

# Blackpool Council

1 July 2022

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

The above members are requested to attend the:

## **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 12 July 2022 at 6.00 pm  
in Committee Room A, 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 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE - 11-13 QUEEN STREET** (Pages 1 - 44)

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

**3 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE - 15-17 QUEEN STREET** (Pages 45 - 140)

To consider an application by UK Exclusive Entertainment Ltd for a Sexual Entertainment Venue (SEV) licence for 'Mystique' 15 – 17 Queen Street, Blackpool.

**4 DATE OF NEXT MEETING**

To note the date of the next meeting as 19 July 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).

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Cogan, Service Manager - Public Protection
<b>Date of Meeting</b>	12 July 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, listed for hearing on 12 October 2022.
- 6.3 Due to the time elapsed since first consideration this application is brought back before the Sub-Committee for determination. The Sub-Committee is reminded that the 2016 Sex Establishment Policy was in force at the time of application and original hearing. The Sub-Committee may hear an argument that they should however base any decision on the revised Policy approved in 2021. Counsel will be present at the hearing to advise the Sub-Committee.

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 2A - Application  
Appendix 2B - Objection  
Appendix 2C – 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

\* 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

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

Monday to Sunday

\* 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

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)

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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### GENERAL NOTICES

#### Public & Legal Notice COVID-19 UPDATE FROM JPI MEDIA:

If you require a Public & Legal notice, our team is still on hand to assist you with this. Our business hours and deadlines will remain the same. For any enquiries in the first place please email [publicnotices@jpimedia.co.uk](mailto:publicnotices@jpimedia.co.uk) with your requirements,

- ◆ Including your full name,
- ◆ Full business address including post code,
- ◆ A contact telephone number
- ◆ Full wording for the notice you require
- ◆ Newspaper title and date required.

For further advice please call the team on

**0207 023 7931**  
**jpimedia**

### PROPERTY

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 COLLECTION WITHIN 1 HOUR.  
 ENVIRONMENT AGENCY WASTE CARRIER.  
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 COLLECTION ON A LOW LOADER  
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 Accident Damage Environment  
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 Free Collection within the hour 7 day service

**Tel Today 07967 729313**

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**TOYOTA AYGO 1.0L**

Petrol, silver, 2009, 62,000 miles, 4 seats, long MOT, car has been regularly serviced, car has just had £500 spent on it, new clutch, new silencer and proper spare wheel, plus various extras, £1800 cash or an MOT failure and £1500. Pic for reference only.

Tel: 07588811265 or 01772 629349



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No big business started out big.  
 It's all about finding the people  
 you need to take you higher.



**'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

£1

Delivering trusted news and campaigning for the Fylde coast since 1873

# More homes for the Moss

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



READ THE FULL STORY ON PAGES 8 AND 9

News Page 7

**Lacing up for big bro**



Feature Page 10

**We're back out there!**



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<b>WED</b>	<b>THU</b>
Max 11	Max 11
Min 2	Min 1
Sunny	Bright

*Local, regional and national weather forecasts at [blackpoolgazette.co.uk](http://blackpoolgazette.co.uk)*

## Are you retiring soon?

Explore your options and get more from your pension

GET YOUR **FREE** PENSION INCOME GUIDE



Page 17

Call to request your free Pension Income Guide

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 f: 0161 832 6650  
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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.

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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.

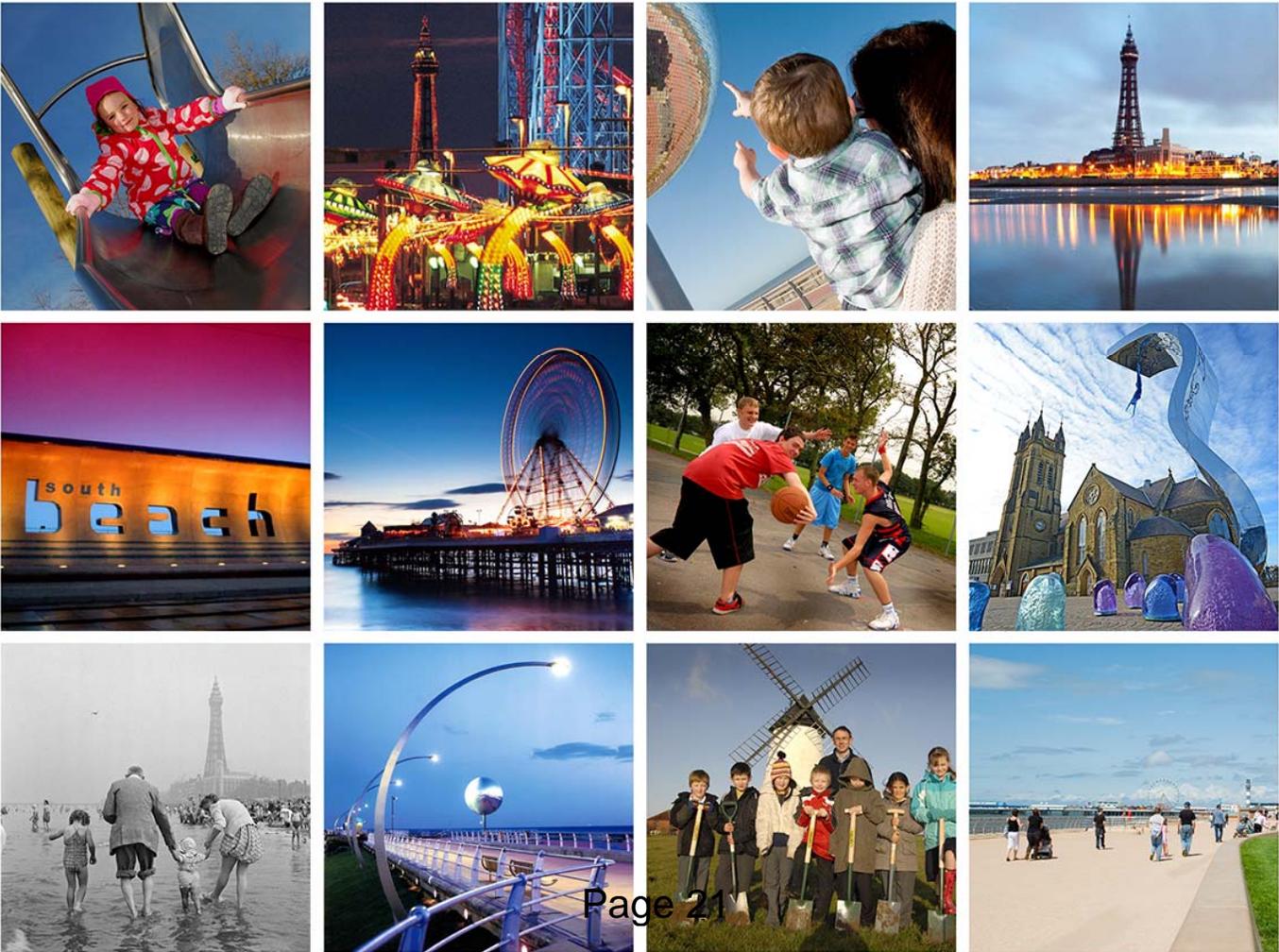
Please advise as to when this matter will be before the Council's Licensing Committee.

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; or
- 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 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 2016

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

## 2.1 Advertising of applications

Applications 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, and
- 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;

# 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;

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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; and
- 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 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 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.

# Sex Establishment Policy 2016

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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 2016

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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 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.

# Sex Establishment Policy 2016

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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



# Sex Establishment Policy 2016

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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Cogan, Service Manager - Public Protection
<b>Date of Meeting</b>	12 July 2022

## **APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE – 15-17 Queen Street, Blackpool.**

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

1.1 To consider an application by UK Exclusive Entertainment Ltd for a Sexual Entertainment Venue (SEV) licence for “Mystique” 15 – 17 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 29 April 2022 the Licensing Service received an application from UK Exclusive Entertainment Ltd for a new SEV licence at 15-17 Queen Street, Blackpool. The Sub-Committee will recall that it refused an application to transfer a SEV licence for this venue in

June 2021, this decision is the subject of an appeal and is listed for hearing on 12 October 2022 at Blackpool Magistrates Court.

6.2 Following advertisement of the application, the Licensing Service received two written objections. The objection from AA Entertainment 1 Ltd and AA Recreation 1 Ltd is attached to this report as Appendix 3(b). Under the Local Government Miscellaneous Provisions Act 1982, the identity of those making objections can only be revealed with their consent. The second objector was asked for consent but has not responded. The content of their objection is also attached for the Sub-Committee's reference at Appendix 3(c).

6.3 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 3a - Application for a new SEV licence – 15-17 Queen Street  
Appendix 3b - Objection 1 (AA Entertainment 1 Ltd and AA Recreation 1 Ltd)  
Appendix 3c – Objection 2 (anonymous)  
Appendix 3d – Sex Establishment Policy 2021

## 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

Not Currently In Use

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

Your reference

New SEV License for MYSTIQUE

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

UK EXCLUSIVE

\* Family name

ENTERTAINMENTS LTD

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?

Yes  No

\* Registration number

13867058

\* Business name

UK EXCLUSIVE ENTERTAINMENTS LTD

If the applicant's business is registered, use its registered name.

\* VAT number

- n/a

Put "none" if the applicant is not registered for VAT.

