

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 22 JUNE 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Hugo

Hunter

R Scott

Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 25 MAY 2021

Resolved: That the minutes of the meeting held on 25 May 2021 be approved and signed by the Chair as a correct record.

3 APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by Pool Construction Limited to transfer the Sexual Entertainment Venue (SEV) licence for Eden, 15 – 17 Queen Street, Blackpool.

Mr David Moseley, director of Pool Construction Limited, was in attendance with his legal representative Ms Sarah Clover and the proposed managers of the venue Mr Rafael Souski and Mr Arkadiusz Marczak. The objector to the application Mr Mark Newton, director of AA Recreation 1 Limited the current licence holder, attended with his legal representative Mr Richard Williams.

Ms Clover outlined the case for the transfer application on behalf of Mr Moseley, the landlord of the premises. The Sub-Committee was informed that when the previous tenant left in 2020 Mr Moseley had entered into negotiations with Mr Newton to take a lease for the venue but those negotiations had broken down and were not concluded successfully. At that time, in anticipation of being granted the lease, Mr Newton had bought the existing business from the previous operators and transferred the SEV licence for Eden to one of his companies, AA Recreation 1 Limited, but had never traded due to ongoing coronavirus restrictions. Ms Clover explained that in response to the failed lease negotiations Mr Moseley had applied to transfer the licence from AA Recreation 1 Limited to Pool Construction Limited (a company of which he was director) to retain control of the premises and to ensure compliance with the relevant rules and regulations as landlord.

Members were advised that Mr Moseley had subsequently signed a lease with Mr Souski who intended to run the premises with Mr Marczak. This management team had been carefully vetted by Mr Moseley and were considered by him to be suitable operators as

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 22 JUNE 2021

they had significant experience running a number of hotels and bars in the resort over the last decade. The Sub-Committee was assured that whilst Mr Souski intended to run the premises Mr Moseley, as director of Pool Construction Limited, would ensure that regular audits and checks of the venue took place to ensure the tenant remained compliant with the licence conditions and regulations.

Ms Clover observed that no concerns had been raised by Mr Newton in relation to Mr Souski who would be operating the premises for Pool Construction Limited. Referring to Mr Newton's objection, Ms Clover considered the points raised in relation to the operation of care homes under the control of Mr Moseley's companies to be inaccurate and irrelevant to the SEV application. With regards to the reviews submitted in relation to the Premises Licence held by Mr Moseley in 2009 and 2010, it was suggested to the Sub-Committee that these were as a result of a difficult relationship with the Police Licensing Sergeant at that time. She therefore suggested that the alleged historical transgressions should not be taken into consideration when determining the application and presented Mr Moseley as a suitable operator who had appointed a competent and appropriate team to operate the venue.

Mr Williams presented the case to the Sub-Committee on behalf of the objector, Mr Newton, director of AA Recreation 1 Limited (the current licence holder) and whose companies operated two other Sexual Entertainment Venues in the resort who Mr Williams indicated was therefore already considered suitable to hold a SEV licence. He invited Members to consider the reasons the application should be refused, citing Mr Moseley's lack of experience and knowledge in running a SEV and previous regulatory non-compliance.

The Sub-Committee's attention was drawn to previous reviews of a Premises Licence and four failed test purchases within a twelve month period at the venue when Mr Moseley was licence holder in 2009 and 2010. Mr Williams considered that the failed test purchases were particularly relevant as the operator of a SEV had to ensure that under 18s were not permitted access to the venue. Previous compliance failures in respect of fire safety and health and safety breaches at care homes operated by Mr Moseley's companies were cited as further evidence of a poor track record of compliance and that he would be unable to comply with the numerous conditions associated with a SEV licence.

Mr Williams highlighted that neither Mr Moseley nor the proposed management team at the venue, Mr Souski and Mr Marczak, had any experience in running SEVs. He concluded that the lack of experience together with Mr Moseley's history of non-compliance made a company under his control unsuitable to be granted a licence to operate a Sexual Entertainment Venue.

The Sub-Committee carefully considered the information provided by both parties. Concerns were expressed in relation to Mr Moseley's previous regulatory non-compliance and associated convictions as well as his lack of experience in operating a Sexual Entertainment Venue. Having regard to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 and Blackpool Council's Sex Establishment Policy it concluded that,

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 22 JUNE 2021

given Mr Moseley's unsuitability, a company under his control was unsuitable to hold a Sexual Entertainment Venue licence and so agreed to refuse the application.

Resolved:

That the application to transfer the Sexual Entertainment Venue licence for Eden, 15-17 Queen Street, to Pool Construction Limited be refused.

4 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 20 July 2021.

Chairman

(The meeting ended 8.24 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk