

**Report to:** PUBLIC PROTECTION SUB-COMMITTEE

**Relevant Officer:** Tim Cogan, Head of Public Protection

**Date of Meeting** 22 June 2021

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

### 1.0 Purpose of the report:

1.1 To consider an application by Pool Construction Ltd to transfer the Sexual Entertainment Venue (SEV) licence for Eden, 15 – 17 Queen Street, Blackpool.

### 2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine whether to transfer the SEV licence for Eden, 15-17 Queen Street to Pool Construction Ltd.

### 3.0 Reasons for recommendation(s):

3.1 An objection has been received therefore the application to transfer the licence 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 None, once an application is submitted and representations received it must be determined by the Sub-Committee.

### 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 Eden, 15-17 Queen Street, Blackpool has been licensed as a Sexual Entertainment Venue (SEV) since September 2013. The licence has been held by AA Recreation 1 Ltd since 15 January 2021. The Licensing Service received an application on 8 April 2021 from Pool Construction Ltd to transfer the licence (copy attached at appendix 3a).
- 6.2 Following advertisement of the transfer application, the Licensing Service received a public objection via email on 5 May 2021 from the Directors and Shareholders for AA Recreation 1 Ltd (copy attached at appendix 3b). The objection looks at the suitability of the applicant, criteria for which is detailed in Blackpool Council's Sex Establishment Policy 2016 (copy attached at appendix 3c).
- 6.3 Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 governs the issue of SEV licences.

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

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

- 6.4 A witness statement on behalf of the applicant David Moseley, Director of Pool Construction Ltd, was received by email from Kuit Steinart Levy LLP on 24 May 2021 in response to the representation and is attached at appendix 3d.
- 6.5 Further correspondence was received by email on 24 May 2021 from Keystone Law acting for the objector arguing a procedural error in the advertising of the application, a copy of which is attached at appendix 3e. A response on the procedural points raised was received on 8 June 2021 from Kuit Steinart Levy LLP on behalf of the applicant and is attached at appendix 3f.

6.6 Does the information submitted include any exempt information? No

**7.0 List of Appendices:**

- 7.1 Appendix 3(a) - Transfer application (Pool Construction Ltd)
- Appendix 3(b) - Objection (Directors and Shareholders - AA Recreation 1 Ltd)
- Appendix 3(c) – Sex Establishment Policy 2016
- Appendix 3(d) – Witness Statement of David Moseley
- Appendix 3(e) – Procedural argument from Keystone Law
- Appendix 3(f) – Response to procedural argument from Kuit Steinart Levy LLP

**8.0 Financial considerations:**

- 8.1 None.

**9.0 Legal considerations:**

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

There is the right of appeal to the Magistrates' Court.

**10.0 Risk management considerations:**

- 10.1 None.

**11.0 Equalities considerations:**

- 11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 None.

**13.0 Internal/external consultation undertaken:**

- 13.1 None.

**14.0 Background papers:**

- 14.1 Local Government (Miscellaneous Provisions) Act 1982.