\* Legal status

Private Limited Company

**Continued from previous page...**

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent 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.

**Agent 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	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	Lancashire
* Postcode	<input type="text"/>
* Country	United Kingdom

**Contact Details**

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

**Further Details**

* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Place of birth	Poland

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

* Position	<input type="text" value="Director/General Manager (Day to Day)"/>	E.g. director, partner, day-to-day manager.
------------	--	---

**Full Name**

* First name	Robert
* Family name	NORTON
Former name(s)	<input type="text"/>

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

**Home 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	Lancashire
* Postcode	<input type="text"/>
* Country	United Kingdom

Continued from previous page...

**Contact Details**

E-mail

\* Telephone number

Other telephone number

**Further Details**

\* Date of birth  /  /   
dd mm yyyy

\* Place of birth

**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.

**Home Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Contact Details**

E-mail

\* Telephone number

Other telephone number

**Further Details**

\* Date of birth  /  /   
dd mm yyyy

\* Place of birth

*Continued from previous page...*

Remove this person

Add another person

**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

**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

Continued from previous page...

### Contact Details

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

Yes  No

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

Entertainment to be provided in the form of Lap Dancing, Table Dancing, Burlesque Dancing, Semi Nudity.

\* 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 where sexual entertainment will take place.  
(3rd floor will be allocated for Dancers/Performers changing rooms).

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

Ground Floor is a Licensed bar/lounge.

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

Windows to the front are on the 1st & 2nd floor and will have a form of screen which will, prior to opening be agreed & approved by Blackpool Council & Blackpool Police Licensing Unit.

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

Signage at the entrance to the premises prior to opening will be agreed by Blackpool Council & Blackpool Police Licensing Unit.

\* Are the premises currently in use as a sex establishment **Page 55**

Continued from previous page...

**Section 7 of 13**

**OPENING TIMES**

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

* Day or days	<input type="text" value="Monday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>

* Day or days	<input type="text" value="Tuesday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>
<input type="button" value="Remove this day"/>	

* Day or days	<input type="text" value="Wednesday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>
<input type="button" value="Remove this day"/>	

* Day or days	<input type="text" value="Thursday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>
<input type="button" value="Remove this day"/>	

* Day or days	<input type="text" value="Friday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>
<input type="button" value="Remove this day"/>	

* Day or days	<input type="text" value="Saturday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>
<input type="button" value="Remove this day"/>	

* Day or days	<input type="text" value="Sunday"/>
* From	<input type="text" value="20.00hrs"/>
* To	<input type="text" value="04.00hrs"/>

Continued from previous page...

Remove this day

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

The landlord is a Mr David Moseley. 580 Lytham Road, Blackpool, FY4 1RB  
A 10yr lease is held by RMS Coastal Resorts Investments Ltd taken out in May 2021, with an option to buy.  
The Sub Lease is held by UK Exclusive Entertainments Ltd, the applicant for this application.  
Mr Rafael Marcin SUSKI is a director/Shareholder of both the above companies.

\* 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

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

- Yes  No

### 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

### 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)

The current SEV licence holder for 15-17 Queen Street is a Mr Newton who was a prospective new tenant of the premises, and he and the landlord of the building Mr David Moseley were in negotiations in relation to a new lease.

Those negotiations ended, therefore Mr Newton who still holds the current SEV licence, does not have, nor will have any formal right of occupation in respect of these premises.

Mr Moseley the landlord has since negotiated a new lease with an option to purchase to a Mr Rafael Suski who is a Director in UK EXCLUSIVE ENTERTAINMENTS LTD the applicant in this application.

**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 (£)

0.00

**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

**Continued from previous page...**

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

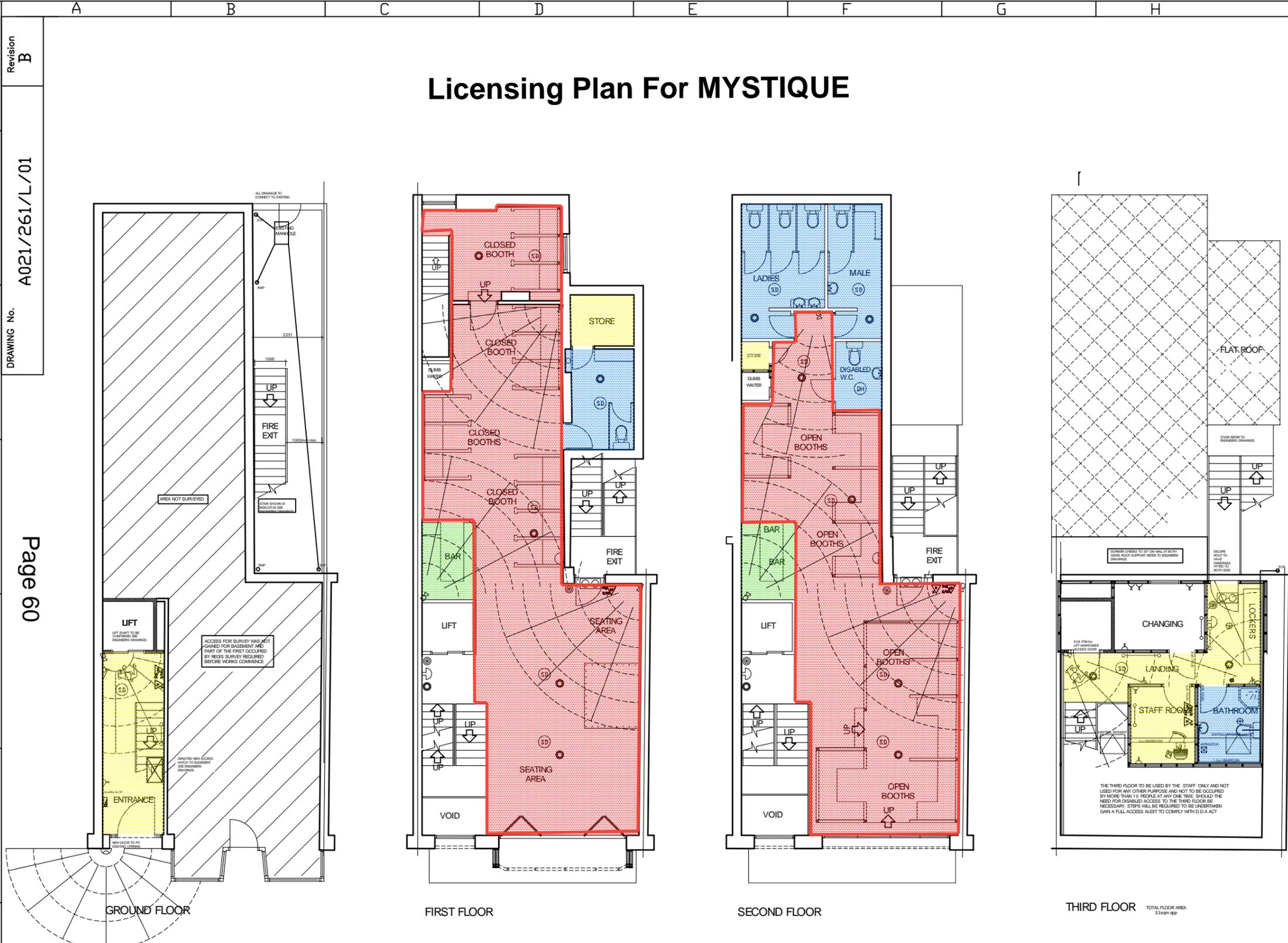
Date (dd/mm/yyyy)

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.

# Licensing Plan For MYSTIQUE



Revision B  
DRAWING No. A021/261/L/01  
Page 60

SEV Area within the red line

## NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES
2. DO NOT SCALE FROM THIS DRAWING.
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELATED DRAWINGS & DOCUMENTS. THE USER SHOULD CONSULT THE DRAWING ISSUE REGISTER FOR DETAILS.
4. THE CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION WORKS
5. THE ENGINEER/ARCHITECT SHOULD BE CONTACTED IMMEDIATELY IF THE ASSUMPTIONS USED IN THE DESIGN AND DRAWING PREPARATION DIFFER TO THAT FOUND ON SITE.

The lighting system shall be Mx2 category in accordance with BS5266: part 1 1999 & is to be certified on completion by a qualified engineer. Exit box signs are to be illuminated & comply with BS5499 part 4 2000. Signs are to be placed centrally over doors signs are to be solid green background with white pictogram. All external fire doors leading to stairwells to be FD30s 1/2 hr fire door fitted with self closers and intumescent strip. Escape window indicates escape window, opening light to be full opener with no dimension less than 450mm clear and a minimum area of 0.33sq.m. (750x450 opener). Head detector to be fitted to each flat and inter linked to smoke detectors in common areas. Smoke detectors and heat detectors to be interlinked and linked to system on the above floor. Smoke and fire detection units to be wired to mains with battery back up. All alarms to be inter linked, category L2 system to BS5839 part 1 2002.

KEY	
	NOTES 30 MINUTES RESISTANT CONSTRUCTION
	SD DENOTES: SMOKE DETECTION IN ACCORDANCE WITH BS5839:1 2013 LINKED TO EXISTING SYSTEM
	HD INTER LINKED MAINS OPERATED HEAT DETECTOR
	ILLUMINATED EXIST SIGN IN ACCORDANCE WITH BS5499
	EMERGENCY LIGHTING TO BS5266: 2015
	FD30 FIRE RATED DOOR
	TOILET AREA
	DRY AREA
	SEV AREA & BAR/WET AREA
	BEER/BOTTLE STORE
	ALARM SIREN
	ALARM BREAK POINT
	EXTINGUISHER
	FIRE BLANKET
	CONSUMER UNIT
	CONTROL PANEL
	PIR
	PIR WITH LIGHT
	CCTV

B	Client Amendments	08-09-21	JCH
A	Amendments to bar/booth layouts	27/08/21	WJP
Rev.	Amendments	Date	By

**Keystone Design Associates Ltd.**

Registered Office  
261 Church Street  
Blackpool  
FY1 3PB

Tel. No. 01253 649040  
Fax. No. 08704 648222  
Email : Info@keystonedesign.co.uk

**PROJECT ADDRESS**  
15-17 QUEENS STREET BLACKPOOL

**PROJECT TITLE**  
LICENSING DRAWINGS

**DRAWING TITLE**  
LICENSING PLAN  
PROPOSED FLOOR PLANS

Client	MR. R SUSKI	Scales	1:100
Drawn	WJP	Date	AUGUST 2021

DRAWING No.	A021/261/L/01	Revision	B
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TEMPORARY PROHIBITION OF THROUGH TRAFFIC) ORDER 2022

NOTICE IS HEREBY GIVEN that Lancashire County Council intends to make an Order under Section 14(1) (a) of the Road Traffic Regulation Act 1984, as amended, the effect of which will be to temporarily prohibit traffic on the roads set out in this notice.

1. No person shall cause any motor vehicle to proceed over that length of Mill Lane, Elswick from its junction with Lodge Lane for approximately 440 metres in an easterly direction (to the end of the adoption limits).
2. Nothing in this Order shall apply to persons engaged in the carrying out of the works.
3. The prohibition will be operative daily from 0800 hours until 1800 hours on Tuesday 17<sup>th</sup> May 2022 until Thursday 19<sup>th</sup> May 2022 or until completion of the works within this period.
4. An alternative route for vehicular traffic affected by the closure is via:  
Not Applicable - Highways will liaise with residents to maintain access wherever possible

The temporary prohibition is necessary to allow carriageway resurfacing works to be carried out by LCC Highways.

[Ref: HRIT/36909/BJN]

LICENCE APPLICATIONS

Sex Establishment Licence Application.

Notice of application for the Grant of a New Sexual Entertainment Venue licence pursuant to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

Take notice that on Friday 29th April 2022, UK Exclusive Entertainments Ltd applied to Blackpool Council for the Grant of a New Sexual Entertainment Venue licence for: MYSTIQUE. 1st & 2nd Floor, 15 - 17 Queen Street, Blackpool, FY1 1NL. If granted the application will allow the premises to operate as a Sexual Entertainment 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

The grounds of the objection must be stated in general terms. A copy of the application for this license 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 Friday 27th May 2022

Authorised Agent - C.N.A. Risk Management

FOR FURTHER DETAILS.

PAPER AND ONLINE

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VEHICLES WANTED

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CASH PAID

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CITROEN

Citroen C4 Picasso Edition



2012

£4,495

1.6HDI Diesel (110 BHP) 2012, 6 speed manual, 73,000 miles, FSH, 3 owners, MCT Jan 2023, Metallic Silver, AC, CC, Alloys, Rear Parking Sensors, 2 keys, 55 + mpg, very reliable, cheap road tax, excellent condition throughout Tel 07970350817



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SEE OUR PUBLIC NOTICES SECTION



EVERY WEEK IN PAPER AND ONLINE

OPERATOR LICENCES, LICENCES TO SELL ALCOHOL AND PROBATE NOTICES

SEE OUR PUBLIC NOTICES SECTION



# MYSTIQUE

## DANCERS PACK

SECTION	DOCUMENT	PAGES
1	Contract for Dancers	1
2	Dancers Terms & Conditions	1-2
3	Dancers Disclaimer	1
4	Dancers Emergency Details	1-8
5	Dancers Additional Information	1
6	Dancers Etiquette & House Rules	1-4
7	Dancers Welfare Policy	1
8	Dancers License Agreement	1-2
9	Dancers Fines	1-2

# MYSTIQUE

CONTRACT FOR DANCERS AT:

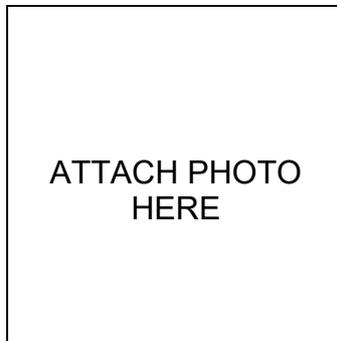
**MYSTIQUE**  
1<sup>st</sup> & 2<sup>nd</sup> Floor  
15 - 17 Queen Street  
Blackpool  
Lancashire  
FY1 1NL  
Tel:  
E-mail:

Stage Name: .....

Real Name: .....

Start Date: ..... End Date: .....

Contact Number: .....



I have read and understood the following Documents, Policies, Terms & Conditions.  
It is my responsibility to follow these rules and I understand the consequences that may  
occur if they are broken.

1. Dancers Etiquette Book
2. Terms & Conditions
3. Club Rules & Regulations

SIGNED: .....

DATED: .....

# MYSTIQUE

## TERMS AND CONDITIONS

***Please ensure that you read the following conditions carefully before agreeing to and signing this contract.***

- Before starting at MYSTIQUE, you will be asked to provide a form of ID. This must show your name, photograph and date of birth.
- You will be handed a copy of the Dancers Etiquette book
- All girls must book their shifts with the house manager.
- If you cannot make your shift, 24 hours' notice is required, or you will be fined as a 'no show'.
- There is to be no shift swapping amongst the girls unless agreed with the house manager.
- On arrival to work, you must report to reception to sign in and pay your house fee – before you start work.
- All girls must arrive for their shift 30 mins early to allow time to get ready.
- A minimum of one week's notice is required for holidays. Please inform the house manager of any time off so that it can be recorded.
- Girls are **NOT** allowed to leave their shifts early. House fees will not be refunded if this happens. You must not get changed until the last song has been played.
- Girls that are working the longer shifts are entitled to have a break, but this must be agreed by the manager.
- If you bring food into the club, it must be eaten in the changing rooms.
- MYSTIQUE accepts no responsibility for lost or stolen property.
- A locker can be obtained from a manager for a fee of £20. This will be refunded when you leave upon return of the key.
- Dances are down to the G string and are only to be carried out in the booths.
- There is to be no undercutting or negotiating of prices. This will not be tolerated.

- Customers can pay for dances using either dance tokens or cash. **NO GIRL IS ALLOWED TO REFUSE DANCE TOKENS, THIS IS A SACKABLE OFFENCE.**
- Dance Tokens are available at each bar serverly on each floor and customers must be encouraged to use these.
- Cash must NEVER change hands in the booths. Payment for the booths must be done via reception.
- MYSTIQUE has a very strict policy of **NO SEXUAL CONTACT.** Customers are to make no contact with you whilst you are dancing. You are allowed to dance close to the customer, but there is to be no touching of the customer's genitals areas at any time.
- You are to greet customers and make polite conversation. Do not walk straight up and offer them a dance.
- Do not try and approach a customer when it is clear another girl is already looking after them.
- **DO NOT** leave with or arrange to meet clients whilst on shift. Phone numbers are not to be exchanged at any time.
- Please advise customers those propositions of this nature are unacceptable.
- **UNDER NO CIRCUMSTANCES** are girls to have friends or partners in the club whilst they are working.
- **UNDER NO CIRCUMSTANCES** are girls to date members of staff, management or doormen at MYSTIQUE.
- Any problems with members of staff are to be discussed with the house manager.
- Behaviour such as swearing, and fighting will not be tolerated.
- All girls must wear an outfit that comes below the knee until **11pm**. After this time, you may change into another outfit, including shorter dresses, bikinis or fantasy wear.
- Girls are expected to change their outfits throughout the night.
- If you are required to wear a fantasy outfit by the management, you must do so.
- All girls are to go on stage during their shift. This includes all poles on busy nights. The DJ is in charge of monitoring stage performances. Refusing to go up when called could result in a fine.

- Performing on stage will last for the duration of two songs. You will remain fully clothed for the first song, then topless for the second. You must keep your G string on at all times on stage.
- Before you begin your show, please clean the pole with the towel and water spray provided.
- Do not use baby oil on the pole or yourself.
- Girls are not allowed to use mobile phones on the floor. If they are seen, we may take them from you until the end of the shift or you can be fined.
- All dancers are responsible for keeping the changing rooms tidy. Please take all glasses back to the bar.
- Girls are **NOT** allowed to bring their own alcohol onto the premises at any time.
- You should not be in the club if you are not working unless it is cleared with the house manager first.
- There is no guest list available for dancers.
- We try to encourage customers to buy drinks. If you are offered a drink, **TAKE IT**. If you do not want to drink it then give it to another girl or leave it.
- Girls are only permitted to drink if they are seated with a customer. Otherwise use the changing rooms.
- Smoking is only permitted in the smoking area for dancers. You must inform management when you are taking a cigarette break.
- Any girl found to be drunk on any shift maybe sent home and suspended. Your house fee will not be refunded.
- Drugs are **NOT TOLERATED** in the club. Any girl found to be possessing or taking drugs will be instantly dismissed.
- All girls are self employed. You are not employees of MYSTIQUE. This means you are responsible for any Tax and National Insurance contributions you may have to pay. It is also your responsibility to register for VAT if your earnings from all sources are in excess of the vat registration threshold limit.

