

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 2 AUGUST
2022**

Present:

Councillor Hutton (in the Chair)

Councillors

| | | |
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| Cox | Hunter | Wilshaw |
| Farrell | D Scott | |

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor

Sharon Davies, Senior Licensing Solicitor

Ben Williams, Barrister for Blackpool Council

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE - 11-13 QUEEN STREET

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

Mr Mark Newton, Director of AA Recreation 1 Ltd, was in attendance accompanied by his legal representative, Mr Richard Williams. The objector to the application, Mr David Moseley, also attended accompanied by his legal representative Ms Sarah Clover. The Sub-Committee had first heard the application in totality at its meetings on 8 September 2021 and subsequently on 12 July 2022 when consideration of the case had been deferred to 2 August 2022 in order that the application could be determined at the same time as that for 15-17 Queen Street due to concerns of potentially having two competing businesses adjacent to each other.

The Sub-Committee considered the application having regard to all the evidence provided at the previous meetings. The objector's representations in regards to the suitability of the applicant were noted but, whilst some reservations were expressed by Members, the Sub-Committee did not conclude that the applicant was unsuitable to hold a licence, noting that Mr Newton already operated other similar venues in the town.

The Sub-Committee then proceeded to consider the application against Blackpool Council's current 2021 Sex Establishment Policy under which the permitted number of SEVs was nil. Members acknowledged the previous 2016 policy which had been in force at the time of application and which did not impose the same "nil" limit, however agreed that the current policy was the correct one to apply whilst acknowledging that they had the discretion to depart from that policy if deemed appropriate to do so. On balance, the

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Sub-Committee considered that the proposed location was unsuitable for another Sexual Entertainment Venue and was not convinced that there were compelling reasons to depart from the current policy. It therefore determined to refuse the application.

Resolved:

To refuse the application for a new Sexual Entertainment Venue licence for "Dreams", 11-13 Queen Street, Blackpool.

[Note: Councillor Cox, who had not attended the meeting on 8 September 2021, took no part in the determination of the application as he had not heard the full circumstances of the case.]

3 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE - 15-17 QUEEN STREET

The Sub-Committee considered an application by UK Exclusive Entertainment Ltd for a new Sexual Entertainment Venue (SEV) licence for "Mystique", 15-17 Queen Street, Blackpool.

The case was presented by Ms Sarah Clover, legal representative of Mr Rafael Suski, Director of UK Exclusive Entertainment Ltd, who had left before the commencement of the meeting due to illness. Ms Clover was accompanied by Mr Carl Moore, Licensing Consultant, Mr David Moseley, landlord, Ms Natalie Christopher and Mr Robert Newton, proposed manager of the venue.

The Sub-Committee had first considered the application at its meeting on 12 July 2022 when it had agreed to defer determination of the case to allow for further details of the lease and the potential offence of non-payment of the associated stamp duty to be provided. Ms Clover responded to the queries about the lease by drawing Members' attentions to the detailed written submissions and supporting documents provided with the agenda. She confirmed that there was a valid lease for the premises which had been varied from ten years to five years which in her opinion had been correctly documented and that no fraudulent activity had taken place as had been suggested. Members were informed that the Stamp Duty Land Tax had now been paid and that late payment did not amount to a criminal offence and should not be taken into account when considering the applicant's suitability.

In summing up, Ms Clover reminded the Sub-Committee that Mr Suski had operated various other licensed premises in the town over a number of years without any formal regulatory intervention having been required. In her opinion this evidenced that he was a suitable candidate to operate the venue, adding that he would benefit from the assistance of Mr Robert Norton, an experienced manager of SEVs. Acknowledging the limit on the number of venues in the current Sex Establishment Policy, Ms Clover reminded Members that the premises had previously benefitted from a licence which had been transferred, wrongly in her opinion, and subsequently withdrawn by Mr Newton's company. She therefore suggested that the Sub-Committee considered granting the application effectively under "grandfather rights" as it would not result in an actual

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increase in the number of SEVs had that sequence of events not taken place.

Mr Richard Williams summed up the case on behalf of the objector, Mr Mark Newton, having presented full details of his representations at the previous meeting on 12 July 2022. Referring to the suitability of applicants according to the Local Government (Miscellaneous Provisions) Act 1982, Mr Williams reminded the Sub-Committee that applications could be refused if the applicant was deemed unsuitable not just by reason of having been convicted of an offence but “for any other reason”. Although failure to pay Stamp Duty Land Tax in a timely manner was not a criminal offence, Mr Williams suggested that failure to comply with the obligations of a leaseholder in paying the appropriate stamp duty fee on time, together with the concerns he had previously outlined to the Sub-Committee with regards to the lease and Mr Moseley’s involvement in the premises, should lead to Members questioning Mr Suski’s suitability. The Sub-Committee was then reminded of the current Sex Establishment policy which introduced a zero cap on the number of SEVs and Mr Williams invited Members not to depart from that policy in determining the application.

The Sub-Committee carefully considered the information provided by all parties. Although there had been a delay in paying the required stamp duty, Members noted that this had now been resolved and did not agree with the objector’s submission that any fraudulent activity had taken place. It therefore concluded that Mr Suski was not unsuitable to hold a licence.

With regards to the Policy, the Sub-Committee was of the view that there were no exceptional circumstances presented which would lead to it agreeing to depart from the nil cap. Members did not concur with the suggestion that the application should be granted under grandfather rights provisions and considered that the policy would be undermined by granting the licence. It therefore agreed to refuse the application.

Resolved:

To refuse the application for a new Sexual Entertainment Venue licence for “Mystique”, 15-17 Queen Street, Blackpool.

4 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 7 September 2022.

Chairman

(The meeting ended 7.02 pm)

Any queries regarding these minutes, please contact:
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