

## **AA ENTERTAINMENT 1 LIMITED/AA RECREATION 1 LIMITED**

### **NEW SEV, 15-17 QUEEN STREET, BLACKPOOL**

#### **OBJECTOR'S ADDITIONAL SUBMISSIONS**

- Detailed grounds of objection to the new SEV Licence made by UK Exclusive Entertainments Limited (“Applicant”) for 15-17 Queen Street are set out in a letter dated 26 May 2022, which is included in the Committee report. Those grounds of objection stand. These submissions are additional points in relation to the Applicant’s written submissions.
- [Paragraph 2] The Applicant states that Mr Newton (via his limited companies) is a trade objector and that the objections are based on competition. The LG (MP) Act 1982, Schedule 3, paragraph 15 authorises “any person” to object to an application for a new SEV Licence. Objections made by other SEV operators are just as valid as any other objection.
- [Paragraph 5]. The Council’s Sexual Establishment Policy 2021-2026 (“SEP 2021-2026) at s.3.3, under which this application must be considered, is quite clear that the nil cap applies “where, however a licence has lapsed or been revoked, new applications will be subject to the new policy on numbers”. The pre-existing SEV has lapsed. There is no exception to the Council’s SEP 2021-2026 for premises that have previously been licensed.
- [Paragraph 5] This application is only concerned with the suitability of the applicant, UK Exclusive Entertainments Limited (Directors and beneficial owners: Rafael Suski and Robert Norton) to hold a SEV Licence. The applicant states that Mr Newton is “an unsuitable person to hold the licence”. Whilst this is irrelevant for the purposes of this application, Mr Newton must point out that at a hearing on 20 September 2021, the Sub-Committee concluded that he was “an experienced operator of SEV venues in Blackpool” and suitable to hold a licence.
- [Paragraph 7] This is again irrelevant, but Mr Newton has never said that the SEV Licence for 132-134 The Promenade, Blackpool is in an inappropriate location, nor has he ever offered to cancel or surrender this

SEV Licence. It is the SEV Licence at 169 The Promenade which Mr Newton has offered to cancel on a like-for-like basis, subject to the grant of a SEV Licence for 11-13 Queen Street.

- [Paragraph 8] There is no SEV Licence currently in force at 15-17 Queen Street. If the SEV Licence for 11-13 Queen Street (decision deferred) were granted, the only way there could be two SEVs next door to each other would be if either (a) Mr Moseley's appeal is granted (he would be required to persuade the Magistrates' Court that the Sub-Committee's decision to refuse to transfer the licence to him was wrong); or (b) if the Sub-Committee grant a new SEV Licence at 15-17 Queen Street, which would be in breach of the Council's nil cap, stated in its SEP 2021-2026.
- [Paragraph 9] There are currently 3 SEV Licences in force in Blackpool. Mr Newton holds 2 of those licences. If his SEV Licence application for 11-13 Queen Street is granted, he will still only hold 2 licences as he has offered to cancel the licence at 169 The Promenade on a like-for-like swap basis. This is not a monopoly situation.
- [Paragraph 14] AA Recreation 1 Limited (a company controlled by Mr Newton) was the holder of a SEV Licence at 15-17 Queen Street. This SEV Licence lapsed on 19 May 2022, when the renewal application was withdrawn. Mr Moseley objected to the renewal of the SEV on procedural and other grounds and now complains that the renewal was withdrawn – he cannot have it both ways. It is not correct that “Mr Newton tactically surrendered the licence” – he did not surrender the licence and there is no obligation on a licence holder to proceed with the renewal of a licence, particularly where objections have been made. The Council was notified of the withdrawal of the SEV renewal on 19 May 2022, well in advance of the hearing on 24 May 2022. If there were delays notifying the parties of the withdrawal of the SEV renewal, that was nothing to do with Mr Newton.
- [Paragraph 18] A decision on the application made by AA Recreation 1 Limited for a new SEV Licence at 11-13 Queen Street was deferred by the Sub-Committee. We simply make the point that these two applications must be determined in order of submission (and under different Sex

Establishment policies). To do otherwise would be illogical. [Paragraph 21] It is incorrect that “this pre-dates Newton’s application next door”. The application for a new SEV at 11-13 Queen Street was made on 8 April 2021. This application for a new SEV Licence at 15-17 Queen Street was made on 29 April 2022, more than a year later (and when the new SEP with a nil cap was in force).