**Any girl found to be breaking or not following these terms & Conditions may be fined, suspended or instantly dismissed.**

I have read and understood the terms and conditions. It is my responsibility to follow these rules and I understand any consequences that may occur if they are broken.

Signed: .....

Print Real Name: .....

Print Stage Name: .....

Date: .....

# MYSTIQUE

## DISCLAIMER

I am the person detailed below and I have signed this disclaimer to say that I am working at MYSTIQUE on a self-employed basis.

I agree to pay the house fee set by the club for the use of the premises.

I take full responsibility for Tax and National Insurance contributions owed on any money I will earn whilst working on these premises.

I am also aware that there are CCTV cameras fitted in the club and changing rooms on these premises for the deterrent of drug abuse and theft. I agree to work under these conditions.

I also agree that I may be asked to take part in a random drug test at the venue.

Real Name: ..... Stage Name: .....

Address: .....

.....

Date of Birth: .....

Contact Number: .....

Accountants name & address: .....

.....

TAX REFERENCE CODE: .....

NATIONAL INSURANCE NUMBER: .....

NAME OF PROMOTIONAL COMPANIES OWNED (IF ANY):

.....

I confirm that this information is correct.

Signed ..... Date: .....

# MYSTIQUE

## EMERGENCY DETAILS

STAGE NAME:	
REAL NAME:	
EMERGENCY CONTACT NAME:	
EMERGENCY TELEPHONE NUMBER:	
LIST ANY ILLNESSES WE SHOULD KNOW ABOUT:	
LOCKER NO	

# MYSTIQUE

## ADDITIONAL INFORMATION

- You can use cash or credit card to pay your house fee.
- Your house fee **must** be paid before you start your shift.
- All dance tokens are to be cashed in at the end of the night.
- You need to change your tokens before you get changed into your normal clothes.
- No light fittings are to be moved.
- Act like ladies at all times.
- Do not talk to customers about the way the club is run i.e. tipping dollars, exchange rate, commission, etc.
- Your shifts for the week must be booked in **a week** in advance.

# MYSTIQUE

## ETIQUETTE & DANCERS HOUSE RULES

Please take time to read your introduction pack.

It may help you feel more confident on your first shift, if you know a little about MYSTIQUE and the team behind its operation.

Any questions you may have after reading it can be discussed with any of the management team.

## WHAT MAKES A GOOD LAP DANCER

### **DANCERS TO NOTE:**

- ❖ Greet customers in a warm and friendly manner, a smile works wonders.
- ❖ You are an entertainer, and you are on show as soon as you are in the club
- ❖ Make sure your appearance is immaculate, Hair, Nails, Make Up, Dress etc.
- ❖ Show self confidence (Even if you don't feel it)
- ❖ Have a sense of humour
- ❖ Pay full attention to the customer at all times, a conversation is often more important than the dance and it helps the customer to relax and makes them feel that they are more than just a £20.00 note.
- ❖ These may sound like obvious attributes, but when you're tired or fed up, you cannot let this affect your work or dancing performance.
- ❖ The customer is expecting the above and if you can't deliver, you can't earn.
- ❖ Do not; give the impression that you are too busy to talk.
- ❖ Do not, show a negative attitude.
- ❖ Do not, neglect your appearance.
- ❖ Do not, talk about other girls, customers, or the club in a negative way.
- ❖ Do not; argue with customers or other dancers.
- ❖ Do not, talk about your private life.
- ❖ Do not, moan, complain or about customers or other dancers.
- ❖ Do not; approach a customer as soon as he walks through the door.
- ❖ Dancers will not be allowed mobile phones in any performance areas.

## **THE LAP DANCE EXPERIENCE**

- ❖ A lap dance is a personal experience for both you and the customer; the customer should feel that you are only interested in them.
- ❖ A good dancer will hold eye contact for as much of the dance as possible, follow your hands with your eyes and then back to the customer.
- ❖ Do not look around the room for your next customer whilst doing your dance.
- ❖ Ladies are using Gentlemen's clubs more and more with their partners, you should treat them with the same courtesy and professionalism as our male clientele. They appreciate a good female body as much as a man and are often quite intrigued by your dancing. They are paying customers, the same as men, please make them feel welcome.
- ❖ Discreetly check the time, do not keep checking your watch or phone

## THE APPROACH

- ❖ Approach the customer with a smile and ask can you join them.
- ❖ Introduce yourself with a handshake
- ❖ Make polite conversation if the time allows
- ❖ After 3-5 minutes of chat ask the customer if they would like you to dance for them, if they say no, ask is there anyone else that they would like to talk to or have a dance from, if he points someone out, let them know and move onto the next customer. This is dancer etiquette; remember another dancer will do the same for you if you show them this courtesy.
- ❖ If a customer says that they don't want a dance, do not be rude or pass comment, be polite, be professional and move on.
- ❖ When you finish, give them a kiss on the cheek and say goodbye and thank you.
- ❖ Sit down and put your clothes back on, then either chat or leave the dance area, do not leave the customer sitting there.
- ❖ You can still refer the customer to another dancer at the end of your dance if you wish if he does not want another dance from you straight away.
- ❖ Your dance is only three minutes long, so with the chatting at the beginning and the end, you are only spending about 10 minutes with each customer.

## THE POLE STAGES

- ❖ This is a chance to showcase yourself
- ❖ Make your stage show sexy, exciting, entertaining, and erotic.
- ❖ You'll secure a few dances from customers who see your routine.
- ❖ The stage poles are no different to any other stage shows you may see.
- ❖ You are performing to an audience and your aim should be to get their attention.
- ❖ You know what the customers want to see, sexy, erotic, fun and approachable girls.
- ❖ Impress them on stage and its money in the bank.
- ❖ An unrehearsed routine, however, looks bad and won't earn you any money
- ❖ The more effort you put in the more you will get out.
- ❖ You will be introduced by the DJ, walk on stage with confidence and a smile.
- ❖ Act sexy, make eye contact with individual customers to make them feel special.
- ❖ Perform your pole tricks with as much sex appeal as possible.
- ❖ Wear sexy outfits
- ❖ Use the whole of the stage during your show.
- ❖ Never go through the motions because you have to.
- ❖ Never try new tricks on the pole without a rehearsal
- ❖ Dancers, who earn well, take pride in their appearance and their job.
- ❖ This means constant practice and close attention to detail.
- ❖ Follow these simple rules and you should earn good money.
- ❖ No removal of clothing on the dance Pole.

## **DANCERS ETIQUETTE**

### **DRESS CODE**

- ❖ All dancers should wear long / elegant dresses until midnight
- ❖ These should not be transparent and should not be short in length.
- ❖ No bikini style outfits with matching shorts should be worn.
- ❖ Please ensure that your dresses / outfits are clean and well presented.

### **DRESSING ROOM ETIQUETTE**

- ❖ Dancers will be provided with secure and private changing facilities
- ❖ There will be means to secure personal property by way of secure lockers.
- ❖ Dancers to keep the dressing room clean and tidy, put rubbish in the bins.
- ❖ If bottles and glasses are taken into the dressing room, please take them back out when you leave.
- ❖ Please do not leave your valuables like money, mobile phones etc on display, they are your responsibility, please use the lockers provided.
- ❖ Do not borrow items from the other girls without their permission, as it will cause unnecessary friction.
- ❖ Security cameras are installed throughout the building for your security and protection.
- ❖ If a customer becomes unruly there are Panic buttons situated in booths and dance areas for you to call Management /security

### **ALCOHOL AND DRUGS**

- ❖ Drugs will not be tolerated.
- ❖ Dancers may drink in moderation
- ❖ Dancers are requested not to carry or drink from a bottle, use a glass.
- ❖ Any dancer suspected of being drunk will be sent home.
- ❖ There are those of you who can drink all night without it showing, and there are those that can't, you know who you are.
- ❖ Never drink so much that you are not in control of your dance and your customer, if you're drunk you may not think you're slurring your words and stumbling, but chances are, you probably are.
- ❖ There is nothing more unattractive than a girl's who's drunk. This is a fantasy, and you are supposed to be their ideal woman.
- ❖ No one wants a drunk slurring woman to dance or talk to them.
- ❖ Please limit your alcohol intake or you will be sent home.

## **MYSTIQUE WILL NEVER TOLERATE DRUG USE**

- ❖ Anyone caught using, supplying, or believed to be under the influence of drugs will be sacked without hesitation.
- ❖ We are not prepared to risk everyone's jobs for the sake of a few who put the well being of others and the licence at MYSTIQUE in jeopardy by bringing drugs into the club.
- ❖ If you are found to be in possession of a controlled drug, You will be dismissed with immediate effect and the police may be called.
- ❖ We appreciate that you do a difficult job, but if you need drugs to get you through, then you need to re-access your choice of work.
- ❖ Refer to the premises Drugs Policy

## **PAYMENT OF FEES/FINES**

- ❖ House fees must be paid on arrival.
- ❖ Fines will be implemented for all late arrivals and late cancellations.
- ❖ Fines of £20.00 will be charged for late cancellations and no shows.
- ❖ An Internal disciplinary procedure is in place with details of any financial penalties that may be imposed.
- ❖ All fees and charges for dancers will be stated in writing and prominently displayed in the changing area.
- ❖ A Dancer suffering a genuine sickness or domestic emergency will not be made subject to an unfair punitive financial penalty.
- ❖ Please make sure you get paid before you start a dance.
- ❖ The customer may not have the money or may refuse to pay.
- ❖ GETTING PAID IS YOUR RESPONSIBILITY.
- ❖ A dance will cost £20.00.

## **DANCES**

- ❖ A dance will last for one song (approximately 3 minutes)
- ❖ Customers must remain seated for the duration of the performance.
- ❖ Full nudity is not permitted. Dancers must at all times wear at least a G string or similar clothing covering the genitalia.
- ❖ 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.
- ❖ No performance shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
- ❖ If the customer requests you to continue for another dance, you must replace your clothing before you continue into the next song and any other subsequent songs.

## **CUSTOMERS**

- ❖ It is strictly forbidden for dancers to fraternise with club's customers.
- ❖ Telephone numbers must not be exchanged with customers.
- ❖ The club considers this a serious offence, if a card is given out by a customer, for example folded up in a note, it must be seen to be disposed of to avoid unnecessary action.
- ❖ Dancers working at MYSTIQUE should never arrange to meet customers after work.
- ❖ You should never receive money from a customer on the understanding that you will meet him outside the premises even if you have no intention of doing so, this is procuring money by deception or procuring money for sex both are illegal and will never be tolerated by the club.

## **CUSTOMERS, COMMENTS AND BEHAVIOUR**

- ❖ It is unacceptable for customers to be rude to you
- ❖ If you have a problem with a customer, please inform management or security and let them deal with it.
- ❖ You should not attempt to deal with it yourself as it can make the situation far worse.
- ❖ If you are in any of the private rooms and feel unable to deal with a customer, either leave the room and report it to security or use the wall mounted panic alarm.
- ❖ Do not put yourself at risk.

## **OTHER ISSUES**

- ❖ No one should leave the club without a member of management being made aware.
- ❖ You are not allowed to work at another table dancing venue within a 20-mile radius of the club during your time working with us.
- ❖ You must not have your boyfriend / husbands in the club when you are working.

# MYSTIQUE

## WELFARE POLICY

- Dancers and Performers shall be provided with secure lockers and private changing facilities
- Dancers shall be provided with private toilet/hand washing facilities
- Dancers and Performers can deposit any valuables with the management by way of a sealed/signed envelope, to be kept in a safe upon their arrival at the club and returned at the end of their shift
- Each new dancer/performer will be given a full and detailed induction upon their commencement of employment at the club. This will include all club rules, conduct, code of conduct, unit familiarity, fire evacuation procedures and health & safety. This will be documented by way of the company dancer/performers contract
- At the conclusion of a shift all performers/dancers will be safely escorted to their cars/taxis when the club closes by a member of security staff or management.
- All entrance to private areas to which the members of public are not permitted access shall have clear signage stating the access is restricted and/or a coded lock
- During all opening hours there must be a minimum of one security staff on the door at all times, and a minimum of one security person inside the club.
- Under no circumstances are customers allowed to invite dancers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If a customer attempts to exchange contact details or solicits services of prostitution or any other illegal activity, the dancer is requested to report this to management immediately and the customer will be asked to leave immediately. Thereafter, management can and will enforce a ban on that customer.
- Under no circumstances are dancers allowed to invite customers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If management are informed that a dancer has solicited prostitution or any other illegal activity, she will be asked to leave the premises immediately and banned from the Club.
- Customers are not permitted to touch or be touched by dancers during the duration of a private dance.
- All dance booths are equipped with panic alarms for safety.

- Signs displaying Club rules are clearly visible upon entry at the club reception, and within the Club. The Door Security Staff will draw customers' attention to these when necessary.

# MYSTIQUE

## DANCER'S LICENCE AGREEMENT

This AGREEMENT is made on (date)

.....

BETWEEN: MYSTIQUE, 15 - 17 Queen Street, Blackpool, Lancashire, FY1 1NL

And

Name and Address of Dancer

.....

.....

### **TERMS AGREED**

In consideration of the payment by the DANCER of the LICENSE FEE set out in clause 2 of this agreement, the CLUB agrees to permit the DANCER to enter and remain on the premises on the terms and conditions set out in the clauses below.

- 1.0** At all times whilst on the premises, the dancer shall comply with -
  - 1.1 The conditions of the Premises license and the standard conditions on the Blackpool SEV policy as set out in attachment A to this agreement:
  - 1.2 The Dancers Etiquette & House Rules as set out in attachment B
  
- 2.0** Subject to clause 1 above, the Dancers may -
  - 2.1 Dance for whichever customer as often and in such ways as the Dancer and Customer may agree.
  - 2.2 Charge such a fee as the Dancer and Customer may agree:
  - 2.3 Provide such services (e.g., dances, collection of drinks, conversation etc)
  
- 3.0** The fees payable to the Club by the Dancer for this License shall be as follows -
  - 3.1 £120 (One Hundred- & twenty-pounds Stirling) per shift:
  - 3.2 Any fine levied under the House Rules of the Club as out in the Club Fines attachment B.

**4.0** Any fees then due and payable to the club by the Dancer shall be paid to the Manager on duty prior to the Dancer leaving the premises on any evening.

**5.0** The Dancers warrants and confirms that:

5.1 She is over eighteen years of age:

5.2 She has never been arrested for and or charged with or convicted of prostitution or any related offences:

5.3 She has never been arrested for and or charged with or convicted of the possession or sale of illegal drugs and

5.4 She will be responsible for payment of al tax and national insurance payments on income that she earns whilst performing on the premises.

**6.0** The Club and the Dancer may at any time terminate this license without any liability to the other for such fees under Clause 3 as many then be due by the Dancer to the Club.

**7.0** For the avoidance of doubt, the dancer and the Club acknowledge and agree that:

7.1 The Dancer has no authority to enter into any contract on behalf of the Club.

7.2 In contracting with the customer at the Club, the Dancer is acting on her behalf and not on behalf of the Club

Signed on behalf of the Club

.....

Date .....

Print name. ....

Signed on behalf of the Dancer

.....

Date .....

Print name. ....

# CONDITIONS FROM CURRENT SEV LICENSE

### ADDITIONAL CONDITIONS

1. All management, bar staff and dancers working on the premises will receive documented training which will be signed and dated. The training should include appropriate sales techniques and the policies in place to prevent misleading or illegal sales of services. The training should also make reference to drunkenness / capacity of customers.
2. With the exception of payments for bar products, all electronic / card payments will be recorded in a consecutively numbered carbonated book and will include:
  - a. What the customer has paid for in as much detail as possible
  - b. All staff members involved in services / transactions
  - c. The amount paid
  - d. The customer will be given the option to sign this record
  - e. The customer will be given a copy of the record
  - f. The records will be clear and legible
  - g. The book will be made available to an authorised officer upon request.
3. There will be sufficient measures in place to prevent dancers facilitating their own payment methods (i.e., card terminals or internet banking).
4. Dancers will not be allowed mobile phones at any time they are with a customer.
5. All card terminals will be at a fixed point. There will be CCTV coverage to show an individual making a transaction at the terminal.
6. Interventions by a member of management will take place on all transactions above £100 to ensure that the customer has the capacity to pay for services. Said interventions will be documented and the records will be produced to an authorised officer upon request.
7. A member of management should conduct random checks to ensure that customers are not served when drunk.
8. Dancer price lists will be prominently displayed so that customers know how much services cost without ambiguity.
9. Members of staff / dancers must not assist customers in using cash machines.
10. Receipts of any card payments will be kept on the premises for at least one calendar month and be made available to an authorised officer upon request.

11. There will be no audience participation permitted in any performance that takes place within the cage area.

12. Performers will not be permitted on the balcony at any time.

13. A member of management will be allocated to a floor at any time that members of public are present on that floor. The member of management will be tasked with supervision and management of the performers and the customers and will not have duties beyond the supervision and management of performers and customers (such as bar duties).

## 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.
2. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises.
3. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
4. 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.
5. 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.
6. 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.
7. 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.
8. As a general rule the name of the premises shall be of an un-contentious nature and light colour's used throughout to the Council's approval.
9. 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.
10. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
11. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

## **CONTROL OF ENTRY TO PREMISES**

12. No person under the age of 18 shall be on the licensed premises.
13. 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
14. 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.
15. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## **TAKING OF PAYMENT FOR PERFORMANCES**

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

## **PERFORMANCES OF SEXUAL ENTERTAINMENT**

21. No person under the age of 18 shall be on licensed premises.
22. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
23. 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.
24. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
25. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
26. Customers must remain seated for the duration of the performance.
27. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed.
28. 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)
29. 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.
30. At all times during a performance, performers shall have unrestricted access to a dressing room.
31. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
32. Exit routes for performers must be kept clear.

## **PROTECTION OF PERFORMERS**

33. There shall be a written code of conduct for performers.
34. 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.
35. 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.
- Performers shall be provided with secure and private changing facilities
- Means to secure personal property shall be provided for the performers
- 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.
- The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
- 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.
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.

