Petrak, Trading Standards and Licensing Manager, outlined the circumstances of the revocation of JH's Private Hire Drivers Licence. He reported that Licensing had been informed by the Police that JH had been involved in a road traffic collision while under the influence of alcohol. JH had then declined to attend an interview with the Licensing Service and no record had been made of their reporting the incident as required by the conditions of their licence. Mr Petrak had therefore taken the decision, under delegated powers, based on the information provided by the Police to revoke JH's Private Hire Licence.

Subsequent to this JH had surrendered their licence to the Licensing Service but had objected to the wording of the revocation notice, stating that they had not been under the influence of alcohol. They also had stated that they had reported the incident to Licensing as required. Upon further investigation Mr Petrak discovered that JH's statement reporting the event had been submitted but not recorded due to a staffing error. Further to this Mr Petrak had contacted the Police regarding their reporting that JH had been under the influence of alcohol. In response to this the Police informed Mr Petrak that JH was not breathalysed following the incident and that the information in the police log had been included by mistake by police staff.

Mr Petrak had therefore taken the decision based on the new information to rescind JH's notice of revocation while accepting the surrender of their licence. He added that if JH applied for a licence in the future it would be brought before the Sub-Committee for consideration.

**Resolved:** That the use of delegated powers by the Trading Standards and Licensing Manger since the last meeting be noted.

### **7 DATE OF NEXT MEETING - 24 MAY 2022**

The date and time of the next meeting of the Sub-Committee was agreed as Tuesday, 24 May 2022 at 6.00pm.

**Chairman**

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 APRIL 2022

(The meeting ended 7.15 pm)

Any queries regarding these minutes, please contact:  
John Greenbank, Democratic Governance Senior Adviser  
Tel: (01253) 477229  
E-mail: [john.greenbank@blackpool.gov.uk](mailto:john.greenbank@blackpool.gov.uk)

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Head of Public Protection
<b>Date of Meeting</b>	24 May 2022

## **RENEWAL OF SEXUAL ENTERTAINMENT VENUE – 15/17 QUEEN STREET, BLACKPOOL**

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

1.1 To consider an application by AA Recreation 1 Ltd to renew the Sexual Entertainment Venue (SEV) licence for First and Second Floor, 15 – 17 Queen Street, Blackpool.

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

2.1 The Sub-Committee will be requested to determine whether to renew the SEV licence for First and Second Floor, 15-17 Queen Street, which expired on 14 January 2022.

### **3.0 Reasons for recommendation(s):**

3.1 An application for renewal needs to be determined.

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 The Sub-Committee can determine to refuse the application.

### **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 First and Second Floor, 15 – 17 Queen Street, Blackpool has been licensed as a Sexual Entertainment Venue (SEV) since September 2013, previously operating under the name of

Eden. AA Recreation 1 Ltd holds the licence and has changed the name of the venue to VIPs. The existing licence expired on 14 January 2022. As the application for renewal was made before the licence expired (on 13 January 2022) the licence is deemed to remain in force until the withdrawal of the application or its determination by the appropriate authority. The application is attached at Appendix 3(a).

- 6.2 Following advertisement of the transfer application, the Licensing Service received a public objection via email on 3 February 2022 from David Mosley, a copy of the objection is attached at appendix 3(b). The objection states that the application has not been advertised in accordance with the Council's policy, the public notice is unclear referring to both transfer and renewal, and that the applicant has no right to occupy the premises.
- 6.3 The Sub-Committee will recall that in 2021 they considered, and refused, an application by Pool Construction Ltd for transfer of this licence. During those proceedings, it became clear that negotiations between the freeholder and AA Recreation 1 Ltd to agree a lease had broken down. Subsequently, it is understood that the freeholder has granted a lease to Rafael Suski.

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, governs the issue of SEV licences.

The Act provides a number of discretionary grounds on which an application may be refused:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
  - to the character of the relevant locality; or
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6.4 Does the information submitted include any exempt information? No

## 7.0 List of Appendices:

- 7.1 Appendix 3(a) - Renewal Application  
Appendix 3(b) - Objection  
Appendix 3(c) - Sex Establishment Policy 2021

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 Renewal of this licence may only be refused on one of the grounds listed in Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

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 Local Government (Miscellaneous Provisions) Act 1982.

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**Blackpool**  
**Application for a sex shop and cinema licence**  
**Local Government (Miscellaneous Provisions) Act**  
**1982**

For help contact  
[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)  
 Telephone: 01253 478397

\* required information

### Section 1 of 13

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 13**

**FURTHER DETAILS ABOUT THE APPLICANT**

\* Are you applying as an individual (includes sole traders)?

Yes  No

**Section 3 of 13**

**DIRECTORS, PARTNERS, OWNERS AND MANAGERS**

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

\* Are there any such people for whom you need to provide details?

Yes  No

**Provide The Following Details About Each One Of Them**

\* Position

E.g. director, partner, day-to-day manager.

**Full Name**

\* First name

\* Family name

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Continued from previous page...

**Home Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Contact Details**

E-mail

Main telephone number

Other telephone number

**Further Details**

\* Date of birth  /  /   
dd mm yyyy

\* Place of birth

**Section 4 of 13**

**TYPE OF APPLICATION**

Type of application:

- New       Renewal       Temporary (Scotland only)

\* Existing license number

\* Expiry date

Specify the period for which the licence is required (if applicable)

**Section 5 of 13**

**PREMISES TO BE LICENSED**

**Type Of Premises**

- Building
- Vehicle
- Vessel
- Stall

Continued from previous page...

\* Name of premises/  
trading name

**Premises Address**

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

\* Main telephone number

Other telephone number

**Section 6 of 13**

**DETAILS OF THE PREMISES**

\* Type of sex establishment (check all that apply):

- Sex shop
- Sex cinema (England, Wales and Northern Ireland only)
- Sex encounter establishment (London only)
- Hostess bar (London only)
- Sexual entertainment venue (England and Wales only)

\* Provide details of the goods to be offered for sale, films to be shown, the entertainment to be provided and/or (for London only) nature of the sex encounter provided

Topless only striptease

**Continued from previous page...**

\* Will the sex establishment occupy the entire premises?

- Yes  No

\* Which parts of the premises will be used for the sex establishment?

1st & 2nd Floor

\* What will the rest of the premises be used for?

Public Bar with seperate entrance

\* How will you prevent the interior of the premises being visible to passers by?

Suitable screening as previously approved by Licensing team

\* Provide details of any advertisements or displays to be exhibited, including sizes

Small VIP'S Sign above door with signage on 1st floor balcony (All letters) No images

\* Are the premises currently in use as a sex establishment?

- Yes  No

### Section 7 of 13

#### OPENING TIMES

Give details of proposed opening times for each day of the week

\* Day or days

Mon - Sun

\* From

20:00

\* To

04:00

Add another day

### Section 8 of 13

#### OWNERSHIP OF THE PREMISES AND THE BUSINESS

\* In what capacity do you occupy the premises?

- Freehold  
 Leasehold  
 Tenant  
 Other

\* Give details of the lease, tenancy or other arrangement, including the name and address of the landlord

David Moseley, [REDACTED]

\* Is the applicant sole owner of the business?

- Yes  No

Continued from previous page...

\* Is the applicant a partly or wholly owned subsidiary of another company?

Yes  No

**OTHER BUSINESS INTERESTS**

\* Is the applicant, or any person named in this application, involved in any way with any other similar establishment?

Yes  No

\* Provide details, including the name and address of the establishment and the nature and extent of the interest

Heaven Lap-Dancing, Lower Ground Floor, 169 The Promenade, Blackpool, FY1 5BQ  
Sinless Lap-Dancing, 1st Floor, 18 The Strand, Blackpool, FY1 1NX

**Section 9 of 13**

**PREVIOUS APPLICATIONS**

\* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

No  Yes - application granted and revoked

Yes - application granted  Yes - application refused

**Application Granted**

Only provide details about the most recent application – unless stated otherwise in local guidance notes.

\* Local authority applied to

\* Date of licence/registration

\* Reference number

\* Expiry date

**Section 10 of 13**

**CONVICTIONS**

\* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes  No

**Section 11 of 13**

**PUBLIC NOTICE**

\* Is your application to a local authority in:

Scotland  England, Wales or Northern Ireland

**Section 12 of 13**

**ADDITIONAL DETAILS**

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Continued from previous page...

**Section 13 of 13**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

\* I am aware of the provisions of The Local Government (Miscellaneous Provisions) Act 1982. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.  
I understand that the information I have provided, will be held by the Council on both computerised and manual files.  
\* This data may be made available on a public register if so required by relevant legislation. The data may also be disclosed to other departments within the Council and other organisations, but only in order to ensure compliance with relevant legislation, for identification purposes or to prevent or detect fraud or a crime.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

***Continued from previous page...***

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/blackpool/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**From:** Carl Moore  
**To:** [Licensing](#)  
**Cc:**  
**Subject:** 15-17 Queen Street, Blackpool FY1 1NL - Objection to Transfer/Renewal of SEV License.  
**Date:** 03 February 2022 22:03:34

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Dear Sir/Madam

**Ref: SEV Licence application for EDEN, 15 – 17 Queen Street, Blackpool Objection to Transfer/Renewal**

We write on behalf of our client Mr David Moseley, the landlord of the premises in which the SEV Eden is located, 15-17 Queen Street, Blackpool

We write to object to the above SEV licence application submitted by Mark Newton/AA Recreation 1 Ltd for 15-17 Queen Street to Transfer/Renew the SEV License.

My client is objecting on the following grounds:

1. The white Public Notice has not been displayed in accordance with the SEV Policy for Blackpool which states:

*‘On the premises - A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public’.*

The notice has been stuck on a lamppost outside the premises known as The Walkabout and not at or on the relevant address.

It is also not visible to pedestrians (See attached Photos)

2. The Public notice also states in the first paragraph that the application refers to a Transfer and then further on in the notice it states that the application is for a renewal. It is not clear as to what the applicant is applying for.

