

# Blackpool Council

11 August 2015

To: Councillors Hunter, Hutton and Ryan

The above members are requested to attend the:

## LICENSING PANEL

Tuesday, 18 August 2015 at 10.00 am  
in Committee Room A, Town Hall, Blackpool

## A G E N D A

### 1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

### 2 DECLARATION OF INTEREST - LICENSING

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

### 3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

**4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- COLISEUM OFF LICENCE**

(Pages 1 - 56)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Coliseum Off Licence
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Coliseum Off Licence

**Venue information:**

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

**Other information:**

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail [lennox.beattie@blackpool.gov.uk](mailto:lennox.beattie@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>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	18 <sup>th</sup> August 2015

## **APPLICATION TO REVIEW A PREMISES LICENCE – Coliseum Off-Licence**

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

1.1 To consider an application by the Weights and Measures to review the Premises Licence issued in respect of Coliseum Off-Licence, 53 Tyldesley Road.

### **2.0 Recommendation(s):**

2.1 The panel is requested to determine the review application.

### **3.0 Reasons for recommendation(s):**

3.1 This application must be determined by a panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once an application for the review of a Premises Licence is received it must be considered by the Licensing Panel.

### **4.0 Background Information**

4.1 The Coliseum Off-Licence, 53 Tyldesley Road Blackpool has the benefit of a Premises Licence authorising:

- The sale of alcohol for consumption off the premises 08.00 – 01.00 (10.00 – 22.30 on Sunday),
- The provision of late night refreshment Sunday-Thursday, 23.00 – 01.00 Friday-Saturday 23.00 – 03.00 hours.

4.2 On 23<sup>rd</sup> June 2015 the Licensing Service received an application from Weights and Measures to review this licence on the grounds of crime and disorder, public safety and protection of children from harm. A copy of the application is attached.

4.3 Representations in support of the application have been received from the Police, Licensing Authority and Health and Safety. Copies of the representations are attached.

4.4 The licence holder is Sraj Alesh. He has held the licence since April 2006. Mr Alesh is also the Designated Premises Supervisor.

4.5 **Local policy considerations**

This premises is situated in Bloomfield Ward, which forms part of the Off Licence Saturation Policy area.

4.6 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

If a suspension or revocation is being considered 11.23 should be taken into account “it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

#### 4.7 Observations

This licence was granted in 2005 and has the following conditions endorsed:

##### **Annex 1 - Mandatory conditions**

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) Monday to Saturday 0800 to 0100 the following morning
- b) Sunday 1000 to 2230

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 No supply of alcohol may be made under the premises licence -

- a) At a time when there is no designated premises supervisor in respect of the premises licence,

or

- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

In force 01/10/10

- 5 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1 The opening hours of the premises and the hours for the provision of Late Night Refreshment may be extended until 0300 from June 1st - October 31st.
- 2 The premises are to be equipped with a CCTV system capable of holding 35 days of recordings, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement authorities.
- 3 Risk assessments carried out by or on behalf of the Licence Holder which relate to a licensing objective will be available for inspection by an officer or a Responsible Authority.
- 4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 5 Frequent collection of all litter dropped within the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours. This includes washing away to the gutter any spilled food.
- 6 The Licence holder is to support and rigorously enforce the Challenge 21 proof of age policy. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence, Passport, Proof of Age Standards Scheme Card.
- 7 A refusals book will be kept at the premises which is available for inspection by an authorised officer.
- 8 The Lytham Road doors will be closed at 2300 hours.
- 9 Security personnel will be employed between the hours of midnight and 0100.

- 4.8 Does the information submitted include any exempt information? No
- 4.9 **List of Appendices:**
- Appendix 4a: Application
  - Appendix 4b: Representation from Lancashire Constabulary
  - Appendix 4c: Representation from the Licensing Authority
  - Appendix 4d: Representation from Health and Safety
- 5.0 **Legal considerations:**
- 5.1 Please see local and national policy in the background information.
- 6.0 **Human Resources considerations:**
- 6.1 None
- 7.0 **Equalities considerations:**
- 7.1 None
- 8.0 **Financial considerations:**
- 8.1 None

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# LICENSING SERVICE

<i>For Office use only</i>	
<b><i>LalPac Application No.</i></b>	
<b><i>Licence Number</i></b>	PL1297

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

### LICENSING ACT 2003

<b><i>Review requested by:</i></b>	Weights and Measures
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Blackpool will be a Vibrant, Inclusive,  
Healthy, Safe and Prosperous Town



**Blackpool Council**

BUILDING A BETTER COMMUNITY FOR ALL

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. You may wish to keep a copy of the completed form for your records.

<b>I</b>	<b>Glen Phoenix of Blackpool Weights and Measures Department</b>
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.

### **Part 1 – Premises Details**

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
<b>Premises Name and Address</b>	Coliseum Off Licence								
	53 Tyldesley Road								
	Blackpool	<b>Post Code</b>	F	Y	1		5	D	H
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Sraj Alesh									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL1297	

### **Part 2 – Applicant details**

I am:

Please tick

<b>1) an interested party (please also complete sections 2A or 2B below)</b>	
<b>a) a person living in the vicinity of the premises</b>	
<b>b) a body representing persons living in the vicinity of the premises</b>	
<b>c) a person involved in business in the vicinity of the premises</b>	
<b>d) a body representing persons involved in business in the vicinity of the premises</b>	
<b>2) a responsible authority (please also complete 2C below)</b>	X

LS/F/005/12/1

3) a member of a club to which this application relates (also complete section 2A below)

**(2A) Individual Applicants (fill in as applicable)**

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick		
							Yes	No	
Forenames						Surname			
Home address									
		Post Code							
Telephone Number						Mobile Number			
E-Mail Address									

**(2B) Other Applicant or Representing Body**

Name									
Address									
		Post Code							
Telephone Number									
E-Mail Address									

**(2C) Responsible Authority applicant**

Name		Glen Phoenix of Blackpool Weights and Measures Department								
Address		Number One, Bickerstaffe Square, Talbot Gateway, Talbot Road,								
		Blackpool								
		Lancashire		Post Code		F	Y	1		3
Telephone Number		01253 478381								

<b>E-Mail Address</b>	<b>glen.phoenix@blackpool.gov.uk</b>
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### Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

	Please tick
1) the prevention of crime and disorder	<b>x</b>
2) public safety	<b>x</b>
3) the prevention of public nuisance	
4) the protection of children from harm	<b>x</b>

**Please state the ground(s) for review (please read guidance note 1 before completing)**

The review is brought on behalf of the Weights and Measures Licensing Authority following concerns that the Licensing Objectives are not being properly promoted when the premises are selling alcohol.