## **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 28 days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14 days 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

## List of Fines

### Minimum Fine

Mobile phone use on floor	£10
Not wearing a long dress before 11pm	£20
Ignoring DJ for stage	£30
Eating chewing gum	£50
Getting changed before manager/receptionist approval	£100
Arguing with receptionist/staff/dancers	£100
Not turning up for shift (No show)	£150
Cancelling shift with less than 24 hrs notice	£150
Sending customers to cash point	Dismissal

Dirty dancing

Dismissal

Fighting

Dismissal

Possessing/trade/taking illegal substances

Dismissal/Police called

Stealing

Dismissal/Police called

# MYSTIQUE

## CLUB RULES & REGULATIONS

### 1. RECEPTION & SECURITY

#### GENERAL

- ❖ The company employs the services of C.N.A. Risk Management Ltd to inspect all door procedures/security, in addition to assessing all related staff to maintain an efficient and well-run business.
- ❖ All door persons are required by law to be SIA registered.
- ❖ During all opening hours there must be a minimum of one security staff on the door at all times, and a minimum of one security person inside the club.

## **DUTIES OF SECURITY STAFF**

Security Staff must:

- ❖ Sign in and out of the club, noting their badge number. Records of this are kept for a 3-month period.
- ❖ Wear their licensed badge at all times whilst on duty.
- ❖ Remove all fire escape chains and bolts of the club. This is done 1 hour before club opening.
- ❖ Sweep the front of the club when needed before opening.
- ❖ Help to prepare the club for opening; this includes assisting with lighting, music, clearing of refuse etc and general tidying.
- ❖ Maintain clear, prompt and accurate records in the Incident and Accident Book on all such incidents and ensure that each and every entry is checked and signed by the Manager on duty on the date of entry.
- ❖ Warmly greet customers and other staff of MYSTIQUE upon their entry to the club. Never to meet rudeness with rudeness but report any difficulty immediately to the Manager on duty at the time.
- ❖ Ensure all customers who appear to be 25yrs or under to produce relevant id before entry.
- ❖ After 1.00am, security staff must be particularly vigilant in their duties.
- ❖ Make certain that all staff and dancers are safely escorted to their cars and taxis when the club closes.
- ❖ Remain in the area outside of the venue until customers have left the immediate vicinity and to assist in actively encouraging customers not to congregate outside the venue
- ❖ Close the club securely at the end of the night, including regular checks of fire escapes, toilets, windows, dance booths, doors, and front doors etc.
- ❖ Not allow customers to leave the premises with bottles, glasses, or any alcoholic drinks.
- ❖ Help direct customers to the nearest taxi ranks or other transportation away from the area.

## **2. CUSTOMERS**

### **GENERAL**

- ❖ Customers must be over the age of 18 years old to enter the club. In cases of doubt i.e. they look 25 or less, Security staff must request appropriate photo identification e.g., passport, driving licence or proof of age card carrying a" PASS" logo.
- ❖ Customers must abide by the strict dress code: smart or smart/casual - strictly no trainers, sportswear, ripped jeans, sleeveless tops, caps, or any other items of clothing which may cause offence to staff, dancers or other customers. Management reserve the right to ask any customer to adjust their appearance etc. or refuse entry if necessary. Shoes are available at reception, which customers may use.
- ❖ Customers are not admitted if the Door Staff consider that they are under the influence of alcohol or drugs or otherwise not in a fit state to use the Club's facilities.
- ❖ MYSTIQUE imposes a zero tolerance to any drug use. (Please refer to our drugs policy) If any customer offends this rule, they will be escorted from the premises; full report will be made to the police.
- ❖ The Manager on duty has the absolute discretion to ask any customer to leave if he considers that there is, has or is about to be a breach of the Clubs Rules or any conduct that would bring the Club into disrepute.

## **CUSTOMERS' INTERACTION WITH DANCERS**

- ❖ A dancer will eventually approach a customer after he has entered the club. She politely informs the customer of the cost of a dance, and if necessary, explains what it entails.
- ❖ Customers who choose to have a dance will be taken to a private dance booth by the dancer, who will begin dancing, and will continue for the duration of one song (approx. 3 minutes).
- ❖ Under no circumstances are customers allowed to invite dancers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If a customer attempts to exchange contact details or solicits services of prostitution or any other illegal activity, the dancer is requested to report this to management immediately and the customer will be asked to leave immediately. Thereafter, management can and will enforce a ban on that customer.
- ❖ Customers are not permitted to touch or be touched by dancers during the duration of a private dance.
- ❖ All dance booths are equipped with panic alarms for safety.
- ❖ Signs displaying Club rules are clearly visible upon entry at the club reception, and within the Club. The Door Staff will draw customers' attention to these when necessary.

### **3. DANCERS**

**Before a dancer is permitted to perform at the Club, the following procedures take place:**

- ❖ Identification for the dancer is inspected on her arrival at the Club reception to ensure she is over the age of 18 years.
- ❖ The dancer will be asked to produce Photo identification and two other forms of identification such as a utility bill and a chequebook.

### **THE RIGHT TO WORK CHECKS**

Checks regarding Identification documents:

Management will carry out the following procedure:

- ❖ Ensure that the documents are genuine, original, and unchanged and belong to the person who has given them to you.
- ❖ Ensure that the dates for the applicant's right to work in the UK have not expired.
- ❖ That the Photos are the same across all documents and look like the applicant.
- ❖ Dates of birth are the same across all documents.
- ❖ The applicant has permission to do the type of work you're offering (Including any limit on the number of hours they can work)
- ❖ If 2 documents give different names, the applicant has supporting documents showing why they're different, such as a marriage certificate or divorce decree

## **TAKING A COPY OF THE DOCUMENTS:**

- ❖ Make a copy that cannot be changed, for example a photocopy
- ❖ Make sure the copy is clear enough to read
- ❖ For passports, copy any page with the expiry date and applicant's details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
- ❖ For biometric residence permits and residence cards (biometric format), copy both sides
- ❖ For all other documents you must make a complete copy
- ❖ Keep copies during the applicant's employment and for 2 years after they stop working for you
- ❖ Record the date the check was made.
- ❖ Once satisfied that the person has a right to work in the UK they are given a copy of the Club Rules & Code of Conduct to read and sign that they understand them.
- ❖ The dancer is also given a Dancers Etiquette book to read and sign that they understand them
- ❖ Photocopies of her identification documents are made and kept within her dancer's file. These files will contain relevant personal information and are securely stored in the management office.

## **GENERAL**

- ❖ The dancer must then be shown around the club, showed the fire exits and be informed of the Club Rules and Fire Evacuation Procedure.
- ❖ The dancer is required to perform an audition on stage consisting of a single performance of topless dancing. The dancer must wear a long dress and suitable shoes for this audition.
- ❖ If the manager on duty decides that the dancer is suitable, she is taken to the office to read and sign the MYSTIQUE Code of Conduct, and photocopies of her identification are made and kept with her dancer file. These files contain relevant personal information and are securely stored in the management office.
- ❖ MYSTIQUE imposes a zero tolerance to any drug use. If any dancer offends this rule, they will be escorted from the premises; full report will be made to the police.
- ❖ The Manager on duty has the absolute discretion to ask any dancer to leave if he considers that there is, has or is about to be a breach of the Clubs Rules or any conduct that would bring the Club into disrepute.

## **PAYMENT FOR DANCES**

- ❖ Dancers price list will be prominently displayed so that customers know how much services cost without ambiguity.
- ❖ All card terminals will be at a fixed point. There will be CCTV coverage to show an individual making a transaction at the terminal.
- ❖ Interventions by a member of management will take place on all transactions above £100 to ensure that the customer has the capacity to pay for services. Said interventions will be documented and the records will be produced to an authorised officer upon request.
- ❖ Members of staff or Dancers must not assist customers in using cash machines.

## **PERFORMANCE OF A DANCE**

- ❖ When a dancer approaches a customer, she asks him whether he would like to have a dance, and she politely informs the customer of the cost of a dance, and if necessary, explains what it entails.
- ❖ Full nudity is not permitted. Dancers must at all times wear at least a G string or similar clothing covering the genitalia.
- ❖ 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.
- ❖ No performance shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
- ❖ If the customer requests you to continue for another dance, you must replace your clothing before you continue into the next song and any other subsequent songs.
- ❖ Dance booths vary in size and can be occupied by a maximum of 6-8 dancers (plus customers) at any time.
- ❖ Under no circumstances are dancers allowed to invite customers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If management are informed that a dancer has solicited prostitution or any other illegal activity, she will be asked to leave the premises immediately and banned from the Club.
- ❖ All dance booths are equipped with panic alarms for safety. Dancers are aware of these safety measures.

## **4. BAR/WAITRESSING STAFF**

### **GENERAL**

**Before a person is permitted to work at the Club, the following procedures take place: PLEASE REFER TO DANCERS "RIGHT TO WORK CHECK's"**

- ❖ Identification for the person is inspected on their arrival at the Club reception to ensure they are over the age of 18 years.
- ❖ The person will be asked to produce Photo identification and two other forms of identification such as a utility bill and a chequebook.
- ❖ The person must then be shown around the club, showed the fire exits and be informed of the Club Rules.
- ❖ Before a member of staff begins work at the Club, a file must be compiled consisting of copies of their identification, a signed copy of the Staff Procedure form, a signed Risk Assessment form and relevant personal information for that person.
- ❖ Staff must not consume alcohol before or during their shift commences.
- ❖ The Club's zero tolerance to drugs policy applies to all staff.
- ❖ Staff must be courteous to all stakeholders of the Club, namely: dancers, other staff and customers.