- [Paragraph 19] The applicant states that “the Committee were unable to conclude that [Mr Newton] was a suitable applicant with premises in a suitable location.....so they have no choice other than to conclude that Mr Newton and his premises are not suitable”. This is completely incorrect and misleading. The Council’s decision letter of 20 September 2021 states “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.....Mr Newton’s honesty and integrity cannot be called into question for raising the concerns [about Mr Moseley] to the Sub-Committee, which they felt sufficient to refuse the transfer application”.
- [Paragraph 20] Whilst these points are not relevant to the new SEV application, suggestions that 11-13 Queen Street is unfit for purpose and/or unsuitable for a SEV and that Mr Newton is an unsuitable candidate are incorrect. The Sub-Committee considered the application and did not have any such concerns. A final decision on the licence application was simply deferred, due to the ongoing appeal by Mr Moseley.
- [Paragraph 22 and application form] The application form states that “a 10-year lease is held by RMS Coastal Resorts Investments Limited, 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”. Paragraph 22 states that “Mr Suski and Mr Moseley have entered into an arm’s length commercial lease for 15-17 Queen Street”. Enquiries have been made with HM Land Registry to verify whether these statements are correct. It is a legal requirement to register any lease in excess of 7 years

against the landlord's title<sup>1</sup> - failure to register a lease means that it is not a valid legal lease. There is no record of any lease having been registered against Mr Moseley's freehold title at HM Land Registry. A copy of the property title register is attached. A registered lease would appear on the freehold title register in the leasehold register. This suggests that, either (a) there is no such 10-year lease (which could constitute a false declaration on the application form); or (b) the lease has not been registered, which would be a breach of the legal requirement to register it. It should be noted that the title register shows that the property has been recently mortgaged and this charge has been registered against the freehold title.

- [Paragraph 22] The fact officers have not made objections to this SEV application does not mean that there were no COVID regulations breaches at premises operated and controlled by Mr Suski. A copy of the Council's FOI response in relation to alleged breaches of COVID regulations at premises controlled by Mr Suski are attached.
- [Paragraph 23] 15-17 Queen Street has rarely been open as a bar since COVID. The Premises Licence<sup>2</sup> relating to this site shows the conditions attaching to it. Notes from a licensing officer visit made to "Shadow Queen, 15-17 Queen Street" on 10 September 2021 indicates that a condition of the licence was being breached (no seating on the ground floor for at least 50 people). On that occasion, management in control indicated that a licence variation would be applied for, but there is no record of any variation having been submitted. It should also be noted that it is a condition of the Premises Licence (Annex 2, condition 2) that "no entertainment of an adult nature will take place on the premises". Operating a SEV in this location would therefore be a breach of this licence condition.

The Sub-Committee is requested to apply the Council's SEP 2021-2026 and to refuse the grant of the SEV Licence on the basis of its nil cap and the unsuitability

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<sup>1</sup> <https://www.gov.uk/government/publications/leases-when-to-register/practice-guide-25-leases-when-to-register>

<sup>2</sup>

[https://licensing.service.blackpool.gov.uk/PAforLalpaLIVE/1/LicensingActPremises/Search/971/Detail?LIC\\_ID=8992](https://licensing.service.blackpool.gov.uk/PAforLalpaLIVE/1/LicensingActPremises/Search/971/Detail?LIC_ID=8992)

of the applicant, UK Exclusive Entertainments Limited. The grounds for refusal will be expanded at the hearing.

Richard Williams, Solicitor

Keystone Law 11.07.22



## Title register for:

**15 Queen Street, Blackpool, FY1 1NL (Freehold)**

**Title number: LA969300**

Accessed on 05 July 2022 at 19:42:56

This information can change if we receive an application. This service can not tell you if HM Land Registry are dealing with an application.



**This is not an official copy. It does not take into account if there's a pending application with HM Land Registry. If you need to prove property ownership, for example, for a court case, you'll need to order an official copy of the register.**

## Register summary

**Title number** LA969300

**Registered owners** DAVID MOSELEY

656 Lytham Road, Blackpool FY4 1RG

**Last sold for** £500,000 on 04 August 2005

## A: Property Register

This register describes the land and estates comprised in this title.

**Entry number**    **Entry date**

1                    2004-10-19            BLACKPOOL

The Freehold land shown edged with red on the plan of the above title filed at the Registry and

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being 15/17 Queen Street, Blackpool (FY1 1NL).

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2	2004-10-19	<p>A Conveyance of the land in this title dated 16 November 1911 made between (1) Thomas Edward Topping and John James Topping and (2) Ellis Harrison contains the following provision:-</p> <p>"It is hereby declared that the walls dividing the hereditaments and premises hereby conveyed from the adjoining hereditaments and premises on the easterly side shall be deemed to be a party wall and maintained and repaired as the joint expense of the respective owners for the time being of the properties separated thereby."</p>
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## **B: Proprietorship Register**

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

**Class of Title:** Title absolute

<b>Entry number</b>	<b>Entry date</b>	
1	2005-08-10	PROPRIETOR: DAVID MOSELEY of 656 Lytham Road, Blackpool FY4 1RG.
2	2005-08-10	The price stated to have been paid on 4 August 2005 was £500,000.
3	2022-03-17	RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 17 March 2022 in favour of Together Commercial Finance Limited referred to in the Charges Register.