3. The applicant has no claim on the premises at 15-17 Queen Street, there is no association by freehold or leasehold. My client is the freeholder of the premises. The applicant is submitting an application with false information relating to the address where they are stating they will operate a Lap Dancing club.

It is well documented that the Sexual Entertainments Venue License for these premises is in dispute. An appeal has been lodged and is awaiting to be heard at Blackpool Magistrates Court on a date to be fixed.

Yours Faithfully

Carl Moore  
Licensing Consultant

**Carl Moore**  
**Director**  
**C.N.A. Risk Management Ltd**

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**SEX ESTABLISHMENT LICENCE APPLICATION**

Notice of application for transfer of a sex establishment licence pursuant to Schedule 3 Licensing  
Government (Miscellaneous Provisions) Act 1982.

Take notice that on 13th Jan 2022 AA Recreation 1 applied to Blackpool Council for the  
renewal of a sex establishment licence for:

Eden/VIP'S, 15-17 Queen Street, Blackpool, FY1 1NL

If granted the application will allow the premises to operate as a sexual encounter venue at  
the following times

Monday – Sunday 11.00am – 4.00 am

Any person wishing to make objections on the application may do so in writing to Licensing  
Service, Blackpool Council, Municipal Buildings, PO Box 4, Blackpool, FY1 1NA

Tel: 01253 478397, Fax: 01253 478372 Email: [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) The grounds of  
the objection must be stated in general terms.

A copy of the application for this licence is kept by the Licensing Authority at the above  
address. The application can be viewed by appointment from Monday to Friday between  
10.00a.m. and 4.00p.m.

The objection must be received by the Council no later than 10<sup>th</sup> February 2022.

**WALKABOUT**

**WALKABOUT**

803938  
pay by phone

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73

8 am - 6 pm  
90 mins  
No return  
within 2 hours  
Pay at Payphone  
Display

**WALKABOUT**  
LIVE SPORT,  
NO WORRIES

# Sex Establishment Policy 2021 - 2026

Blackpool Council



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## 1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough. This policy takes effect from 20.10.21 until 30 December 2026

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act

The policy covers the operation of the following:

### 1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which is associated with sexual activity.

### 1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which are associated with sexual activity;

or

- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

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## 1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
  - i) No relevant entertainment has been provided on more than 11 occasions within a 12-month period;
  - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) No such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State

## 1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

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The Council may at any time give a person who would require a licence but for a waiver notice that, the waiver it to terminate on a date not less than 28days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

## 2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form, which is available upon request from the Licensing Service or at [www.blackpool.gov.uk](http://www.blackpool.gov.uk). Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

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j) The location of a kitchen, if any, on the premises

## 2.1 Advertising of applications

Applications for must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

### On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

### In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

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## **2.2 Objections**

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this

## **3 Determination of applications**

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

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This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors who made objections within the statutory period will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and the applicant and the objectors will receive written confirmation of the decision together with reasons within seven days

## 3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

### 3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

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- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## 3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason see paragraph 3.2;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number, which the authority considers appropriate for that locality see paragraph 3.3;
- d) That the grant or renewal of the licence would be inappropriate having regard
  - o To the character of the relevant locality see paragraph 3.4; or
  - o To the use to which any premises in the vicinity are put; or
  - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## 3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest

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- b) That the operator is qualified by experience and/or knowledge to run the type of sex establishment and that the operator understands the general conditions and will comply with them
- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and in the case of a sexual entertainment venue, policies for the welfare of performers
- d) If the application is for a sexual entertainment venue, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation
- f) That the operator can show either a track record of management of compliant premises, or that he/she has an understanding of the rules governing the type of licence applied for

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
  - Dishonesty
  - Violence
  - Sexual offences
  - Drugs
  - People trafficking
- b) The applicant has previously been involved in running an unlicensed sex establishment;

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- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves

### 3.3 Number of Sex Establishments

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 is able to determine that the appropriate number for a locality is nil. Blackpool Council has determined that in the Bloomfield, Claremont and Talbot Wards:

- The number of sex shops shall be one.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be nil\*.

In all other wards the number shall be nil for all categories of sex establishments

\* Sexual Entertainment Venues with the benefit of a licence immediately before this policy comes into force will be granted 'grandfather rights' meaning applications to renew will not be refused on the ground that the policy for such venues is nil. Such licences may be transferred and varied. Where, however a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers (although a Court's power on appeal is not restricted)

## **3.4 Location of licensed premises**

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas,
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools.
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples.
- Places and/or buildings of historical/cultural interest and tourist attractions.
- The Promenade

## **3.5 Conditions**

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

## **3.6 Duration of licence**

Licences will be granted for one year unless a shorter period is specifically stated.

## **3.7 Revocation of licences**

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper
- Poor operation of the premises

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The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

## **3.8 Appeals**

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

## **4. Complaints and Enforcement**

### **4.1 Complaints**

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

### **4.2 Enforcement**

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

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- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.blackpoolcouncil.gov.uk](http://www.blackpoolcouncil.gov.uk)

## **5. Cancellation of licences**

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

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## Appendix A

### Standard conditions for sex shops

#### Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

#### Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

#### Conduct of premises

4. The licensee shall maintain good order in the premises
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment
6. no poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

#### Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council

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## Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

## Appendix B

### Standard conditions for sexual entertainment venues

#### External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises, which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the venue.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

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## Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## Taking of payment for performances

14. All electronic/ card payments will be recorded in a consecutively numbered carbonated book and will include:
  - What the customer has paid for in as much detail as possible
  - All staff members involved in services/ transactions
  - The amount paid
  - The customer will be given the option to sign this record
  - The customer will be given a copy of this
  - These records will be clear and legible

This book will be made available to an authorised Officer on request

15. There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
16. Dancers will not be allowed mobile phones in any performance areas
17. All card terminals will be at a fix point. There will be CCTV coverage to show the individual making the transaction.
18. Members of staff/ dancers must not assist customers in using cash machines.

## Performances of sexual entertainment

19. No person under the age of 18 shall be on licensed premises.

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20. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
21. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
22. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
23. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
24. Customers must remain seated for the duration of the performance.
25. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
26. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
27. At all times during a performance, performers shall have unrestricted access to a dressing room.
28. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
29. Exit routes for performers must be kept clear.

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## Protection of performers

30. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
- The licence conditions relating to performances of sexual entertainment.
  - House rules.
  - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
  - Drugs monitoring.
  - No contact with customers outside the club
  - The arrangements for breaks and smoking facilities provided.
  - Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
31. Performers shall be provided with secure and private changing facilities
32. Means to secure personal property shall be provided for the performers
33. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
34. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
35. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

## Management

36. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
37. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.

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38. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
39. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
40. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
41. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
42. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
43. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
44. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
45. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

## Exhibition of the licence

46. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

## CCTV

47. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted. The CCTV system should store recordings for a minimum of 21 days and images should be made available to the Police of authorised Council officers on request with a minimum of delay.

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## Maintenance and Repair

48. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
49. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
50. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
51. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

## General

52. No part of the premises shall be let

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Cogan, Head of Public Protection
<b>Date of Meeting</b>	24 May 2022

## **TRANSFER OF SEXUAL ENTERTAINMENT VENUE – 15/17 QUEEN STREET, BLACKPOOL**

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

1.1 To consider an application by UK Exclusive Entertainments Ltd to transfer the Sexual Entertainment Venue (SEV) licence for First and Second Floor, 15 – 17 Queen Street, Blackpool.

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

2.1 The Sub-Committee will be requested to determine whether to transfer the SEV licence for First and Second Floor, 15-17 Queen Street to UK Exclusive Entertainments Ltd.

### **3.0 Reasons for recommendation(s):**

3.1 An application for transfer needs to be determined.

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 The Sub-Committee can determine to refuse the application to transfer.

### **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 First and Second Floor, 15 – 17 Queen Street, Blackpool has been licensed as a Sexual Entertainment Venue (SEV) since September 2013 operating under the name of Eden. The licence is currently held by AA Recreation 1 Ltd. There is an outstanding application to renew this licence from AA Recreation 1 Ltd also listed for consideration by the Sub-Committee at this meeting. The Licensing Service received an application to transfer this licence to UK Exclusive Entertainments Ltd dated 22 February 2022. If granted the venue would trade under the name Mystique. The application is attached at Appendix 4(a).
- 6.2 Following advertisement of the transfer application, the Licensing Service received a public objection via email on 22 March 2022 from AA Recreation 1 Ltd, a copy of the objection is attached at appendix 4(b). The objection looks at the suitability of the applicant (specifically Mr Suski who holds 75% of the applicant company) and also suggests that if granted, the business will be carried on for the benefit of a person (namely Mr Mosely/Pool Construction Ltd) who would be refused the transfer of a licence. These are discretionary grounds for refusal as detailed below.
- 6.3 Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, governs the issue of SEV licences.

The Act provides a number of grounds on which an application may be refused:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
  - to the character of the relevant locality; or
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 6.4 Does the information submitted include any exempt information? No

## 7.0 List of Appendices:

- 7.1 Appendix 4(a) - Transfer Application  
Appendix 4(b) - Objection

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 Renewal of this licence may only be refused on one of the grounds listed in Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

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 Local Government (Miscellaneous Provisions) Act 1982.

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# Blackpool Council

## APPLICATION FOR SEX ESTABLISHMENT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
PART II SCHEDULE 3

**Applicant Name:**

UK EXCLUSIVE ENTERTAINMENTS LTD

Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

**Contact**

T: (01253) 47 8572 / 8589  
F: (01253) 47 8372  
E: [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)

[www.blackpool.gov.uk](http://www.blackpool.gov.uk)



Application is hereby made					
(a) For a Sex Cinema	Tick	(b) For a Sex Shop	Tick	(c) For a Sex Entertainment Venue	Tick
New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>
Transfer of licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>	Transfer of Licence	<input checked="" type="checkbox"/>
Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>

**Part 1 – Applicants**

<b>A Individuals only –</b>										
<i>Where there is more than one applicant please enclose a separate sheet with details</i>										
<b>Full name of applicant</b>										
<b>Date of Birth</b>		D	D	M	M	Y	Y	Y	Y	<b>Occupation</b>
<b>Permanent address</b>									<b>Post Code</b>	
<b>Telephone Number of premises (if any)</b>										
<b>E-Mail Address</b>										

<b>B Body Corporate/others</b>														
<b>Full name of applicant</b>														
UK EXCLUSIVE ENTERTAINMENTS LTD														
<b>Address of Registered/ Principal office</b>		54 WOOD STREET, LYTHAM ST ANNES							<b>Post Code</b>					
		ENGLAND							F	Y	8	1	Q	G
<b>Telephone Number of premises (if any)</b>														

<b>E-Mail Address</b>										
<b>Company Registration Number</b>		1	3	8	6	7	0	5	8	
<b>Full names of all directors and other persons responsible for the management of the body, including the manager of the establishment (Each person must complete a Statutory declaration sheet)</b>		RAFAEL MACON SUSKI - DIRECTOR ROBERT NORTON - DIRECTOR/GENERAL MANAGER MARIE NORTON - MANAGER								

**Part 2 – The premises**

<b>Name of premises</b>	MYSTIQUE (EDEN 1)					
<b>Address</b>	1st & 2nd Floor ,15 - 17 QUEEN STREET BLACKPOOL					
	<b>Post Code</b>	F	Y	1	1	N L
<b>Telephone number</b>	<input type="text"/>					
<b>Email address</b>	<input type="text"/>					
<b>Premises Licence number (if applicable)</b>	0	8	4	5	1	6
<b>If only part of the building is to be licensed give details.</b>	1st & 2nd floor of the Premises					
<b>Give full details of the type of Business to be conducted at the Premises</b>	Entertainment to be provided in the form of Lap Dancing, Table Dancing, Strip Shows, Burlesque Dancing, Semi Nudity.					
<b>Is the premises already used for this purpose?</b>	Yes		No			
<b>If the premises are not open between 09:00 am and 16:00 state name and contact details of person responsible for keys to the premises</b>						
<b>Contact name</b>	ROBERT NORTON					
<b>Address</b>	<input type="text"/>					
	<b>Post Code</b>	F	Y	6	<input type="text"/>	
<b>Telephone number</b>	<input type="text"/>					
<b>Email address</b>	<input type="text"/>					

**Part 3 – Operation of the premises**

Please detail the proposed hours of operation		
	Opening	Closing
Monday	20:00hrs	04:00hrs
Tuesday	20:00hrs	04:00hrs
Wednesday	20:00hrs	04:00hrs
Thursday	20:00hrs	04:00hrs
Friday	20:00hrs	04:00hrs
Saturday	20:00hrs	04:00hrs
Sunday	20:00hrs	04:00hrs

**Give the name, address and date of birth of the person who will be in day to day management control of the premises**

<b>Full name</b>		ROBERT NORTON			
<b>Date of Birth</b>		<input type="text"/>			
<b>Permanent address</b>	<input type="text"/>		<b>Post Code</b>		F Y 6 <input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>
<b>Telephone Number of premises (if any)</b>		<input type="text"/>			

<b>E-Mail Address</b>	<input type="text"/>
-----------------------	----------------------

**Give the name, address and date of birth of any other person who will be engaged in managing the premises**

<b>Full name</b>		MARIE NORTON			
<b>Date of Birth</b>		<input type="text"/>			
<b>Permanent address</b>	<input type="text"/>		<b>Post Code</b>		F Y 6 <input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>
<b>Telephone Number of premises (if any)</b>		<input type="text"/>			

<b>E-Mail Address</b>	<input type="text"/>
-----------------------	----------------------

**Describe the external appearance of the venue and advertising  
– photographs must be attached**

The venue will be known as MYSTIQUE. It will be accessed through a single door to the front of the premises. This gives access to the 1st & 2nd Floors of MYSTIQUE.  
There will be a single sign above the door with the name 'MYSTIQUE'.

**Describe where all performances will take place within the premises  
– please include a plan identifying the location of all CCTV cameras**

The Sexual Entertainment will take place on the 1st & 2nd Floor of the premises.  
There will be a CCTV monitor on each floor. Please see attached plan for layout of CCTV.

**Detail the locations of stewarding or other controls such as dance supervisors**

SIA registered Door supervisors will be positioned at the entrance to the venue on the ground floor. They will be vetting customers.  
A Door Supervisor will be positioned on the 1st Floor monitoring the CCTV & the Dancers on both floors.  
There will be staff behind each of the bars on both floors who will also be monitoring the dance booth areas.  
All staff will have received training in the four licensing objectives, the SEV Policies for the venue and conditions on the SEV Licence.

**List the procedures for ensuring that dancers under the age of 18 do not work at the premises**

Please see attached Policies in respect of procedures ensuring dancers under the age of 18yrs do not work at the premises. Home Office guidance referred to.

**Explain how the applicant will ensure that all dancers comply with the sexual entertainment venue licence conditions.**

Please see attached Policies in respect of procedures to ensure dancers comply with the Sexual Entertainment Venue license conditions

**Describe the type of promotional activities that will take place outside of the venue during operational hours**

Social Media

#### Part 4 – Declaration

**Please give the total occupancy of the sexual entertainment venue and the maximum number of dancers that will be employed on any one night (the maximum number of dancers should be no more than 10% of the total occupancy)**

Approximately 50 persons on the 1st Floor  
Approximately 70 persons on the 2nd Floor

**Describe the changing facilities for dancers and explain the means in which they can secure personal property. Include details of the venue's welfare policy if not attached to the application.**

All Dancers & Performers will have access to the 3rd Floor of the premises.  
The following facilities will be provided: Shower room, Toilets, Rest Room, Changing rooms with lockers.  
Access to the 3rd Floor is via a single staircase from the 2nd Floor which will be monitored by a SIA registered Door Supervisor.  
Please see attached welfare policy for dancers.

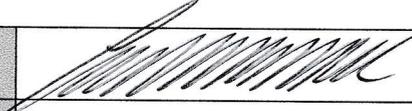
**Detail the arrangements for dancers to take breaks/the provision of smoking facilities**

Please see attached Policies in respect of procedures to ensure dancers take breaks and have a safe area for smoking.

**Part 5 - Checklist**

Please tick

- I have made or enclosed payment of the fee
- I have sent a copy of this application to the Police Licensing Department, Bispham Police Station, Red Bank Road, Blackpool, FY2 0HJ
- I understand that I must now advertise my application. The application must be advertised on site for 28 days. The application must also be advertised in the local newspaper no later than 7 days after the date of application. A template of the advert is on the back page of this application form.
- I understand that if I do not comply with the above requirements my application will be rejected

<b>I/We declare that the information given in this application is correct to the best of my/our knowledge and belief.</b>	
<b>Signed</b>	
<b>Print Name</b>	Carl Moore
<b>Capacity</b>	Authorised Agent from C.N.A. Risk Management Limited
<b>Date</b>	22/2/2022

<b>2<sup>nd</sup> Applicant</b>	
<b>Signed</b>	
<b>Print Name</b>	
<b>Capacity</b>	
<b>Date</b>	

## **SEX ESTABLISHMENT LICENCE APPLICATION**

Notice of application for the transfer of a sex establishment licence pursuant to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

Take notice that on **Tuesday 22nd February 2022, UK EXCLUSIVE ENTERTAINMENTS LTD** applied to Blackpool Council for the transfer of a sex establishment licence for:

**EDEN 1. 1st & 2nd Floor, 15 - 17 Queen Street, Blackpool, FY1 1NL**

If granted the application will allow the premises to operate as a sexual encounter venue at the following times:

**Monday to Sunday 20:00hrs to 04:00hrs**

Any person wishing to make objections on the application may do so in writing to: Licensing Service, Blackpool Council, Municipal Buildings, PO Box 4, Blackpool, FY1 1NA

Tel: 01253 478397,

Fax: 01253 478372

Email: [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)

The grounds of the objection must be stated in general terms.

A copy of the application for this licence is kept by the Licensing Authority at the above address. This application can be viewed by appointment from Monday to Friday between 10.00a.m. and 4.00p.m.

The objection must be received by the Council no later than **Tuesday 22nd March 2022**

Authorised Agent - C.N.A. Risk Management



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Licensing Department  
Blackpool Council  
Town Hall  
Talbot Road  
Blackpool

Our ref: ROW/  
Direct Dial: 07834 227351  
Richard.Williams@keystonelaw.co.uk

By e-mail [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)

22 March 2022

Dear Sirs

**Re: Objection to transfer of Sexual Entertainment Venue (SEV) Licence  
Eden 1, 15-17 Queen Street, Blackpool**

We act for AA Recreation 1 Limited, the holder of the SEV Licence in respect of the above premises.

On 22 February 2022, an application was submitted by UK Exclusive Entertainments Limited to transfer the SEV into its name under Schedule 3, s. 9 (2), Local Government (Miscellaneous Provisions) Act 1982. Our client objects to the transfer of the SEV Licence to this entity under Schedule 3, s.10 (15). The grounds for the objection are as set out below.

We should initially point out that this SEV Licence is currently subject to an appeal to the Magistrates' Court, following a refusal by the Council's Public Protection Sub-Committee to transfer it to Pool Construction Limited at a hearing on 22 June 2021. The sole director and beneficial owner of Pool Construction Limited is Mr Moseley, who is the landlord of the building. At the hearing, the Committee was told that Rafael Suski was the prospective tenant of the premises and would operate the venue with Mr Marczak and that a lease had already been signed. The Committee decided that Pool Construction Limited (Mr Moseley) was unsuitable to hold the SEV Licence "based on the history of regulatory non-compliance and lack of experience/understanding of licence conditions". A copy of the Committee's decision in relation to that transfer application is attached. Pool Construction Limited appealed the decision to the Magistrates' Court. However, the appeal has still not been listed for a substantive hearing, 9 months on from the Committee's decision.