### **CUSTOMERS**

- ❖ Staff have the right to refuse service to a customer if they believe the customer is too intoxicated to consume anymore alcohol.
- ❖ Staff will inform the manager on duty of anyone they suspect to be intoxicated or believes them to be using/supplying drugs on the premises.

## **5. TRAINING**

- ❖ A training programme will be in place to ensure that all staff, to include Dancers and Security are briefed on the **four licensing objectives**, in particular, no underage drinking, no drunkenness on the premises or outside of the premises. No use of drugs, violent or antisocial behaviour and the need to protect children.
- ❖ A record of the training will be kept on the premises and made available to any of the responsible Licensing authorities
- ❖ A training programme will be in place to ensure that all staff, to include Dancers and Security are briefed on the **Sexual Entertainments Venue Club House Rules & Policies**, Blackpool Council SEV Policy conditions and conditions attached to the SEV License.
- ❖ A record of the training will be kept on the premises and made available to any of the responsible Licensing authorities

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)

26 May 2022

Dear Sirs

**Re: Objection to grant of Sexual Entertainment Venue (SEV) Licence  
Mystique, 1<sup>st</sup> & 2<sup>nd</sup> Floor, 15-17 Queen Street, Blackpool**

We act for AAEntertainment 1 Limited, the holder of a SEV Licence (SEV00005) at 132-134 The Promenade, Blackpool FY1 1RA and AA Recreation 1 Limited, which has a new SEV Licence application decision pending at 11-13 Queen Street, Blackpool FY1 1NL.

On 29 April 2022, an application was submitted by UK Exclusive Entertainments Limited for the grant of a new SEV Licence for Mystique, 1<sup>st</sup> & 2<sup>nd</sup> Floor, 15-17 Queen Street, Blackpool.

Our clients' object to the grant of a SEV Licence under Schedule 3, s.10 (15) Local Government (Miscellaneous Provisions) Act 1982.

We should initially point out that this site is currently subject to an appeal to the Magistrates' Court, following a refusal by the Council's Public Protection Sub-Committee to transfer a SEV Licence to Pool Construction Limited 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 on 22 April 2022, 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 – see **Appendix A**. Pool Construction Limited appealed the decision to the Magistrates' Court. However, the appeal has still not been listed for a substantive hearing, eleven months on from the Committee's original decision. Regrettably, it appears that lodging an appeal was a delaying tactic, whilst attempts were made by other parties connected to Mr Moseley/Pool Construction Limited to restore a SEV Licence at the property. The SEV Licence at 15-17 Queen Street has now expired and the only way it can be restored is by the Magistrates Court concluding that the Committee's decision to refuse the transfer was wrong.

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

Once the Pool Construction appeal has been concluded, our client's application must have priority for determination, as the application was submitted on 8 April 2021, over 12 months before the date of this application.

Our client objects to the grant of a new SEV Licence to UK Exclusive Entertainments Limited for the following reasons:

**(a) That the applicant is unsuitable to hold the licence:**

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 a new 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:

- (i) Mr Suski 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 operated in breach of licence condition 4 (not to be a HVVD and food must be available at all times) and condition 39 (seating must be available for at least 50 people on the ground floor). Neither of these conditions are complied with at the premises, which is a criminal offence. 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; and
- (ii) Rafael Suski (and Arkadiusz Marczak) were previously named as the intended operator of the SEV Licence at 15-17 Queen Street, when Pool Construction (Mr Moseley) applied to transfer it in April 2021. The involvement of these individuals in the business was not disclosed until the objection period had closed. On receipt of this information, the Council's Licensing Service raised concerns about the suitability of Rafael Suski (and Arkadiusz Marczak) to operate licensed premises in Blackpool. These concerns related to the involvement of the individuals in other



licensed premises in Blackpool during Covid, in breach of Covid regulations. A copy of the evidence lodged by the Licensing Authority in relation to that hearing can be seen at **Appendix C** and **Appendix D**. The Licensing Authority concluded that “this gives rise to serious concerns about their suitability to be in operational control of the aforementioned SEV Licence.” Mr Suski is a Director of UK Exclusive Entertainments Limited and owns over 75% of the shares in this company<sup>1</sup>. If, in the eyes of the Council’s Licensing Service he is not a suitable person to be in control of a SEV Licence, a licence should not be granted to a company controlled by him.

Unsuitability to hold a SEV Licence is a ground on which the Council may refuse to grant a licence to an applicant. In our submission, the applicant, UK Exclusive Entertainments Limited is unsuitable to hold a SEV Licence in Blackpool. The SEV licence conditions are unlikely to be complied with by the applicant, given the track record of Mr Suski and concerns previously raised about his suitability by the Licensing Authority.

**(b) That if the licence were granted, the business will be managed by, or carried on for the benefit of, a person who would be refused the grant of a licence:**

If the SEV Licence were granted, it is our submission that the business would be carried on for the benefit of Mr Moseley and/or Pool Construction Limited (the landlord of the building) which has already been refused the transfer of the licence on the grounds of suitability. At the hearing on 22 June 2021, Mr Moseley told the Sub-Committee that Mr Suski was the prospective tenant of the building 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 the applicant to hold a licence in Blackpool. In our submission, UK Exclusive Entertainments Limited has been incorporated as a “clean” company with Mr Moseley’s involvement and knowledge, in order to disguise the fact that he will financially benefit from the operation of the business. No lease of the premises has been provided showing UK Exclusive Entertainment as a tenant of the property. It is our submission that this application is a front for Pool Construction Limited and/or Mr Moseley and that the business will be carried on for Mr Moseley’s benefit. The Council’s Licensing Sub-Committee has previously found Pool Construction Limited and/or Mr Moseley to be unsuitable to hold a SEV Licence in Blackpool.

**(c) That the number of sex establishments in the locality would exceed the number the Council considers is appropriate for that locality:**

The Council’s Sex Establishment Policy 2021-2026 was in force when this application was made (29 April 2022). The Council’s Sex Establishment Policy 2021-2026 states that “The Local Authority may refuse an application if it is satisfied that the number of sex

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<sup>1</sup> <https://find-and-update.company-information.service.gov.uk/company/13867058/persons-with-significant-control>



establishments of a particular kind in the relevant locality at the time the application is made, is equal to or exceeds the number, which the authority considers is appropriate for that locality". The Council has determined that the appropriate number of sexual entertainment venues in the Bloomfield, Claremont and Talbot Wards is **nil**. Whilst a SEV Licence was previously in force for these premises, this has lapsed. The Council's Policy makes it clear that "where..... a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers".

The granting of a new SEV Licence in this location would exceed the appropriate number and granting a licence would therefore be in breach of the Council's Sex Establishment Policy 2021-2026.

By way of contrast, the Committee will note that the Council's Sex Establishment Policy 2016 applies to our client's SEV Licence application for 11-13 Queen Street, that is awaiting determination. The 2016 Policy, which was in force at the time that application was made, sets a limit of 4 sexual entertainment venues in the Bloomfield, Claremont and Talbot Wards. Furthermore, our client offered to cancel the SEV it controls at 169 Promenade, Blackpool FY1 5BQ (SEV0002), as a condition of it being granted a SEV Licence at 11-13 Queen Street. If approved, this would reduce the number of SEV Licences operating in Blackpool to three. UK Exclusive Entertainments Limited is not in a position to cancel any SEV Licence.

**(d) That the grant of a licence would be inappropriate having regard to the use to which any premises in the vicinity are put:**

The application for a new SEV Licence submitted by our client at 11-13 Queen Street, which is awaiting determination, has priority over this application. A decision has been deferred, due to the ongoing Magistrates' Court appeal. When considering the application for 11-13 Queen Street, the Committee was concerned about identical businesses operating next door to each, in the event that the Court found on appeal that the Council's decision was wrong and granted the transfer. It would be inappropriate therefore to grant a SEV Licence at 15-17 Queen Street, as (if the SEV for 11-13 Queen Street has already been granted by the time this application is considered) this would place two sexual entertainment venues next door to each other on Queen Street.

We will await confirmation of a Sub-Committee hearing date to consider this application. However, we wish to make it clear that, like our client's pending application, this application should not be determined until Mr Moseley's appeal has been concluded. Once the appeal has been concluded, our client's pending SEV application must have priority for determination ahead of any new SEV application.



Yours faithfully,

*Keystone Law*

**Keystone Law Solicitors**



**Date:** 25 June 2021

**BY EMAIL**

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3 St Mary's Parsonage  
Manchester  
M3 2RD

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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**  
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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**  
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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**  
**Blackpool Borough Council**  
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SD/011431/02210064



**Date:** 20 September 2021

**BY EMAIL ONLY**

AA Recreation 1 Ltd

Our Ref: SD/ 011431

Your Ref:

Email: sharon.davies@blackpool.gov.uk

Direct Line: 01253 478518

DX: 742010 BLACKPOOL 18

Dear Sirs

**Re: Application for a SEV licence at 11-13 Queen Street Blackpool**

On 8<sup>th</sup> September 2021, the Public Protection Sub-Committee considered an application by AA Recreation 1 Ltd for a new SEV licence at 11-13 Queen Street Blackpool. Mr Newton, the director of the applicant company attended the hearing represented by Mr Williams. Ms Clover, Counsel appeared to represent David Moseley who had lodged a written objection to the application outside of the 28-day period for objections.