In brief our concerns are that:

- On the 9<sup>th</sup> April 2015 a test purchase of alcohol was successfully conducted at these licenced premises using an underage volunteer.
- On the 28<sup>th</sup> April 2015, Sraj Alosh (the Premise Licence & DPS) attended an Intervention meeting, in brief it was apparent that Alosh wasn't focussed on the Operational side of the business specifically the administrative side of the business, that had previously been the role of his book keeper who had gone off sick with long term health problems and was unlikely to return. As a consequence of the visit during the Intervention Meeting it became apparent when checking the Premise Licence Annex 2 that there was a breach of the Operating Schedule in relation to para 7. Ability to produce a refusals book upon request.
- Alosh confirmed that the business was up for sale and trading at a loss (DPS) and his son.

In respect of the failed test purchase, it is an offence to sell alcohol to a person under the age of 18 years by virtue of **Section 146 of the Licensing Act 2003**. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Circumstances

On the 9<sup>th</sup> April 2015 at 17:48 a 16 year old male volunteer purchased 4 bottles of Budweiser for £5.20 from Leal Smith, an employee of Sraj Alosh. Smith was cautioned following the sale and issued with a Notice of Alleged Offence.

On the 15<sup>th</sup> April 2015, wrote to Sraj Alosh inviting him to attend an intervention meeting on the 28<sup>th</sup> April 2015.

On the 28<sup>th</sup> April June 2015, Sraj Alosh (the DPS) attended the meeting, during the course of the meeting Alosh explained that he'd put the business up for sale. During the course of the meeting Alosh explained that his book keeper who'd meticulously run that side of his business for years had gone off long term sick and therefore the administrative side of the business had suffered as a consequence. Alosh was visibly upset at what he was being told in that he let his business slide to such a condition that a submission would be made in relation to Reviewing the premise licence. During the course of the meeting Alosh produced his records relating to test purchasing by JTI training records etc. Whilst posters were displayed on the premise these were Challenge 21 which in my mind reflected that Mr Alosh's focus wasn't necessarily on the operational side of the Off Licence. Alosh explained that there was now only 2 people directly involved in running the Off Licence himself and his son Leal. Informed Mr Alosh that concerned with the Operation of the business, a loss in confidence in how the business was being operated was further highlighted by the fact that Smith was unable to find the current Refusals Book on the night of the failed test purchase.

In order to expedite the matter in regards to the seller, Leal Smith accepted the offer of a Conditional Caution comprising of a Simple Caution and attendance on an accredited APLH Course.

In support of this application, I include the following documents which consist primarily of the premises licence and the evidence gathered by PPO Shaun McKinney into the offences under the Licensing Act 2003 and subsequent documents provided to PPO Shaun McKinney during the subsequent Intervention Meeting.

**Documents attached**

Document 1 – Premises Licence PL1297

Document 2 – Statements supporting the underage prosecution report

Document 3 – Signed Simple Caution

**Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 2 before completing)**

## Blackpool Council

### Licensing Act 2003 Premises Licence

#### Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

#### The Coliseum Off Licence

53 Tyldesley Road / 26 Lytham Road, Blackpool, Lancashire, FY1 5DH.

Telephone 01253 622186

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors) Licensed Area	Sunday - Thursday	23:00	01:00
	Friday - Saturday	23:00	03:00
	For seasonal variations see Annex 2.		
M. The sale by retail of alcohol for consumption OFF the premises only Licensed Area	Monday - Saturday	08:00	01:00
	Sunday	10:00	22:30
	For seasonal variations see Annex 2.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Licensed Area	Monday - Saturday	08:00 01:00
	Sunday	10:00 22:30
For seasonal variations see Annex 2.		

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption OFF the premises only

#### Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Sraj Alesh

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**



Licensing Act 2003  
**Premises Licence**

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sraj ALOSH



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WBCPA0647

Issued by Wyre

ANNEXES

**Annex 1 - Mandatory conditions**

1 Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a) Monday to Saturday 0800 to 0100 the following morning
- b) Sunday 1000 to 2230

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air force;

2 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

3 No supply of alcohol may be made under the premises licence -

- a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

4 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.

In force 01/10/10

5 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 year of age (or such older age as may be specified in the policy) to produce on request, before being served





Licensing Act 2003

## Premises Licence

ANNEXES continued ...

alcohol, identification bearing their photograph, date of birth and a holographic mark.

### Annex 2 - Conditions consistent with the Operating Schedule

- 1 The opening hours of the premises and the hours for the provision of Late Night Refreshment may be extended until 0300 from June 1st - October 31st.
- 2 The premises are to be equipped with a CCTV system capable of holding 35 days of recordings, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement authorities.
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- 4 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.
- 5 Frequent collection of all litter dropped within the vicinity of the licensed premises to be collected and removed at the licence holder's expense at a frequency of not less than 60 minute intervals during opening hours. This includes washing away to the gutter any spilled food.
- 6 The Licence holder is to support and rigorously enforce the Challenge 21 proof of age policy. Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable: UK photo driving licence, Passport, Proof of Age Standards Scheme Card.
- 7 A refusals book will be kept at the premises which is available for inspection by an authorised officer.
- 8 The Lytham Road doors will be closed at 2300 hours.
- 9 Security personnel will be employed between the hours of midnight and 0100.

### Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

### Annex 4 - Plans

See attached reference PL1297 / 1 / 1



**Witness Statement**

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **Shaun Harold McKinney**Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Public Protection Officer**

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **17<sup>th</sup>** day of **June 2015**Tick if witness evidence is visually recorded   
(supply witness details on rear)Signature 

I am employed by Blackpool Council as a Public Protection Officer in the Trading Standards Section based at Bickerstaff House, One Bickerstaff Square, Talbot Road, Blackpool. I am a duly authorised officer to enforce the provisions of the Licensing Act 2003. On Thursday 9<sup>th</sup> April 2015, I was on duty accompanied by Trading Standards Manager Glen Phoenix and P.P.O S Ash, P.C. 3842 Evans tasked specifically to visit a number of selected premises that were known to sell age-restricted goods. Two male volunteers aged fifteen and sixteen years had been selected to undertake the test purchasing exercise. Both volunteers were photographed prior to commencing the exercise; I produce three photographs of the volunteers, **Volunteer 1**, (15 year old male) Identification No **SHM/01 – 03** and **Volunteer 2** (16 year old male), Identification No **SHM/04 - 06**. The volunteers were instructed as to what to do when attempting to test purchase age restricted goods, the final phase of the training was recorded, I produce a copy of that training, Identification No **SHM/07** and the script, Identification No **SHM/08**. Included on the list of premises to be visited was Coliseum Off Licence, 53 Tyldesley Road, Blackpool. At approximately 17:48hrs, I was contacted by phone and informed that a sale had occurred at this premises. At approximately 17:50hrs I arrived at the premise and was met by P.P.O Ash who handed me 4 bottles of Budweiser which volunteer 1 had purchased, he informed me that the volunteer was charged £5.20, I produce the 4 bottles of Budweiser, Identification No. **SHM/CO/01**. P.P.O Ash informed me that the seller was a young white male; he was the only person behind the

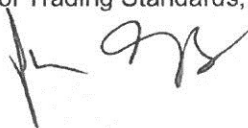
Signature 

Signature witnessed by

counter. Accompanied by PC 3842 Evans, I entered the shop and approached the male behind the counter. I introduced myself to him and showed him my authorisation; I explained that he had sold alcohol (4 bottles of Budweiser) to a minor and that I needed to speak to him regarding the sale, the seller gave his name as, Leal Karl Smith [REDACTED]. I recorded his details onto a **Notice of Alleged Offence Sheet No. 1407**, which I produce, Identification No. **SHM/CO/02**. Smith was shown a picture of the volunteer 1 and he confirmed that he had sold him the 4 bottles of Budweiser, I cautioned Smith who confirmed that the DPS was Sraj Alesh, I asked for the refusals book however Smith was unable to find it. I proceeded to photograph the interior of the premise (5 photographs) in total, areas where alcohol was offered for supply and a Challenge 21 poster; I produce copies of those photographs identification No **SHM/CO/03 – 07**. On completion of the visit, I handed the Notice no **1407** to Leal Smith to sign which he did, I then handed him the yellow and blue copies one for him and his employer. On completion of the Operation I returned to the Office and placed the test purchase (4 Bottles of Budweiser) into the secure store. On the 13<sup>th</sup> April 2015, I checked the Licensing Database for The Coliseum Off Licence, 53 Tyldesley Road, Blackpool Premise Licence No **PL1297**, I produce a copy of the Premise Licence Summary for this premise, Identification No **SHM/CO/08** which caused reason for concern as Annex 2 – Conditions consistent with the Operating Schedule paragraph 7 stated that "A refusals book will be kept at the premises which is available for inspection by an authorised officer" a breach of the Schedule and therefore did not meet the Licencing objectives. On Wednesday 15<sup>th</sup> April 2015, I wrote to Mr Alesh inviting him to attend a pre-arranged Intervention Meeting; I produce copy of the letter, Identification No. **SHM/CO/09**.

At 15:10hrs, on the 28<sup>th</sup> April 2015, Mr Alesh attended the intervention meeting at Blackpool Trading Standards, Bickerstaff House, One Bickerstaff Square, Talbot Road,

Signature



Signature witnessed by

Continuation of Statement / Interview of **Shaun Harold McKinney**

Blackpool also present was PC 3842 Evans. During the Intervention meeting Mr Alosh produced a series of documents relating to the operation of his shop in respect of the supply of alcohol which I copied. Mr Alosh produced a number of letters indicating that on several occasions attempted purchases of tobacco and on two occasions alcohol had been refused, I produce copies of those letters Identification No **SHM/CO/10**, **SHM/CO/11**, and **SHM/CO/12** respectively and a letter relating to the sale of Age restricted goods which I produce Identification No **SHM/CO/13**, together with Leal Smith's record dated 1<sup>st</sup> January 2012, which I produce Identification No **SHM/CO/14**.

The lack of additional training material was cause for concern and during the meeting it became apparent that Mr Alosh's focus wasn't fully on the administration side of running the business mainly due to the loss of his book keeper who had run the business meticulously. He explained that he was trying to sell the business and that it was operating at a loss he now only employed two members of staff himself and his son Leal Smith. During the meeting Mr Alosh was informed that there was a lack of confidence in the management of the premises which was highlighted by the fact that Leal Smith had been unable to find the refusal's book on the night of the failed test purchase and that the likelihood would be that the matters would be sent for Review of the Premise Licence before the Licensing Committee. Mr Alosh was informed that the seller Leal Smith was eligible for a Conditional Caution in relation to the Offence that consisted of a Simple Caution and attendance on an Accredited APLH Course I attach a copy of the Simple Caution, Identification No **SHM/CO/15**.

Exhibits

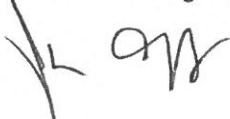
SHM/01 - 03 – 3 photographs of volunteer 1

SHM/04 – 06 – 3 photographs of volunteer 2

SHM/07            Record of training

SHM/08            Training Script

Signature



Signature witnessed by

Continuation of Statement / Interview of **Shaun Harold McKinney**

SHM/CO/01 – 4 Bottles of Budweiser

SHM/CO/02 - Notice of Alleged Offence No 1407

SHM/CO/03-07 Photographs of supply area of age restricted Goods and Challenge 21  
Poster

SHM/CO/08 – Premise Licence Summary PL 1297

SHM/CO/09 – Intervention Letter dated 15<sup>th</sup> April 2015.

SHM/CO/10 – Passed Test purchase letter JTi (tobacco)

SHM/CO/11 – Passed letter Lancashire Police (16/11/12)

SHM/CO/12 – Pass Letter Blackpool Council (23/12/14)

SHM/CO/13 – Letter relating to Age Restricted Goods

SHM/CO/14 – Leal Smiths record (dated 1.1.12)

SHM/CO/15 – Signed Caution Leal Smith



Signature



Signature witnessed by

Video Script – Alcohol Off-Sales

DESCRIPTION OF EXHIBIT Training  
Script  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS sm/08  
SIGNATURE(S) [Signature]  
a.u.s.