It is our view that the appeal must be concluded (either with a decision or the appeal being abandoned) before any subsequent applications in relation to this SEV Licence can be considered by the Council. The following applications are then due for consideration in order of date of submission:

1. On 13 January 2022, AA Recreation 1 Limited submitted an application for renewal of the SEV Licence (which expired on 14 January 2022). Where an application to renew a SEV Licence is made prior to its expiry, it is deemed to remain in force until the application is concluded, notwithstanding the stated expiry date. This renewal application was objected to by Mr Moseley, stating a number of procedural grounds and concluding that “it is well documented that the Sexual Entertainments Venue Licence for these premises is in dispute. An appeal has been lodged and is awaiting to be heard at Blackpool Magistrates Court on a date to be fixed”. The objection lodged by Mr Moseley to the renewal application supports our view that the application to renew the SEV should only be considered once Pool Construction’s appeal has been concluded; and
2. On 22 February 2022, UK Exclusive Entertainments Limited submitted an application to transfer the SEV Licence held by AA Recreation 1 Limited into its name. This application is objected to by our client (the holder of the Licence). In our view, this transfer cannot be considered by the Council’s Sub-Committee until both the appeal and the SEV renewal have been determined (in that order).

Our client objects to the transfer of the Licence to UK Exclusive Entertainments Limited for the following reasons:

- (a) It is the holder of the SEV Licence, which is a possession. It does not consent to the transfer of its property to another entity; and
- (b) UK Exclusive Entertainments Limited is a company that was incorporated on 24 January 2022. Its directors are Robert Norton and Rafael Suski, with Rafael Suski owning 75% or more of the shares. In our view, Rafael Suski is unsuitable to hold a SEV Licence, as he was previously held out as the prospective tenant of these premises by Mr Moseley the landlord, when the original application for transfer of the licence to Pool Construction Limited was refused. In our submission, Mr Moseley has coerced Mr Suski to incorporate a “clean” company to apply for the transfer of this SEV Licence. However, Mr Suski does not have a clean record, as he has a history of non-compliance with licence conditions at other premises he has operated in Blackpool. For example, he currently operates 15-17 Queen Street as a bar in breach of its licence conditions. The Licensing Act 2003 Premises Licence for 15-17 Queen Street is held by RMS Coastal Resorts Investments Limited, of which Rafael Suski is the sole director and beneficial owner. The business is currently being operated in breach of licence condition 4 (not to be a HVVD and food must be available at all times) and 39 (seating must be available for at least 50 people on the ground floor). Neither of these conditions are complied with in practice at the premises. In addition, the Premises Licence contains a condition at Annex 2 that no adult entertainment may take place at the premises. To grant a SEV Licence to this applicant would put it in breach of the licence condition. A copy of the Premises Licence is attached. Unsuitability to hold a SEV Licence is one of the discretionary grounds on which the Council may refuse to grant the transfer of a licence to an applicant.



(c) If the SEV Licence were transferred, the business would be carried on for the benefit of a person (Mr Moseley and/or Pool Construction Limited), other than the applicant (UK Exclusive Entertainments Limited) who would be refused the transfer of the licence if he made the application himself. This is also a discretionary ground on which the Council may refuse to grant a transfer of a licence. At the hearing on 22 June 2021, Mr Moseley told the Sub-Committee that Mr Suski was the prospective tenant of the property and had in fact already signed a lease. Mr Moseley told the Committee that Mr Suski's credentials should therefore be considered, as he would be the operator of the SEV. That transfer application was refused as the Committee was not satisfied about the suitability of Pool Construction Limited and/or Mr Moseley. In our submission, if this application for transfer were granted, the business would be carried on by the applicant for the benefit of Pool Construction Limited and/or Mr Moseley, which has already been refused a SEV Licence. The creation of "clean" company, fronted by Mr Suski, is in fact a device to return the SEV Licence into the landlord's ownership. Pool Construction Limited and/or Mr Moseley have already been found to be unsuitable to hold a SEV Licence and the transfer application submitted by UK Exclusive Entertainments Limited is simply a front for Mr Moseley.

Finally, we return to the appeal by Pool Construction Limited against the refusal to transfer the SEV Licence to it. The appeal has been stalled in the Magistrates' Court for 9 months and is no nearer to being concluded. Our client is not a party to the appeal, but has an interest in it being concluded swiftly, so that the suitability of Pool Construction Limited to hold the SEV Licence can be resolved. We have found it very difficult to obtain information from the Council about why the appeal has not been progressed. We cannot understand why the Council does not want to obtain the Court's confirmation of the Sub-Committee's decision. Our client is most concerned that this delay is a tactic by Pool Construction Limited and that progressing this appeal does not appear to be a priority for the Council. If the appellant is not intending to progress the appeal, the Court should be asked to dismiss it. We would therefore ask to be kept informed about when the substantive appeal hearing will now take place.

Could we please also seek confirmation from the Council that no SEV applications relating these premises will be heard until the appeal has been determined and that, once it has been concluded, subsequent applications in relation to this SEV Licence will be dealt with in order of submission.

The Council will also note that the application by AA Recreation 1 Limited for a new SEV Licence at 11-13 Queen Street remains on hold, pending the outcome of Pool Construction's appeal. It is therefore imperative in our view that, once the appeal has been concluded, the application for 11-13 Queen Street is called back before the Sub-Committee, before any hearing is listed to consider the renewal or transfer applications relating to 15-17 Queen Street.

Yours faithfully,

*Keystone Law*

**Keystone Law Solicitors**



**Date:** 25 June 2021

**BY EMAIL**

Kuit Steinart Levy LLP  
3 St Mary's Parsonage  
Manchester  
M3 2RD

Our Ref: SD/ 011431  
Your Ref:  
Email: sharon.davies@blackpool.gov.uk  
Direct Line: 01253 478518  
DX: 742010 BLACKPOOL 18

Dear Sirs

**Re: Eden One, 15-17 Queen Street Blackpool – application to transfer SEV licence.**

On 22 June 2021, the Public Protection Sub-Committee considered an application from Pool Construction Ltd for the transfer of the SEV licence issued in respect of Eden One, 15-17 Queen Street Blackpool, a licence held by AA Recreation 1 Ltd.

The issue, transfer, etc. of such licences is governed by Schedule 3 Local Government (Miscellaneous Provision) Act 1982. Paragraph 10 deals with the application process and paragraph 12 details the mandatory and discretionary grounds for refusal.

The licensing authority received a written objection to the transfer from the directors and shareholders of the following companies AA Leisure 1 Limited, AA Entertainment 1 Limited, and AA Recreation 1 Limited, the later company being the existing licence holder.

This application was due to be considered by the Sub-Committee on 25 May 2021 but was deferred due to the length of time this hearing could take considering the other items for hearing on the agenda that evening. Additionally on 24 May 2021, the licensing service received a statement from Mr Moseley indicating that he was in negotiations with a prospective tenant Rafael Souski who it was proposed would operate the venue with Mr Marczak, both of whom were involved in licensed premises in the area. To ensure that the Sub-Committee had the full picture, officers felt it was important that enquiries took place, to establish their suitability to manage SEV premises.

At the hearing on 22 June 2021, Mr Moseley attended represented by Miss Clover, (Counsel), accompanied by Mr Souski and Mr Marczak. Mr Newton attended on behalf of the companies who had objected, represented by Mr Williams.

The relevant ground for refusal put forward by the objector for consideration in this case is that the applicant is *'unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason'*. Paragraph 3.2 of the Council's SEV policy is relevant to considering the question of suitability. The applicant in this case is Pool Construction Limited, although in reality as sole director, Mr Moseley is to all intent and purpose the person whose suitability is being assessed today.

**Dawn Goodall**  
**Head of Corporate Legal**  
**Blackpool Borough Council**  
PO Box 11, Town Hall  
Blackpool, FY1 1NB

**Contact**  
**T:** (01253) 477450  
**F:** (01253) 477149  
**E-mail :** legal.services@blackpool.gov.uk  
**www.blackpool.gov.uk**

SD/011431/02210064



The Sub-Committee are aware that the Police received of this application, but have made no comments and the only objection has come from the current licence holder. Whilst the objections raised may have been motivated by business considerations, they do raise relevant questions that require due consideration.

Mr Moseley has never held or operated an SEV licence. He held a Licensing Act 2003 licence some time ago but this resulted in two review hearings, one for four test purchase failures within a 12-month period. Whilst Mr Moseley may have enjoyed a difficult relationship with the Licensing Sergeant at the time four failed test purchases is something that the Sub-Committee cannot ignore especially in view of the type of entertainment authorised by this licence. The Sub-Committee accepts the representations made on behalf of the applicant that these were some time ago, however, Mr Moseley has not to the Sub-Committee's knowledge operated licensed premises since then so is unable to demonstrate that he can operate an age restricted venue without incident. It also appears from the representations that Mr Moseley, or a company owned by him has been prosecuted for breaches of fire safety in a care home and another care home operated by him is currently under investigation.

The applicant also told the Sub-Committee that he had controlled the previous tenant for a period of 10 years through the medium of the lease, the inference being that he would continue to do so and ensure that the new tenant, Mr Souski, complied with all of the SEV conditions. Unfortunately, it appears that Mr Moseley was not aware of an incident, which led to the revocation of the SEV licence operated from his premises in 2019, or if he was aware of it, he did not think it relevant to inform those representing him at the hearing. The Sub-Committee accepts that ordinarily, an applicant for transfer is not responsible for the actions or conduct of the previous licence holder, but the applicant presented this case on the basis that Mr Moseley, through the lease, would ensure that the SEV licence operated appropriately. He was asking the Sub-Committee to accept that he would be able to ensure compliance with SEV conditions when his new tenant, Mr Souski operated the business. Answering questions Mr Moseley did not appear to have any real knowledge or understanding of the conditions that would be attached to a SEV licence.