The panel first considered whether they should hear Mr Moseley's objection. Having heard representations from both parties, they determined that they should exercise their discretion to consider the objections as Ms Clover had informed them that concerns had been raised during a previous hearing to consider Mr Moseley's application to transfer the SEV licence for Eden, 15-17 Queen Street and the objection was submitted within days of that hearing.

The objection was on a number of grounds:

1. To grant would create a 5<sup>th</sup> SEV venue, when the Council's policy was 4.
2. In the application, the applicant offered to surrender the licence for 15-17 Queen Street, any surrender would be unsafe due to the on-going appeal against the refusal to transfer the licence to Pool Construction Ltd, Mr Moseley being the director of that company.
3. Mr Newton is an unsuitable person to be granted a licence due to the poor quality of his existing operations. Mr Newton's honesty and integrity had been called into account in view of his dealings with Mr Moseley and his holding to ransom of the existing licence for 15-17 Queen Street.
4. Mr Newton had expressed the wish to hold all SEV licences in Blackpool which would have the effect of creating a monopoly

The Sub-Committee were not persuaded by the argument that Mr Newton (and therefore his company) are unsuitable to hold a licence. Mr Newton is an experienced operator of SEV venues in Blackpool. Had

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the Police or the Licensing Service had any concerns about the operation of his venues, the Sub-Committee would have expected at the very least to have received objections to this application. Indeed, had Mr Moseley had any genuine concerns about Mr Newton's suitability as a licence holder, the Sub-Committee would have expected him to have lodged his representations during the 28 day period allowed by the legislation. At the time of the hearing in June that led to the objection, these venues were still closed, and had been since the first lockdown in March 2020 therefore Mr Moseley's views on the shabbiness of Mr Newton's other businesses must have been formed prior to the enforced closure. The Sub-Committee are also aware that Mr Newton and Mr Moseley entered into negotiations concerning the lease for 15-17 Queen Street and Mr Moseley appears to have been content to grant a lease, the breakdown of the negotiations appear to have been over clauses in the lease, not Mr Moseley's suitability to operate that type of business. Mr Moseley's comments about Mr Newton holding the existing licence to ransom are noted, but it was this Sub-Committee, who determined that Mr Moseley was unsuitable to hold this licence, not Mr Newton. Whilst this decision is subject to appeal, Mr Newton's honesty and integrity cannot be called into question for raising the concerns to the Sub-Committee, which they felt sufficient to refuse the transfer application.

Mr Moseley's comments concerning a monopoly are noted and will be taken into consideration in the event that the Sub-Committee are asked to consider an application that would have the effect of creating a monopoly.

The Sub-Committee are aware that a licence is not a possession. Accordingly, they would not require the surrender of a licence as a condition of granting another of their own initiative. There can be situations where an operator wishes to move their business in circumstances where the authority are unlikely to grant an additional licence. In this situation, the authority would look to work with the operator with a view to assisting the operator to move, if possible. It is possible in the authority's view to engineer a situation where one licence is granted and one is surrendered if the parties so desire. Although the Sub-Committee has discounted Mr Moseley's objections, the existence of the licence at 15-17 Queen Street does cause concern. Mr Newton has indicated that even if he could operate the licences at 11-13 and 15-17 Queen Street, he would not as it would not be commercially viable, as he would be competing against himself. If Mr Moseley is successful in his appeal, and he obtained the licence for 15-17 Queen Street, granting a licence for 11-13 Queen Street to Mr Newton would result in identical businesses next door to each other operated by parties who have been in dispute with each other. This type of establishment does not appeal to everyone enjoying the night-time economy in Blackpool, the Sub-Committee's concern is that the granting of the licence applied for today could result in identical businesses next door to each other competing for the same, limited market creating conflict. For this reason, the Sub-Committee is of the view that it cannot make a final decision on this application without knowing the result of the appeal concerning 15-17 Queen Street. The Sub-Committee therefore defer their decision on this application until the Magistrates' Court have determined Mr Moseley's appeal.

Yours faithfully

*Sharon Davies*

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For Head of Corporate Legal

Lexcel Accredited

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## Supplementary Evidence - SEV Transfer Application – Eden, 15-17 Queen Street, Blackpool

On the 8<sup>th</sup> April 2021 the Licensing Service received an application for the transfer of the Sexual Entertainment Venue (SEV) licence for 15-17 Queen Street, Blackpool. The application was made via the GOV.UK online application system, following receipt of the application the Licensing Service requested further information in relation the application on the 9<sup>th</sup> April 2021 (see attached email). The answers to questions 1 - 3 are of particular relevance when considering this application:

1. *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?*

*Name: David Moseley*

*Address: xxxxxxxxxxxx*

*Tel: xxxxxxxxxxxx*

*Email: xxxxxxxxxxxx*

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

*Name:*

*DOB:*

*Address:*

*Tel:*

*Email:*

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

*Name:*

*DOB:*

*Address:*

*Tel:*

*Email:*

The last date for representations to be made against the application was on the 5<sup>th</sup> May 2021. On the 24<sup>th</sup> May 2021 the Licensing Service received a witness statement from Kuits Steinart Levy on behalf of David Moseley. Points 24 to 30 of that statement explain that Rafael Souski is to be the intended tenant for 15-17 Queen Street. Rafael Suski and Arkadiusz Marczak have been named as the people who would be in operational control of the premises and SEV licence should the transfer be granted. This is contrary to the email received by the Licensing Service on the 9<sup>th</sup> April 2021, which stated that David Moseley would be the sole person in management control of the premises.

This new information was provided after the last date for representations and in the Licensing Services view forms a crucial part of the process for considering the SEV transfer application. The Licensing Service has now had the opportunity to consider the suitability of these individuals and would like to bring the following information to the attention of the Sub-Committee.

The Licensing Service has now had the opportunity to consider the suitability of Rafael Suski & Arkadiusz Marczak. Mr Suski currently holds premises licences for 2 hotels in Blackpool, the New Osterley Hotel, 80-84 Adelaide Street & the Royal Windsor Hotel, 245-249 Promenade. Both licences

are held in limited company names of which Mr Suski is a named director, he has held the licences since the 24<sup>th</sup> May 2018 and 2<sup>nd</sup> September 2016 respectively. There have been no recorded compliance issues with either of these premises since the subsequent transfers to Mr Suski.

More recently Mr Suski & Mr Marczak obtained the licence for the recently opened Shadow Bar, Clifton Street in the name of limited company of which they are both named as directors on the 2<sup>nd</sup> September 2020, as detailed in the statement of David Moseley. There is also another hotel/bar that we believe that both men have an invested interest in, South Beach Kings Promenade Hotel, 465-467 South Promenade, the bar on the ground floor of this premises is liveried Shadow Bar South Beach. The premises licence for the hotel was transferred into the name of Tomasz Sankiewicz on the 25<sup>th</sup> September 2020 and Mr Sankiewicz is currently the Designated Premises Supervisor (DPS) for the premises. The Licensing Service know through recent compliance visits that Arkadiusz Marczak is in managerial control of South Beach Kings Promenade Hotel.

Since step 2 of the governments 'Road Map out of Lockdown', which commenced on the 12<sup>th</sup> April 2021, the Public Protection team has been engaging in compliance operations throughout Blackpool. During these operations officers have had cause to visit both Shadow Bar & Shadow Bar South Beach on numerous occasions in relations to compliance issues with Covid 19 regulations & guidance. I have attached a summary of those visits for your review.

It is the Licensing Service view that the nature and number of visits made to these premises in relation to non-compliance raise concerns about Rafael Suski & Arkadiusz Marczak suitability to be in operational control of the SEV licence for 15-17 Queen Street. Advice and instruction on compliance has been offered by officers on a number of occasions and of the past 2 months and yet visits are still being made in relation to the same issues on the 12<sup>th</sup> June 2021.

Although no formal action has been taken with regard to non-compliance the Licensing Service would conclude that Rafael Suski & Arkadiusz Marczak took operational control of both licensed premises in September 2020 and since the re-opening of both venues on the 12<sup>th</sup> April & 17<sup>th</sup> May respectively and have been visited by officers for non-compliance with Covid 19 regulations & guidance on a number of occasions. This gives rise to serious concerns about their suitability to be in operational control of the aforementioned SEV licence.

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

16<sup>th</sup> April 2021

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

17<sup>th</sup> April 2021

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

24<sup>th</sup> April 2021

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

8<sup>th</sup> May 2021

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

17<sup>th</sup> May 2021

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

21<sup>st</sup> May 2021

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

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

22<sup>nd</sup> May 2021

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

29<sup>th</sup> May 2021

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

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

5<sup>th</sup> June 2021

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

12<sup>th</sup> June 2021

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

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Dear Sirs

Please accept this email as an objection against the application of the SEV for 15-17 Queen street applied in the name of UK exclusive entertainments Ltd trading as Mystique

We object on the grounds the approval of this 'New' application will go against the new policy which was introduced in 2021 where the policy states 'Nil' sex establishments to exist other than those who had a licence prior to the introduction of the revised 2021 policy as they have been granted grandfather rights.

Please see below

#### 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)

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# 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.

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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).

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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

## 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;

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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