## **C: Charges Register**

This register contains any charges and other matters that affect the land.

**Class of Title:** Title absolute

<b>Entry number</b>	<b>Entry date</b>	
1	2004-10-19	A Conveyance of the land in this title and other land dated 23 April 1851 made between (1) Robert Dickson and (2) Thomas Topping contains restrictive covenants.  NOTE: Copy filed.
2	2022-03-17	REGISTERED CHARGE dated 17 March 2022.
3	2022-03-17	Proprietor: TOGETHER COMMERCIAL FINANCE LIMITED (Co. Regn. No. 2058813) of Lake View, Lakeside, Cheadle SK8 3GW.



## **Freedom of information results.**

### **Freedom of information request results for licensing visits to the following venues:**

- Shadow Queen 15 -17 Queen St.
- South Beach Kings 465 – 467 South Promenade.
- Shadow Bar 19 – 23 Clifton Street.

### **Saturday 17/04/2021**

#### **South Beach Kings (shadow south)**

Outside speakers in use after 21.00 advice given to keep music low level as per government advice re covid transmission.

### **Saturday 08/05/2021**

#### **South Beach Kings (Shadow South)**

Outside speakers in use after 21.00, customers also observed standing up and dancing in outside area. Duty manager spoken to regarding covid secure obligations.

### **Monday 17/05/2021.**

#### **Shadow Clifton Street (first day customers allowed back in premises)**

Female observed leaving premises with glass of alcohol female was drunk staggering across road. Doorman spoken to who walked over removed glass from female. Advice given to be more vigilant towards customers exiting premises.

### **Saturday 29/05/2021.**

#### **South Beach Kings**

DPS [REDACTED] spoken to again in relation to volume of music in the car park area (utilised outside space) which was supposed to be background music to prevent possibility of covid transmission and noise nuisance. Instructed to reduce volume of music.

### **Saturday 12/06/2021**

#### **South Beach Kings**

Attended in company with PPO Ratcliffe and PPO Nicci Todd where Nicci Todd spoke to [REDACTED] regarding the volume of music in the car park and Nicci spoke to the DJ playing music and confirmed a reasonable volume the music should be being played at. [REDACTED] was not present and [REDACTED] was unable to give a reasonable excuse as to his absence.

### **Saturday 19/06/2021**

#### **South Beach Kings**

Nicci Todd spoke to [REDACTED] and handed over paperwork in relation to noise complaints received regarding the volume of music being played in the car park (utilised outside space) [REDACTED] [REDACTED] not present at premises no reason given. But [REDACTED] stated [REDACTED] was to be undertaking a new role in the company but did not say what this was to be.

### **Saturday 26/06/2021**

#### **Shadow Clifton Street**

Premises was busy but appeared controlled

### **Friday 10/09/2021**

#### **Shadow Clifton Street**

On arrival outside the premises at 23.15 no door staff on the door. On entering premises observed a female door staff member engaged in conversation with bar staff. This was at the furthest most point away from the door. This female only moved back to the door on hearing I was from licensing and asking to speak to DPS who was not present on site. A short time later [REDACTED] arrived stating she was in charge and that [REDACTED] who is nominated DPS was at Shadow Queen Street. Advised of our observations and instructed to ensure door staff were in place at all times when on duty.

#### **Shadow Queen Street.**

Spoke to [REDACTED] who was standing outside premises DPS not available advised [REDACTED] that the premises were operating in breach of licence conditions as on the ground floor area there should be seating for at least 50 people at all times. And that a variation of the licence should be applied for and that the DPS and licence holder should sit down and check through all licence conditions to see if there was anything else they felt required changing on the conditions. [REDACTED] stated that this was on going and a variation would be applied for. At time of visit there were only approx. 10 people in the ground floor area with no seating for 50 people and customers encouraged to go upstairs.

### **Saturday 09/10/2021**

#### **Shadow Queen**

One male observed being ejected from the premises, this male was extremely aggressive and kept returning to front door. Doorstaff acted appropriately with this male.

**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 [REDACTED] 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 [REDACTED] following a complaint from a taxi driver of people standing up & dancing the previous night (video evidence provided by complainant). [REDACTED] 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 [REDACTED] 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 [REDACTED] who was outside in his car talking to [REDACTED] 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. [REDACTED] then stated [REDACTED] would be coming off the licence as DPS as [REDACTED] 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 [REDACTED] 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. [REDACTED] demonstrated no control over the actions of the DJ.