Turning to Mr Souski, Ms Clover told the Sub-Committee that they should be assessing his suitability not that of the applicant. Mr Souski, the Sub-Committee are told has operated licensed premises in the area for ten years without incident. Mr Souski addressed the Sub-Committee, said that he had not held an SEV licence before but been involved with adult entertainment offered on occasion in venues he operated. He expressed a willingness to work with the police and licensing authority.

The Sub-Committee agree with Ms Clover that a licence holder does not need to be present at the venue when it is operating. Companies such as Spearmint Rhino have management structures in place to ensure that the venues operate in accordance with licence conditions. The difference in the case before us is Mr Moseley is not describing an employer/employee relationship, instead, he is asking the Sub-Committee to accept that he can ensure compliance with licence conditions via a landlord and tenant relationship. The Sub-Committee have not been provided with a copy of the lease and note the final standard SEV licence condition, which prohibits the licence holder letting the premises to another. It is a small point but worth noting that no mention of Mr Souski's involvement in running the premises was made at the time of the application. The information came within Mr Moseley's statement served 24.05.21. At that stage, he was negotiating a lease but was not willing to commit until the transfer application had been determined, but by this hearing, some four weeks later, the lease had been signed.

**Dawn Goodall**  
**Head of Corporate Legal**  
**Blackpool Borough Council**  
PO Box 11, Town Hall  
Blackpool, FY1 1NB

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**www.blackpool.gov.uk**

SD/011431/02210064



The Sub-Committee heard that the intention is for Mr Souski to apply for transfer of this licence once this application has been resolved. Whilst this may be the case, the Sub-Committee must consider the application before them, not what may or may not happen in the future.

This is an unusual situation where the holder of the SEV licence does not have the right to occupy the premises. During the hearing, it was described as a 'homeless' licence, that is not correct as the licence has a home at 15-17 Queen Street but it cannot currently be used by the licence holder. That does not automatically mean that the premises owner is entitled to have the licence transferred to him, the licensing authority must apply the provisions of the Act, taking into consideration the relevant sections of their policy.

In reaching their decision, the Sub-Committee considered the suitability of the applicant company with its sole director Mr Moseley to hold this licence having regard to paragraph 3.2 of the Council's policy, in particular:

b) That the operator is qualified by experience and/or knowledge to run the type of sex establishment. That the operator understands the general conditions and will comply with them

f) That the operator can show either a track record of management of compliant premises, or that he/she has an understanding of the rules governing the type of licence applied for.

The Sub-Committee formed the view that the answer to both b) and f) above was no.

Having considered all of the representations, the Sub-Committee concluded that the applicant is unsuitable to hold this licence based on the history of regulatory non-compliance and lack of experience/understanding of licence conditions.

The application by Pool Construction Limited to transfer this licence is refused.

The applicant has the right to appeal to the Magistrates' Court within 21 days. Any appeal must be lodged in writing, accompanied by a copy of this notice to Lancashire Magistrates' Courts, Lawson Street, Preston, Lancashire PR1 2QT. Please note a fee will be payable to the Magistrates' Court

Yours faithfully

*Sharon Davies*

Sharon Davies  
For Head of Corporate Legal

Lexcel Accredited

**Dawn Goodall**  
**Head of Corporate Legal**  
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SD/011431/02210064



You are here » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 13:18 on 22 March 2022

## Shadow Queen

15 - 17 Queen Street, Blackpool, Lancashire, FY1 1NL

**Completed application 087243 which is a Change of Supervisor for Premises Licence from 11/11/2021 to indefinite**

### Applicant(s)

<b>Full Name:</b>	Rms Coastal Resorts Investments Ltd
-------------------	-------------------------------------

### Designated Premises Supervisor

<b>Full Name:</b>	Miss Izabela Marta Stecka
-------------------	---------------------------

### Permitted Activities

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol
- an exhibition of a film
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance

### Premises Open Hours Requested

	Time From	Time To
<b>Licensed Area</b> Monday - Sunday	11:00	03:30

### Activities - Times Requested

	Time From	Time To
<b>B. Exhibition of films (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00
<b>E. Performance of live music (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00
<b>F. Playing of recorded music (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00
<b>G. Performance of dance (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00
<b>H. Entertainment of a similar description to that falling within E, F, or G (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00
<b>I. Late night refreshment (Indoors)</b> <b>Licensed Area</b> Monday - Sunday	23:00	03:00
<b>J. Sale by retail of alcohol for consumption ON the premises only</b> <b>Licensed Area</b> Monday - Sunday	11:00	03:00

### Additional Conditions

## Annex 1 - Mandatory conditions

### Alcohol

- 1 No supply of alcohol may be made under the premises licence -
  - a) At a time when there is no designated premises supervisor in respect of the premises licence,
  - or
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
- 6 The responsible person must ensure that -
  - (a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

- a. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where-
  - i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
  - i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### Door Supervision

8 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

### Exhibition of films

9 Where the film classification body is specified in the licence, unless the below applies, admission of children must be restricted in accordance with any recommendations made by that body.

Where -

a) The film classification body is not specified in the licence,

or

b) The relevant licensing authority has notified the holder of the licence that this condition is applied to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1 An additional hour for all permitted activities shall be added to the terminal time on the morning of the Friday, Saturday, Sunday and Monday of an official English Bank Holiday weekend, on the morning British Summer Time commences, and between 24th - 30th December, 1st - 3 January. On New Year's Eve hours shall extend from the end of permitted hours on 31 December to the start of permitted hours on 1 January.

2 No entertainment of an adult nature will take place on the premises.

- 3 The provision of food shall form a substantial element of the operation of the premises. Menus will be displayed on tables throughout the trading period. This will include the provision of table meals up to 9pm each night and thereafter, snacks will be available. This condition does not relate to the ground floor of the premises.
- 4 The premises shall contain sufficient furniture and seating in order that they do not become a High Volume Vertical Drinking establishment as defined at para 10.41 Statutory Guidance and food will be available at all times when the premises is open.
- 5 An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises. All staff involved in sales will be at least 18 years of age and will receive training to promote the licensing objectives, all training to be documented and records made available on request to Lancashire Police or any authorised officer.
- 6 There will be a dispersal policy to prevent crime and disorder and to promote public safety.
- 7 Door staff licensed by the SIA will be utilised if required, following a risk assessment.
- 8 The premises will be operated in accordance with the principles outlined by the Nightsafe initiative, as are relevant to those premises and indicated in the associated leaflet.
- 9 The premises will be operated in participation with the 'Pubwatch' scheme.
- 10 Recorded music will continue until the time for the sales of alcohol cease. There will then be a further period of 30 minutes when incidental background music only will be played whilst drinks containers and food utensils are collected, and patrons gradually dispersed towards the exit. Closure of the premises to the public will occur 30 minutes after alcohol sales terminate.
- 11 The licence holder and / or the designated premises supervisor shall be a member of the Pubwatch, Clubwatch or Bar U Scheme.
- 12 The premises shall be a member of the 'Radio Link' scheme whilst such a scheme is in operation. The Radiolink equipment will be live and monitored by either the head doorman or other responsible member of staff authorised by the Designated Premises Supervisor.
- 13 All staff shall receive monthly training, in particular in relation to the prevention of underage sales and sales to drunken persons. Records of such training will be available to an authorised person upon request.
- 14 There shall be no drinks promotions which would contravene the British Beer and Pub Association Standards for the Management of Responsible Drinks Promotions including Happy Hours or the Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK.
- 15 There shall be provided at the premises door supervisors who are registered with the SIA to such a number as the management of the premises consider are sufficient as a consequence of a risk assessment to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity. At least one door supervisor will be on duty during licensable hours beyond 0300 hours.
- 16 A record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor. The record shall contain the following details:
- i. name, address
  - ii. date of birth
  - iii. SIA licence number
  - iv. time commenced duty and time terminated duty
- That record shall be available for inspection on demand by an authorised person, the SIA or a Police Constable.
- 17 An incident book will be maintained, in which shall be recorded :
- a. All incidents of crime and disorder
  - b. Refused sales to suspected under age / drunken persons
  - c. A record of any person refused admission or asked to leave the premises
  - d. Details of occasions upon which the Police are called to the premises
  - e. The use or discovery of drugs
- That book shall be available for inspection by a Police Officer or authorised person.

- 18 If door supervisors are required following a risk assessment, they will ensure that no customer shall enter or leave the premises from / to the public highway or public place with any open bottle, glass or

container except by way of trade delivery.

- 19 All door supervisors must wear High Visibility jackets at all times whilst working on the premises.
- 20 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
- 21 There will be a zero tolerance drugs policy at the premises.
- 22 At least one personal licence holder will be available on the licensed premises while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of an emergency.
- 23 There will be frequent collections of drink containers and glassware to avoid accumulation.
- 24 All drinking vessels on the ground floor must be polycarbonate or plastic.
- 25 SIA trained door staff will be on duty, if necessary, following a risk assessment, on each occasion and at least one SIA licensed door supervisor will be on duty at the premises during the time when licensable activities are taking place beyond 0300 hours.
- 26 There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- 27 During the final hour of trading appropriate announcements will be made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
- 28 All external doors and windows to any entrance / exit point (to include balcony areas) and any external windows shall be closed by midnight during hours of live entertainment, except in the event of an emergency, save for the purpose of access and egress.
- 29 All fire exit doors shall remain closed during regulated entertainment except in the event of an emergency, save for the purpose of access and egress.
- 30 The collection and disposal of bottles and refuse should not take place externally between the hours of 2200 and 0800.
- 31 The licence holder shall ensure that adequate ventilation is provided so as to ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to properties within close proximity.
- 32 The licence holder shall provide suitable containers for the storage of waste which are constructed and maintained to prevent the removal of such waste by vandal, thieves, animals, accidental spillage or inclement weather.
- 33 Any external light source associated with the premises shall not cause a nuisance or disturbance to any property within close proximity.
- 34 All staff will receive monthly training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
- 35 Persons who appear to be under the age of 25 years shall be required to produce proof of age by way of one of the following:
- i. A recognised proof of age card accredited under the British Retail Consortium's Proof of Age Standards Scheme (PASS)
  - ii. Photo Driving Licence
  - iii. Passport
  - iv. Citizen Card supported by the Home Office
  - v. Official I.D. card issued by HM Forces or European Union bearing a photograph and birth of the holder.
- 36 British Beer and Pub Association and / or Trading Standards 'Challenge 25' posters / notices shall be prominently displayed at the premises.
- 37 Any Gaming Machine which is placed in the premises will comply with the Code of Practice issued by the Gambling Commission under Section 24 Gambling Act 2005.
- 38 The capacity of the ground floor will be limited to 100 (one hundred) people.

39 Seating must be available for at least 50 people on the ground floor at all times.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

- 1 All staff must attain BIIAB Level 1 training (or equivalent) within 4 weeks of commencement of employment at the premises.
- 2 CCTV will be installed internally and externally at the premises and will comply with the following:
  - The CCTV shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises, with the exception of the toilets, are to be covered by the system, including any outside seating area;
  - The system will display on any recording the correct time and date of the recording;
  - The system will make recordings during all hours the premises are open to the public;
  - VCR tapes or digital recording shall be held for a minimum 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request;
  - The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
- 3 A staff member who is conversant with the operation of the CCTV system will be on the premises at all times when the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum or delay when requested.
- 4 The Licence holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV or radio system is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
- 5 That two SIA trained door staff will be on duty from 9pm on Thursday, Friday and Saturday nights.

### **Annex 4 - Plans**

See attached reference PL1646 / 1 / 2, PL1646 / 2 / 2

# Sex Establishment Policy 2021 - 2026

Blackpool Council



# Sex Establishment Policy 2021 - 2026

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# Sex Establishment Policy 2021 - 2026

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## 1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough. This policy takes effect from 20.10.21 until 30 December 2026

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act

The policy covers the operation of the following:

### 1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which is associated with sexual activity.

### 1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which are associated with sexual activity;

or

- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

# Sex Establishment Policy 2021 - 2026

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## 1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
  - i) No relevant entertainment has been provided on more than 11 occasions within a 12-month period;
  - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) No such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State

## 1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

# Sex Establishment Policy 2021 - 2026

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The Council may at any time give a person who would require a licence but for a waiver notice that, the waiver it to terminate on a date not less than 28days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

## 2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form, which is available upon request from the Licensing Service or at [www.blackpool.gov.uk](http://www.blackpool.gov.uk). Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

# Sex Establishment Policy 2021 - 2026

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j) The location of a kitchen, if any, on the premises

## 2.1 Advertising of applications

Applications for must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

### On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

### In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

# Sex Establishment Policy 2021 - 2026

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## 2.2 Objections

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this

## 3 Determination of applications

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

# Sex Establishment Policy 2021 - 2026

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This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors who made objections within the statutory period will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and the applicant and the objectors will receive written confirmation of the decision together with reasons within seven days

## 3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

### 3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

# Sex Establishment Policy 2021 - 2026

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- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## 3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason see paragraph 3.2;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number, which the authority considers appropriate for that locality see paragraph 3.3;
- d) That the grant or renewal of the licence would be inappropriate having regard
  - o To the character of the relevant locality see paragraph 3.4; or
  - o To the use to which any premises in the vicinity are put; or
  - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## 3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest

## Sex Establishment Policy 2021 - 2026

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- b) That the operator is qualified by experience and/or knowledge to run the type of sex establishment and that the operator understands the general conditions and will comply with them
- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and in the case of a sexual entertainment venue, policies for the welfare of performers
- d) If the application is for a sexual entertainment venue, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation
- f) That the operator can show either a track record of management of compliant premises, or that he/she has an understanding of the rules governing the type of licence applied for

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
  - Dishonesty
  - Violence
  - Sexual offences
  - Drugs
  - People trafficking
- b) The applicant has previously been involved in running an unlicensed sex establishment;

# Sex Establishment Policy 2021 - 2026

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- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves

### 3.3 Number of Sex Establishments

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 is able to determine that the appropriate number for a locality is nil. Blackpool Council has determined that in the Bloomfield, Claremont and Talbot Wards:

- The number of sex shops shall be one.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be nil\*.

In all other wards the number shall be nil for all categories of sex establishments

\* Sexual Entertainment Venues with the benefit of a licence immediately before this policy comes into force will be granted 'grandfather rights' meaning applications to renew will not be refused on the ground that the policy for such venues is nil. Such licences may be transferred and varied. Where, however a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers (although a Court's power on appeal is not restricted)

## **3.4 Location of licensed premises**

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas,
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools.
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples.
- Places and/or buildings of historical/cultural interest and tourist attractions.
- The Promenade

## **3.5 Conditions**

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

## **3.6 Duration of licence**

Licences will be granted for one year unless a shorter period is specifically stated.

## **3.7 Revocation of licences**

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper
- Poor operation of the premises

# Sex Establishment Policy 2021 - 2026

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The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

## **3.8 Appeals**

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

## **4. Complaints and Enforcement**

### **4.1 Complaints**

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

### **4.2 Enforcement**

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

# Sex Establishment Policy 2021 - 2026

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- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.blackpoolcouncil.gov.uk](http://www.blackpoolcouncil.gov.uk)

## **5. Cancellation of licences**

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

# Sex Establishment Policy 2021 - 2026

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## Appendix A

### Standard conditions for sex shops

#### Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

#### Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

#### Conduct of premises

4. The licensee shall maintain good order in the premises
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment
6. no poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

#### Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council

# Sex Establishment Policy 2021 - 2026

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## Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

## Appendix B

### Standard conditions for sexual entertainment venues

#### External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises, which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the venue.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

# Sex Establishment Policy 2021 - 2026

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## Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## Taking of payment for performances

14. All electronic/ card payments will be recorded in a consecutively numbered carbonated book and will include:
  - What the customer has paid for in as much detail as possible
  - All staff members involved in services/ transactions
  - The amount paid
  - The customer will be given the option to sign this record
  - The customer will be given a copy of this
  - These records will be clear and legible

This book will be made available to an authorised Officer on request

15. There will be sufficient measures in place to prevent dancers facilitating their own payment methods i.e. card terminals, internet banking.
16. Dancers will not be allowed mobile phones in any performance areas
17. All card terminals will be at a fix point. There will be CCTV coverage to show the individual making the transaction.
18. Members of staff/ dancers must not assist customers in using cash machines.

## Performances of sexual entertainment

19. No person under the age of 18 shall be on licensed premises.

## Sex Establishment Policy 2021 - 2026

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20. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
21. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
22. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
23. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
24. Customers must remain seated for the duration of the performance.
25. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
26. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
27. At all times during a performance, performers shall have unrestricted access to a dressing room.
28. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
29. Exit routes for performers must be kept clear.

# Sex Establishment Policy 2021 - 2026

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## Protection of performers

30. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
- The licence conditions relating to performances of sexual entertainment.
  - House rules.
  - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
  - Drugs monitoring.
  - No contact with customers outside the club
  - The arrangements for breaks and smoking facilities provided.
  - Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
31. Performers shall be provided with secure and private changing facilities
32. Means to secure personal property shall be provided for the performers
33. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
34. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
35. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

## Management

36. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
37. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.

# Sex Establishment Policy 2021 - 2026

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38. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
39. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
40. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
41. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
42. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
43. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
44. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
45. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

## Exhibition of the licence

46. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

## CCTV

47. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted. The CCTV system should store recordings for a minimum of 21 days and images should be made available to the Police of authorised Council officers on request with a minimum of delay.

# Sex Establishment Policy 2021 - 2026

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## Maintenance and Repair

48. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
49. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
50. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
51. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

## General

52. No part of the premises shall be let

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Head of Public Protection
<b>Date of Meeting</b>	24 May 2022

## **APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE – 11/13 QUEEN STREET, BLACKPOOL**

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

1.1 To consider an application by AA Recreation 1 Ltd for a Sexual Entertainment Venue (SEV) licence for “Dreams” 11 – 13 Queen Street, Blackpool.

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

2.1 The Sub-Committee will be requested to determine the application.

### **3.0 Reasons for recommendation(s):**

3.1 An application needs to be determined.

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 The Sub-Committee can determine to grant or refuse the application.

### **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 On 8 September 2021, the Sub-Committee heard an application by AA Recreation 1 Ltd for a new Sexual Entertainment Venue licence at 11/13 Queen Street. Having considered the objection, the Sub-Committee determined to defer a decision on the application pending the

outcome of an appeal by Pool Construction Ltd against the refusal to transfer the licence for 15/17 Queen Street.

- 6.2 The appeal remains outstanding and is currently listed for a case management hearing on 1 June 2022.
- 6.3 As eight months have now elapsed, this application is brought back before the Sub-Committee for review. If the Sub-Committee are minded to determine this application, they are reminded that their 2016 policy was in force at the time of application and original hearing.

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, governs the issue of SEV licences.

The Act provides a number of discretionary grounds on which an application may be refused:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
  - to the character of the relevant locality; or
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6.4 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

- 7.1 Appendix 5(a) - Application  
Appendix 5(b) - Objection  
Appendix 5(c) - Sex Establishment Policy 2016

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 This licence may only be refused on one of the grounds listed in Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

There is the right of appeal to the Magistrates' Court if the refusal relates to the unsuitability of the applicant.

**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 Local Government (Miscellaneous Provisions) Act 1982.

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**Blackpool**  
**Application for a sex shop and cinema licence**  
**Local Government (Miscellaneous Provisions) Act**  
**1982**

For help contact  
[licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk)  
 Telephone: 01253 478397

\* required information

### Section 1 of 13

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 13**

**FURTHER DETAILS ABOUT THE APPLICANT**

\* Are you applying as an individual (includes sole traders)?

Yes  No

**Section 3 of 13**

**DIRECTORS, PARTNERS, OWNERS AND MANAGERS**

You must provide details of all COMPANY DIRECTORS and the SECRETARY (if the applicant is a company), all PARTNERS (if it is a partnership), OFFICE BEARERS (if it is a club or association), all OWNERS of the business or premises and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES. Check for local guidance notes and conditions which may clarify exact requirements.

\* Are there any such people for whom you need to provide details?

Yes  No

**Provide The Following Details About Each One Of Them**

\* Position

E.g. director, partner, day-to-day manager.

**Full Name**

\* First name

\* Family name

Former name(s)

If currently or previously known by any other name(s), you must record them here.

Continued from previous page...

**Home Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Contact Details**

E-mail

\* Main telephone number

Other telephone number

**Further Details**

\* Date of birth   
dd mm yyyy

\* Place of birth

**Section 4 of 13**

**TYPE OF APPLICATION**

Type of application:

New       Renewal       Temporary (Scotland only)

Specify the period for which the licence is required (if applicable)

**Section 5 of 13**

**PREMISES TO BE LICENSED**

**Type Of Premises**

Building

Vehicle

Vessel

Stall

\* Name of premises/trading name

Continued from previous page...

### Premises Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name	<input type="text" value="11-13"/>
* Street	<input type="text" value="Queen Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Blackpool"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="FY1 1NL"/>
* Country	<input type="text" value="United Kingdom"/>

### Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

### Section 6 of 13

#### DETAILS OF THE PREMISES

\* Type of sex establishment (check all that apply):

- Sex shop
- Sex cinema (England, Wales and Northern Ireland only)
- Sex encounter establishment (London only)
- Hostess bar (London only)
- Sexual entertainment venue (England and Wales only)

\* Provide details of the goods to be offered for sale, films to be shown, the entertainment to be provided and/or (for London only) nature of the sex encounter provided

Gentlemen's Club, Lap-Dancing, Pole Dancing with Bar

\* Will the sex establishment occupy the entire premises?

Yes  No

\* Which parts of the premises will be used for the sex establishment?

**Continued from previous page...**

1st & 2nd Floor only

\* What will the rest of the premises be used for?

Ground Floor "Crazy Horse Saloon" public Bar  
4th Floor Office

\* How will you prevent the interior of the premises being visible to passers by?

Screening to be as agreed/approved with Blackpool Council & Blackpool Police prior to opening.

\* Provide details of any advertisements or displays to be exhibited, including sizes

Advertisings and displays to be agreed/approved with Blackpool Council & Blackpool Police prior to opening.

\* Are the premises currently in use as a sex establishment?

Yes  No

**Section 7 of 13**

**OPENING TIMES**

Give details of proposed opening times for each day of the week

\* Day or days

\* From

\* To

**Section 8 of 13**

**OWNERSHIP OF THE PREMISES AND THE BUSINESS**

\* In what capacity do you occupy the premises?

- Freehold
- Leasehold
- Tenant
- Other

\* Give details of the lease, tenancy or other arrangement, including the name and address of the landlord

Currently occupy as Leaseholder but am in the process of purchasing the freehold, from William Johnstone,

\* Is the applicant sole owner of the business?

Yes  No

\* Is the applicant a partly or wholly owned subsidiary of another company?

Yes  No

**OTHER BUSINESS INTERESTS**

**Continued from previous page...**

\* Is the applicant, or any person named in this application, involved in any way with any other similar establishment?

Yes  No

\* Provide details, including the name and address of the establishment and the nature and extent of the interest

Bar-Heaven, 169 Lower Ground Floor, The Promenade, Blackpool, FY1 5BQ  
Sinless, 1st Floor, 16-18 The Strand, Blackpool, FY1 1NX - 132-134 The Promenade, Blackpool, FY1 1RA  
VIP'S, (Formally Eden Queen St) 1st & 2nd Floor, 15-17 Queen Street, Blackpool, FY1 1NL

### Section 9 of 13

#### PREVIOUS APPLICATIONS

\* Have you, or any person named in or associated with this application, previously applied for a similar licence or registration? (check all that apply)

No  Yes - application granted and revoked  
 Yes - application granted  Yes - application refused

#### Application Granted

Only provide details about the most recent application – unless stated otherwise in local guidance notes.

\* Local authority applied to   
\* Date of licence/registration   
\* Reference number   
\* Expiry date

\* Local authority applied to   
\* Date of licence/registration   
\* Reference number   
\* Expiry date

\* Local authority applied to   
\* Date of licence/registration   
\* Reference number   
\* Expiry date

### Section 10 of 13

#### CONVICTIONS

Continued from previous page...

\* Have you, or any person named in or associated with this application, been convicted of any crime or offence?

Yes

No

**Section 11 of 13**

**PUBLIC NOTICE**

\* Is your application to a local authority in:

Scotland

England, Wales or Northern Ireland

**Section 12 of 13**

**ADDITIONAL DETAILS**

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Due to lease renewal contractual differences between the landlord (David Moseley) of 15-17 Queen Street and myself, with terms that are both commercially unviable and unreasonable, i find myself with no other option but to move the SEV to my own premises next door. Upon approval I i will surrender the SEV at 15-17 Queen St, therefore still leaving Blackpool with 4 SEV'S.

**Section 13 of 13**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

\* Fee amount (£)

3,800.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

**DECLARATION**

\* I am aware of the provisions of The Local Government (Miscellaneous Provisions) Act 1982. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

I understand that the information I have provided, will be held by the Council on both computerised and manual files. This data may be made available on a public register if so required by relevant legislation. The data may also be disclosed

**Continued from previous page...**

\* to other departments within the Council and other organisations, but only in order to ensure compliance with relevant legislation, for identification purposes or to prevent or detect fraud or a crime.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/blackpool/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

## Supporting Information for SEV Application

As part of the application, 'AA Recreation 1 Ltd' would like to take this opportunity to explain some of the background information and circumstances that have led to this application.

- **The reality is we are looking to transfer the license from 15-17 Queen Street to 11-13 Queen Street. The mechanics and process behind this means that AA have to apply for a new licence and relinquish the old one. AA understand the necessity to work in this way and of course, undertake to relinquish the license at 15-17 Queen Street at the appropriate time.**
- The need to move the license has arisen due to demands made by the landlord of 15-17 Queens Street after we acquired the business that currently occupies 15-17. The demands include but were not limited to:
  - The length of the lease is unacceptable bearing in mind the uncertainty of the future of this particular industry in Blackpool.
  - The landlord is making demands for clauses in the lease which if we signed would be impossible for us to comply with and may even be illegal.These untenable demands were introduced after we acquired the business. Prior to the application we spoke to Lee Petrak, Dave Verity and Ryan Ratcliffe as well as Emma (Police Licensing) all of whom have, in principle, raised no objections to the license being at 11-13 Queens Street. Obviously subject to approval and modifications being made to CCTV, processes, and some of the internal layout of the facility.
- 11-13 Queen Street is subject to a fair and equitable long-term lease with an option to buy clause which we are in the process of completing, meaning we will have no issues complying with any licensing requests or requirements.

We would also add that the executive directors and team have a unblemished record of running 2 existing SEV licensed venues in the town. They have worked tirelessly to implement the Terms of the License, and with various departments within the council to ensure all requirements are met or exceeded. They have then worked internally to ensure all necessary personnel are trained fully in their roles and that the training is reinforced on a regular basis.

The starting point is that the Licence was issued to AA and expires in January 2022. Mr Mosley's attempt to transfer a licence without the current holders consent is a kin to applying to DVLA to have your neighbours car registered in your name without have the decency to make an offer to buy it first.

His intentions are nothing short of disingenuous and in any other walk of life seeking to obtain property that belongs to another with the intention to deprive, would be unacceptable.

ECHR have established for some years that a Licence is a possession as such I have qualified rights to remain the holder of that possession.

## **SEX ESTABLISHMENT LICENCE APPLICATION**

Notice of application for grant of a sex establishment licence pursuant to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982. Take notice that on 8th April 2021 AA Recreation 1 Ltd applied to Blackpool Council for the Grant of a sex establishment licence for: Dreams, 1st Floor, 11-13 Queen Street, Blackpool, FY1 1NL. If granted the application will allow the premises to operate as a sexual encounter venue at the following times Monday – Sunday 8.00pm – 4.00 am. Any person wishing to make objections on the application may do so in writing to: Licensing Service, Blackpool Council, Municipal Buildings, PO Box 4, Blackpool, FY1 1NA, Tel: 01253 478397, Fax: 01253 478372 Email: [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk). The grounds of the objection must be stated in general terms. A copy of the application for this licence is kept by the Licensing Authority at the above address. This application can be viewed by appointment from Monday to Friday between 10.00a.m. and 4.00p.m. The objection must be received by the Council no later than 6th May 2021.

### SEX ESTABLISHMENT LICENCE APPLICATION

Notice of application for grant of a sex establishment licence pursuant to Schedule 3  
Local Government (Miscellaneous Provisions) Act 1982.

Take notice that on 8<sup>th</sup> April 2021 AA Recreation 1 Ltd applied to Blackpool Council  
for the grant of a sex establishment licence for:

Dreams, 1<sup>st</sup> Floor, 11-13 Queen Street, Blackpool, FY1 1NL

If granted the application will allow the premises to operate as a sexual encounter  
venue at the following times:

Monday – Sunday 8.00pm – 4.00 am

Any person wishing to make objections on the application may do so in writing to:  
Licensing Service, Blackpool Council, Municipal Buildings, PO Box 4, Blackpool, FY1  
1NA

Tel: 01253 478397, Fax: 01253 478372 Email: [licensing@blackpool.gov.uk](mailto:licensing@blackpool.gov.uk) The  
grounds of the objection must be stated in general terms.

A copy of the application for this licence is kept by the Licensing Authority at the  
above address. This application can be viewed by appointment from Monday to  
Friday between 10.00a.m. and 4.00p.m.

The objection must be received by the Council no later than 6<sup>th</sup> May 2021.

## PUBLIC NOTICES

### GVOL

#### Goods Vehicle Operator's Licence

Anthony Ascroft trading as Its Artificial of 1 Lodge Farm Cottages, Preston Road, Lytham St. Annes, Lancashire, FY8 5RW is applying for a licence to use, Compound E, Braithwaits Business Yard, Warton, Preston, PR4 1AH as an operating centre for 2 goods vehicles and 0 trailers. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

### LICENCE APPLICATIONS

#### SEX ESTABLISHMENT LICENCE APPLICATION

Notice of application for grant of a sex establishment licence pursuant to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982. Take notice that on 8th April 2020 AA Recreation 1 Ltd applied to Blackpool Council for the transfer of a sex establishment licence for: Dreams, 1st Floor, 11-13 Queen Street, Blackpool, FY1 1NL. If granted the application will allow the premises to operate as a sexual encounter venue at the following times Monday – Sunday 8.00pm – 4.00 am. Any person wishing to make objections on the application may do so in writing to: Licensing Service, Blackpool Council, Municipal Buildings, PO Box 4, Blackpool, FY1 1NA, Tel: 01253 478397, Fax: 01253 478372 Email: licensing@blackpool.gov.uk. The grounds of the objection must be stated in general terms. A copy of the application for this licence is kept by the Licensing Authority at the above address. This application can be viewed by appointment from Monday to Friday between 10.00a.m. and 4.00p.m. The objection must be received by the Council no later than 6th May 2020.

### PLANNING NOTICES

#### Wyre Council

I give notice that the Council has received the following application for a Major Development as defined by the Planning Acts:- Application Number: 21/00133/FULMAJ

**Proposal:** Single-storey extension with mezzanine to existing storage building to create a retail unit (Use Class E), and erection of workshop building (Use Class B2), with new carparking area in the existing yard **Location:** 119 Garstang Road, Claughton-On-Brock, Preston, Lancashire, PR3 0PH **Applicant:** Mr Ged Clarke. Plans and supporting information are available on our website at:

[www.wyre.gov.uk/planningsearch](http://www.wyre.gov.uk/planningsearch) (using the above planning application numbers) or by appointment at the Civic Centre in Poulton (during office hours). You can comment on undecided planning applications at [www.wyre.gov.uk/comment](http://www.wyre.gov.uk/comment). Representations on the above applications should be made by **5th May 2021** as, after this date, the Council is entitled to make a decision on the application. Written comments will be available for inspection by interested parties on our website. For further information on how to comment on applications and on how decisions are made please visit our website [www.wyre.gov.uk/comment](http://www.wyre.gov.uk/comment).

**Head of Planning Services**  
Tel: (01253) 891000  
Date: 14th April 2021.

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- ◆ Including your full name,
- ◆ Full business address including post code,
- ◆ A contact telephone number
- ◆ Full wording for the notice you require
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**'The thrill of opening night is just amazing!' Jodie Prenger opens up about life without theatre - Page 6**



# The Gazette

#Therewithyou

Wednesday, April 14, 2021

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# More homes for the Moss

▶ Developer to build 86 homes as part of project ...but neighbours' group condemn it as 'overkill'



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News Page 7

**Lacing up for big bro**



Feature Page 10

**We're back out there!**



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Min 2	Min 1
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 DX 14325 Manchester 1

Dept Direct t: 0161 838 7888  
 Dept Direct f: 0161 838 8110  
 email: rebeccaingram@kuits.com

Licensing Service  
 Blackpool Council  
 Municipal Buildings  
 Corporation Street  
 Blackpool  
 FY1 1NF

RLI.RLI.DAV645.1

29 June 2021

Dear Sirs

**SEV Licence Application – Dreams, 11 – 13 Queen Street, Blackpool**  
**Objection**

We write on behalf of Mr David Moseley, the landlord of the premises in which the SEV Eden One is located, 15-17 Queen Street.

We write to object to the above SEV licence application made by Mark Newton/AA Recreation 1 Ltd for 11-13 Queen Street. The Council will be aware that the consultation period in respect of this application has expired, but that in respect of SEV applications, late representations are admissible.

The premises is currently not licensed as an SEV and would therefore be a 5<sup>th</sup> SEV in Blackpool, and therefore in contravention of Blackpool Council's Statement of Licensing Policy. Mr Newton offers in the application made to relinquish a licence that his company currently holds for 15-17 Queen Street, Blackpool (Mr Moseley's property) should this licence be granted.

Mr Newton made this statement despite the fact that his status as holder of this licence is contested by our client. Whilst a transfer application made on behalf of our client in respect of this licence has recently been refused, our client intends to challenge this decision and therefore Mr Newton cannot make this statement with any degree of certainty.

As such, any decision to grant on the basis that the licence for 15-17 Queen Street will be surrendered would not be safe.

\\kslfs01\ptrdata\docs\D\A\V\DAV645\1\Ltr to This Entity - Objection to SEV-RLI.doc\_17942067\_1.doc

Furthermore, and in any case, we would object to Mr Newton being granted a new SEV under any circumstances.

We would submit that Mr Newton is unsuitable to hold such a licence, on the basis of the poor quality nature of his existing operations in the town. Mr Newton's honesty and integrity can also be questioned as a result of his dealings with our client and his holding to ransom an existing licence for a premises in respect of which he has no legal interest whatsoever.

Mr Newton has also expressed (during the hearing in respect of the transfer of the SEV Licence for Mr Moseley's property on 22<sup>nd</sup> June 2021) that it was his intention to 'take' all SEV licences in Blackpool, leaving none for any 'competition'.

This is concerning in respect of standards, quality and competition in Blackpool – such a monopoly benefitting no-one but Mr Newton himself.

Please advise as to when this matter will be before the Council's Licensing Committee.

Yours faithfully

**Kuit Steinart Levy LLP**

# Sex Establishment Policy 2016

Blackpool Council



# Sex Establishment Policy 2016

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# Sex Establishment Policy 2016

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## 1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough.

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act

The policy covers the operation of the following:

### 1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which is associated with sexual activity.

### 1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which are associated with sexual activity;
- or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

# Sex Establishment Policy 2016

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## 1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
  - i) No relevant entertainment has been provided on more than 11 occasions within a 12month period;
  - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) No such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State

## 1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

# Sex Establishment Policy 2016

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The Council may at any time give a person who would require a licence but for a waiver notice that the waiver it to terminate on a date not less than 28 days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

## 2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form which is available upon request from the Licensing Service or at [www.blackpool.gov.uk](http://www.blackpool.gov.uk). Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

# Sex Establishment Policy 2016

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j) The location of a kitchen, if any, on the premises

## 2.1 Advertising of applications

Applications for must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

### On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

### In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

# Sex Establishment Policy 2016

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## 2.2 Objections

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this

## 3 Determination of applications

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

# Sex Establishment Policy 2016

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This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors **who made objections within the statutory period** will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and ~~all parties~~ **the applicant and the objectors** will receive written confirmation of the decision together with reasons within seven days

## 3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

### 3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

# Sex Establishment Policy 2016

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- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## 3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason [see paragraph 3.2](#);
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority considers appropriate for that locality [see paragraph 3.3](#);
- d) That the grant or renewal of the licence would be inappropriate having regard
  - o To the character of the relevant locality [see paragraph 3.4](#); or
  - o To the use to which any premises in the vicinity are put; or
  - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## 3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest

# Sex Establishment Policy 2016

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- b) That the operator is qualified by experience **and/or knowledge** to run the type of sex establishment

That the operator understands the general conditions and will comply with them

- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and **in the case of a sexual entertainment venue**, policies for the welfare of performers
- d) **If the application is for a sexual entertainment venue**, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation
- f) That the operator can show **either** a track record of management of compliant premises, or that he/she **has an understanding of the rules governing the type of licence applied for** ~~will employ individuals who have such a track record.~~

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
- Dishonesty
  - Violence
  - Sexual offences
  - Drugs
  - People trafficking
- b) The applicant has previously been involved in running an unlicensed sex establishment;

# Sex Establishment Policy 2016

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- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves

### **3.3 Number of Sex Establishments**

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 is able to determine that the appropriate number for a locality is nil.

Blackpool Council has determined that in the Bloomfield, Claremont, Foxhall and Talbot Wards:

- The number of sex shops shall be two.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be 4.

In all other wards the number shall be nil for all categories of sex establishments

## **3.4 Location of licensed premises**

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas,
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools.
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples.
- Places and/or buildings of historical/cultural interest and tourist attractions.
- The Promenade

## **3.5 Conditions**

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

## **3.6 Duration of licence**

Licences will be granted for one year unless a shorter period is specifically stated.

## **3.7 Revocation of licences**

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper
- Poor operation of the premises

The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

## **3.8 Appeals**

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

## **4. Complaints and Enforcement**

### **4.1 Complaints**

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

### **4.2 Enforcement**

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.blackpoolcouncil.gov.uk](http://www.blackpoolcouncil.gov.uk)

## 5. Cancellation of licences

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## Appendix A

### Standard conditions for sex shops

#### Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

#### Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

#### Conduct of premises

4. The licensee shall maintain good order in the premises
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment
6. no poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

#### Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council

# Sex Establishment Policy 2016

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## Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

## Appendix B

### Standard conditions for sexual entertainment venues

#### External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

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## Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## Performances of sexual entertainment

14. No person under the age of 18 shall be on licensed premises.
15. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
16. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
17. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
18. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
19. Customers must remain seated for the duration of the performance.
20. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
21. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.

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22. At all times during a performance, performers shall have unrestricted access to a dressing room.
23. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
24. Exit routes for performers must be kept clear.

## Protection of performers

25. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
  - The licence conditions relating to performances of sexual entertainment.
  - House rules.
  - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
  - Drugs monitoring.
  - No contact with customers outside the club.
  - The arrangements for breaks and smoking facilities provided.
  - Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
26. Performers shall be provided with secure and private changing facilities
27. Means to secure personal property shall be provided for the performers
28. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
29. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
30. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

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## Management

31. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
32. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.
33. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
34. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
35. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
36. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
37. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
38. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
39. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
40. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

## Exhibition of the licence

41. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

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## CCTV

42. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

## Maintenance and Repair

43. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
44. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
45. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
46. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

## General

47. No part of the premises shall be let



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