**Introduction**

The date is:

The time is:

I am **name & PPO** with Blackpool Council.

This is a video recording of the volunteer, who is assisting us on an underage alcohol sales survey **tonight/today**. This is the final stage of training and **she/he** will then be attempting to test purchase alcohol from a number of premises. I am now passing to the volunteer a letter of authorisation from a Trading Standards Officer to carry out test purchases of alcohol.

**Questions**

1. Can you explain what it is that you have been asked to do for us today?

**I have been asked to buy alcohol for you.**

2. Can you explain what you have been told to do when buying it?

**I will go in the shop and look for some alcohol. Then I will either choose some and take it to the till or ask the assistant for some if it is behind the till. If they sell it to me I pay for it and leave.**

3. What if they don't sell to you?

**I should just leave**

4. If the sales person asks you how old you are, what will you say?

**I tell them I am over eighteen and give an age that I am comfortable with.**

5. If you are asked for proof of age, what will you do?

**I will say I don't have any.**

6. If you are sold alcohol, what should you do when you leave the shop?

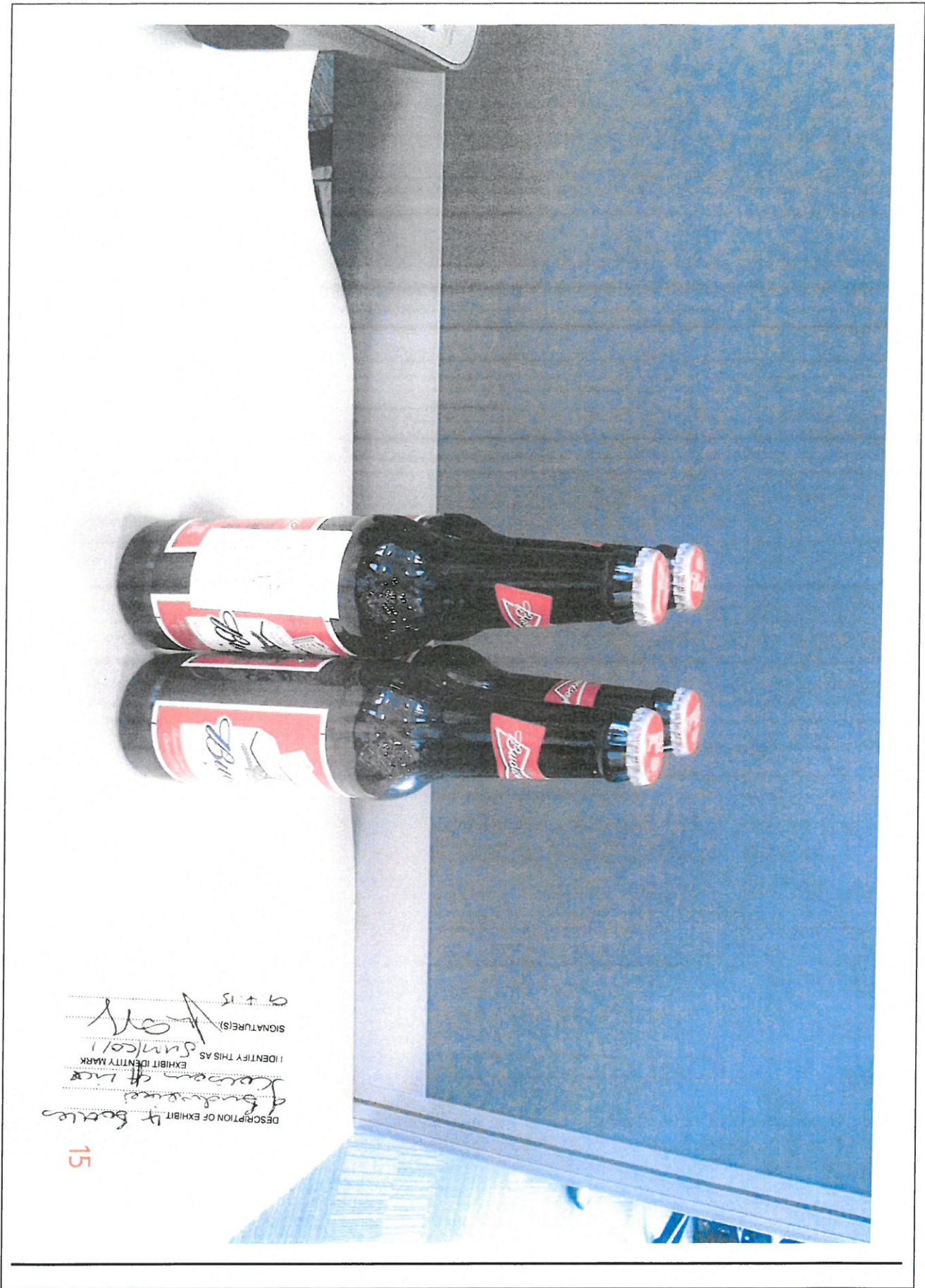
**I have to give it to the officer outside with the money.**

7. Do you have any of your own money with you today?

**No.**

8. Please can you give your full name and date of Birth?

**Volunteer to give their details.**



1297

1407

# NOTICE OF ALLEGED OFFENCE

DESCRIPTION OF EXHIBIT Notice of Alleged Offence No 1407  
 EXHIBIT IDENTITY MARK  
 I IDENTIFY THIS AS SM/1612  
 SIGNATURE(S) [Signature]

Place of offence:

Coliseum off Licence  
53 Tyldesley Road  
Blackpool  
FY1 5DA

Trac

Public Protection Division,  
 Bickerstaffe House,  
 1 Bickerstaffe Square,  
 Blackpool, FY1 3AH  
 Tel: 01253 478381

- LICENCING ACT 2003
- CHILDREN & YOUNG PERSONS ACT 1933 as amended
- CRIMINAL JUSTICE ACT 1988 as amended by THE OFFENSIVE WEAPONS ACT 1996

OTHER (Specify) \_\_\_\_\_  
 (tick as appropriate)

You are advised that on 9th April 2015 at 17.48 hours  
 the sale of 4 bottles of Indurinal £5.20 was  
 made to a person under the age of 18 years, contrary to the requirements of the above Act  
 The sale was made by a person who gave their name as Leal Smith

These facts may constitute an offence I will require you to provide the training documents for the above named sales assistant, within the next 14 days. Should you fail to provide the requested information, a report will be submitted to the Public Protection Manager for consideration of legal proceedings.

Personal Licence Holder

Copy handed to proprietor or representative

Name Leal Smith  
 Signed [Signature]

By, being an officer authorised under the Act

Name S. McKinnon  
 Signed [Signature]  
 Date 21/4/15

Copy handed to sales assistant

Name Leal Karl Smith  
 Signed [Signature]  
18.6930 Tharnta Clevedy

Address of sales assistant



**You do not have to say anything. But it may harm your defence if you do not mention when questioned something that you later rely on in court. Anything you do say may be given in evidence.**

Retain top copy, yellow copy to proprietor, blue copy to 'seller'

PSP/01/11/1



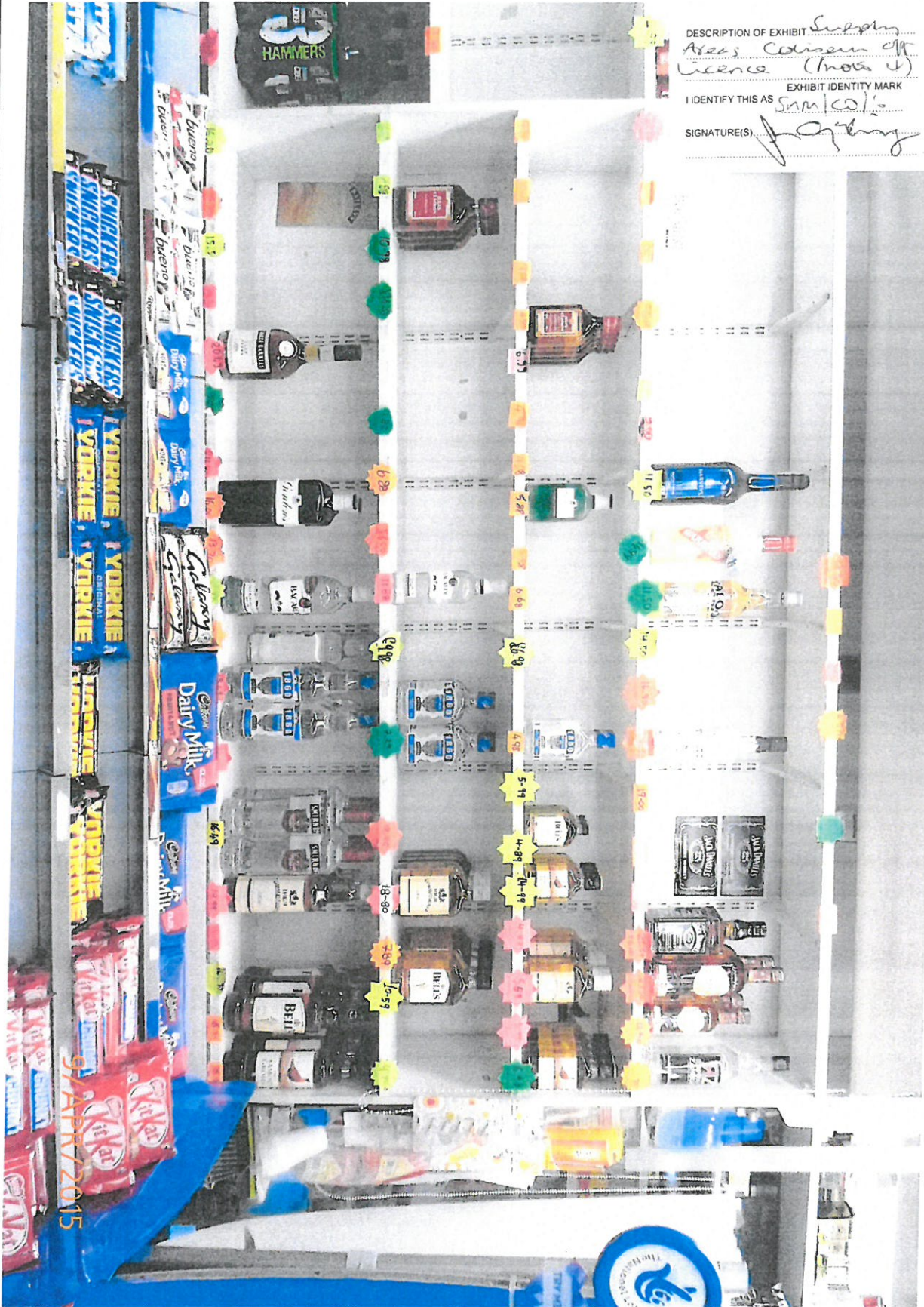
DESCRIPTION OF EXHIBIT Supplies  
Arms Collection of  
License (Photo 1)  
 EXHIBIT IDENTITY MARK  
 I IDENTIFY THIS AS smko/3  
 SIGNATURE(S) [Signature]



DESCRIPTION OF EXHIBIT *Sunny*  
*Aven - Colson Eff*  
*license (Photo 2)*  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS *Sunkolt*  
SIGNATURE(S) *[Signature]*



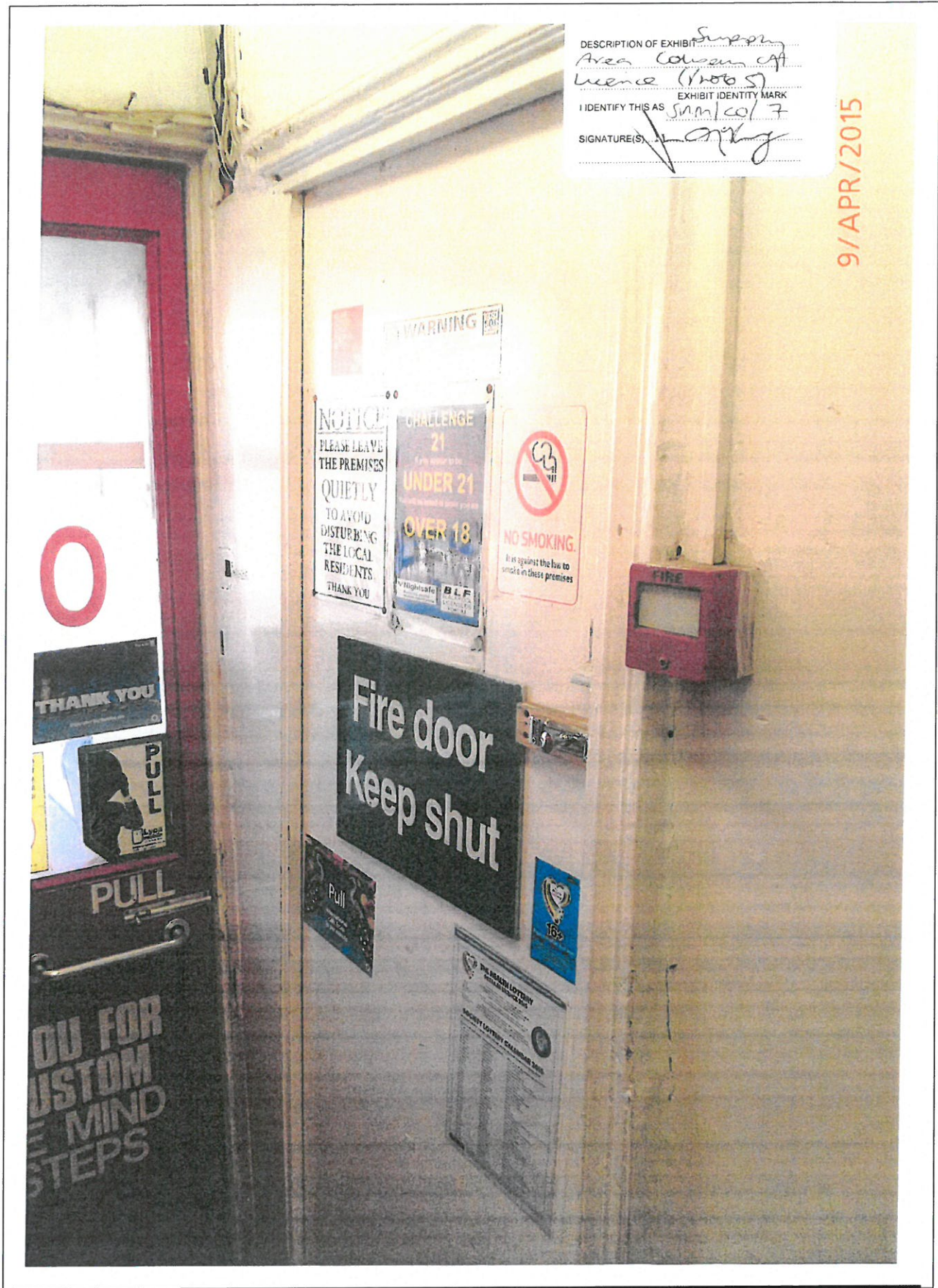




DESCRIPTION OF EXHIBIT: Supply  
 Areas Colours off  
 Licence (nos 4)

EXHIBIT IDENTITY MARK  
 I IDENTIFY THIS AS: Smilco's

SIGNATURE(S): *[Signature]*



Date: 15<sup>th</sup> April 2015

DESCRIPTION OF EXHIBIT *Copy of letter 15/4/15*  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS *Shm/Gol/09*  
SIGNATURE(S) *[Signature]*

Mr Sraj Alesh  
The Coliseum Off Licence  
53 Tyldesley Road  
Blackpool  
FY1 5DH

Our Ref: PL1297/1851670  
Your Ref:  
Direct Line: (01253) 478391  
Email: shaun.mckinney@blackpool.gov.uk

**Request for Meeting**  
**Licensing Act 2003**

**Premises: - Coliseum Off Licence, 53 Tyldesley Road, Blackpool**

Dear Sir

On the 9<sup>th</sup> April 2015 a test purchase operation for alcohol was carried out by our office and Lancashire constabulary at the above premises and unfortunately a sale of alcohol was made to a person under the age of 18, this being contrary to Section 146 of the Licensing Act 2003.

As a Responsible Authority (Weights & Measures) we believe it is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between license holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is good practice for authorised persons and responsible authorities to give licence holder's early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings may lead to a decision to request a review.

We are therefore requesting for you to attend a meeting with our office and Lancashire Constabulary to discuss the issue above and to assist putting in place a package of interventions to help reduce the possibility of further occurrences. Please bring along any training records for yourself and your staff in relation to age related sales.

I would be grateful if you or a representative could attend a meeting at 15:00 on Tuesday 28<sup>th</sup> April 2015 at Blackpool Council, Number One, Bickerstaffe Square, Talbot Road, Blackpool, FY1 3AH.

Yours faithfully

*[Signature]*  
Shaun McKinney  
Public Protection Officer  
Trading Standards Enforcement

Public Protection Division | Community and Environmental Services Department | Blackpool Council | Number One | Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

Post to: Blackpool Council | PO Box 4 | Blackpool | FY1 1NA



**Serve Legal**  
Powered by yap

DESCRIPTION OF EXHIBIT Pass  
Letter JTI  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS Sun/Coli  
SIGNATURE(S) [Signature]



Dear Coliseum, 53 Tyldsley Road,

You may remember that you have recently received a letter from JTI and Serve Legal, as part of JTI's commitment to support independent retailers in the North West of England in preventing under age sales of tobacco products.

JTI has been working closely with Serve Legal, an independent company, to mystery shop stores in the area, and to offer training and support to those who may benefit from it. Serve Legal's visitors have again visited your store, and the details of that visit are below.

It is important to remember that Serve Legal's visitors are all over 18 and so, whatever the result of the visit, no laws have been broken. For that reason, the details of your result will not be shared with anybody.

As before, if the visitor was asked for proof of age before he or she was sold tobacco your store will be classified as "compliant". Congratulations - this is good news for you and your team. You should always remain vigilant to prevent children from buying age restricted products.

If the visitor was not asked for proof of age, your store will be classified as "at risk". That means that your store may be at risk of selling tobacco products to under-18s. If you would like to arrange for on-site, professional training for your staff, paid for by JTI, please contact the team at Under Age Sales Limited on 0345 257 0018 or [info@underagesales.co.uk](mailto:info@underagesales.co.uk).

If you have any questions about this scheme, or would like any more information, please contact JTI using [ukyap@jti.com](mailto:ukyap@jti.com).

Regards,

Serve Legal & JTI UK

#### Site Review

##### Premises Details

Premises Name	Coliseum, 53 Tyldsley Road
Address 1	53 Tyldsley Road
Premises City	Blackpool
Post Code	FY1 5DF

##### Site Details

Store Code	A80501000006
Org Level 1	1168
Org Level 2	North West

##### Visit Details

Actual Date of Visit	03/03/2014
Actual Time of Visit	12:20 pm
Visit Result	Compliant

Report

Question	Response
Please give details of the cigarettes purchased (brand and size):	Mayfair Kingsize 10 pack
Did you make the purchase on its own or as part of a larger shop?	On its own
Did the person who served you ask your age during the transaction?	Yes
Did the person who served you (or their supervisor) ask you for ID?	Yes
Was a supervisor called at any time during the transaction?	No
Was the person who served you working entirely alone?	Yes
Did the person who served you make eye contact with you?	Yes
If eye contact was made, when was it FIRST made?	During the transaction
In your opinion, did the person who served you make an assessment of your age?	Yes
How many people were waiting in the queue (if there was no queue, enter 0)?	0
What was the gender of the person who served you?	Male
What was the approximate age of the person who served you?	In their 40's
Please accurately describe the person who served you (include hair colour and style, build, height and any distinguishing features):	5'9", he was wearing a hat.
What was the name of the person who served you (from the receipt or name badge)?	No name badge.
Were 'Think 21' or 'Think 25' posters next to, hanging above or visible from the till?	Yes
Please name the stores directly on the left and right of the shop or if the shop is in a row of houses, list the house numbers to the left and right of the shop:	Left- Alkington Hotel and right on a corner.
Please use this space to explain anything unusual about your visit or to clarify any detail of your report:	



DESCRIPTION OF EXHIBIT Pass  
letter Lancs Police  
16/11/12  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS Sun/Col...  
SIGNATURE(S) [Signature]



**Constabulary**  
police and communities together

Sraj Alesh  
Coliseum Off Licence  
26 Lytham Road  
Blackpool  
FY1 5DH

Western Division Licensing Department  
**Central Police Station, Blackpool, FY1 5RL**  
01253 604073 (direct dial) Fax 01253 604119

16<sup>th</sup> November 2012

Dear Sir/Madam,

**Re: Test Purchase of Alcohol Exercise**  
**At Coliseum Off Licence, 26 Lytham Road**

I refer to the above.

On the evening of 8<sup>th</sup> November 2012, we conducted a test purchase for alcohol at the above premises using a 16 year old male volunteer. The sale was refused by the staff on duty.

I have no details of the assistant who refused the sale. This letter is to confirm compliance on the night.

Should you wish to contact the lead officers on the night their details are:

**PC Darren West and PC Lisa Evans**  
**Direct Dial: 01253 604007 and 01253 604005**  
**Email: [Darren.West@lancashire.pnn.police.uk](mailto:Darren.West@lancashire.pnn.police.uk) [Lisa.Evans@lancashire.pnn.police.uk](mailto:Lisa.Evans@lancashire.pnn.police.uk)**

Yours faithfully

[Signature]

Sue Slater  
Western Division Licensing Assistant

Date: 23<sup>rd</sup> December 2014

DESCRIPTION OF EXHIBIT *Letter Blackpool Council*  
E *Letter Blackpool Council*  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS *SHM/CO/12*  
SIGNATURE(S) *[Signature]*

Coliseum Off Licence  
53 Tyldsley Road  
Blackpool  
FY1 5DH

Our Ref: SHM/1721600  
Your Ref:  
Direct Line: (01253) 478391  
Email: shaun.mckinney@blackpool.gov.uk

Dear Sir/Madam

**Re: Underage Sales Test Purchasing Exercise**

I refer to the above.

At the above premises on the 22<sup>nd</sup> December 2014, we conducted a test purchase for alcohol at the above premises using an under-age volunteer. The sale was refused by the shop assistant.

I have no details of the assistant who refused the sale. This letter is to confirm compliance on the night.

Should you have any queries please do not hesitate to contact me on the number below.

Yours faithfully



Shaun McKinney  
Public Protection Officer  
Trading Standards Enforcement

Public Protection Division | Community and Environmental Services Department | Blackpool Council |  
Number One | Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

Post to: Blackpool Council | PO Box 4 | Blackpool | FY1 1NA

# LICENSIN

LEGAL REQUIREMENTS WITH REGARD TO THE SALE OF CIGARETTES AND LOTTERY TICKETS.

DESCRIPTION OF EXHIBIT Letter relating to ART  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS Sun 10/13  
SIGNATURE(S) [Signature]

IT IS AN OFFENCE TO SELL LOTTERY TICKETS TO ANYONE UNDER THE AGE OF ~~18~~ 16

IT IS AN OFFENCE TO SELL CIGARETTES TO ANYONE UNDER THE AGE OF 18.

IT IS AN OFFENCE TO SELL ALCOHOL TO ANY PERSON UNDER THE AGE OF 18 OR TO ANY PERSON OVER THE AGE OF 18 WHO IS BUYING THE ALCOHOL FOR SOMEONE TO CONSUME WHO IS UNDER THE AGE OF 18.

IF THERE ARE ANY DOUBTS ABOUT THE RELEVANT AGE OF A CUSTOMER THEN THAT PERSON MUST BE ASKED FOR PROOF OF IDENTIFICATION. THE ONLY FORMS OF PROOF THAT ARE ACCEPTABLE ARE PASSPORT, PHOTO DRIVING LICENCE OR SPECIFIED PROOF OF AGE CARD. A SPECIFIED PROOF OF AGE CARD MUST HAVE THE PASS ACCREDITATION.

IT IS ALSO AN OFFENCE:-

- 1) TO SELL ALCOHOL TO SOMEONE WHO IS DRUNK
- 2) TO SELL ALCOHOL TO A POLICE OFFICER IN UNIFORM OR A PROSTITUTE
- 3) TO ALLOW ALCOHOL TO BE DRUNK ON OFF LICENCE PREMISES.
- 4) TO SELL ALCOHOL OUTSIDE PERMITTED HOURS (WEEKDAYS 8AM - 12 PM) SUNDAYS 10AM - 10.30PM)

THE OFFENCES CARRY POWERS OF FINE, GENERALLY, UP TO £1,000 AND ALSO, IN SOME INSTANCES, POWER OF IMPRISONMENT. THAT APPLIES NOT JUST TO THE LICENCE HOLDER BUT ALSO TO THE PERSON SELLING THE GOODS.

BREACH OF THE LAW COULD RESULT IN THE LOSS OF LICENCE AND/OR THE LOSS OF AUTHORITY TO SELL GOODS (CIGARETTES AND LOTTERY TICKETS)

# LICENSII

DESCRIPTION OF EXHIBIT Lead  
Smiths record  
(1.1.12)  
EXHIBIT IDENTITY MARK  
I IDENTIFY THIS AS Smj/c0/14  
SIGNATURE(S) [Signature]

Employee MR LEAL SMITH

Name: LEAL SMITH

D.O.B. [Redacted]  
Address: [Redacted]

Date Started Work: 1.1.2012

I confirm that I have read and had explained to me the attached leaflet with regard to the law relating to the sale of alcohol, cigarettes and lottery tickets by:-

Dated 1.1.2012


Signed [Signature]

The attached notice has been re-read by me:

Dated	Signature

**Simple Caution**

**BLACKPOOL COUNCIL  
SIMPLE CAUTION (INDIVIDUAL)  
HOME OFFICE CIRCULAR 16/2008**

CASE REFERENCE:	<b>1721600</b>
OFFENDER'S SURNAME: FORENAME(S):	<b>SMITH LEAL KARL</b>
NATIONAL INSURANCE No.:	
ADDRESS:	
DATE of BIRTH:	

DATE of OFFENCE(S):	<b>9<sup>th</sup> April 2015</b>
PLACE of OFFENCE(S):	<b>Coliseum Off Licence, 53 Tyldsley Road, Blackpool.</b>
BRIEF CIRCUMSTANCES of OFFENCE(S):	<b>Sold 4 Bottles of Budweiser to a 15 year old male (under 18 years old)  Contrary to Section 146 of the Licensing Act 2003</b>

Please read the declaration below and make sure you understand it before you sign.

- 1 I have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on any national convictions databases.
- 2 If new evidence comes to light suggesting that the offence(s) I have committed are more serious, you might still take legal action against me.
- 3 If there are any victims as a result of these offences, they might still take civil action against me and you might give my name and address to the victims so they can do this.
- 4 If I am charged with another offence and I go to court, you will tell the court that I have received this simple caution.
- 5 If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue me with a licence.
- 6 If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.)
- 7 If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)
- 8 I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student).

DECLARATION

I have read and understand all this information.


I hereby declare that I LEAL KARL SMITH

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME (*Block capitals*) LEAL SMITH SIGNED: 

DATED THIS 19 DAY of June 2015

AFTER A SIGNATURE HAS BEEN ADDED ABOVE, AN OFFICER OF BLACKPOOL COUNCIL WILL COUNTERSIGN AND RETURN A COPY.

NAME (*Block capitals*) G. PAVENIX SIGNED: 

DESIGNATION: TSM.

DATED THIS 19 DAY of June 2015

## Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick		
	Yes	No	
		X	
	Day	Month	Year
If yes please state the date of that application			


**If you have made representations before relating to this premises, please state what they where and when you made them.**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	Yes	No
		X
I understand that if I do not comply with the above requirements my application will be rejected	Yes	No
		X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 5 – Signatures** (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 4) If signing on the behalf of the applicant please state in what capacity.

<b>Signed</b>	
<b>Print Name</b>	Glen Phoenix
<b>Capacity</b>	Trading Standards Manager (Enforcement)
<b>Date</b>	23/6/2015

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)</b>						
<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>	
<b>Forenames</b>				<b>Surname</b>		
<b>Address for Correspondence associated with this application</b>						
					<b>Post Code</b>	
	<b>Telephone Number</b>		<b>Mobile Number</b>			
<b>E-Mail Address</b>						

**Notes for Guidance**


1. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems that are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
5. This is the address that we shall use to correspond with you about this application



Blackpool Council Licensing Service

Representation made by a Responsible Authority  
In support of an application for the Review of an existing  
Premises Licence or Club Premises Certificate

**Responsible Authority making representation**

Name of Responsible Authority	LANCASHIRE CONSTABULARY		
Name of Officer. <i>(please print)</i>	P.C 3842 EVANS		
Signature of Officer			
Contact telephone number	01253 604005		
Date representation made	14	07	15
Do you consider mediation to be appropriate			NO

**Name of Responsible Authority / Applicant who requested a review of this Licence**

**Blackpool Council Weights & Measures**

**Premises Details**

Premises Name	Coliseum
Address	Tyldesey Road
	Blackpool
Post Code	FY1 5DH

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

I am in receipt of a review application submitted by Blackpool Trading Standards for the above premises and on behalf of the Chief Officer of Police wish to make a representation in support of that review.

On Thursday 9<sup>th</sup> April 2015 the premises failed a Test Purchasing Operation, whereby a 15 & 16 year old male volunteers were served a pack of 4 bottles of Budweiser. On the evening the seller Leal Smith could not show us any of his Proof of age.

There was also no refusals register and a limited amount of posters in store in relation to challenge '25'.

During a follow up intervention with the PLH it was apparent that standards of the up keep of paperwork had fallen.

The police have serious concerns that the Proof of Age training is not being adopted. The Police have limited confidence that the promotion of the Licensing Objectives is being upheld.

Please find attached a copy of my Licensing note in relation to the Test Purchase operation.

## Licensing File Note

**Premises** : COLISEUM, TYLDESEY ROAD, BLACKPOOL

**Information/Complaint:** FAILED TEST PURCHASE

**Log/Crime Number** :

**Date premises visited** : 9<sup>TH</sup> APRIL 2015

**Persons Spoken to** : LEAL SMITH (SELLER)

**Action Taken:** TEST PURCHASE OPERATION CONDUCTED BY THE POLICE AND TRADING STANDARDS WITH A 15 YEAR OLD & 16 YEAR OLD MALE TEST PURCHASERS. PURCHASERS ENTERED COLISEUM, TYLDESLEY ROAD AND PURCHASED A 4 PACK OF BUDWEISER PRICED AT £5.40, WHICH WAS THEN SOLD TO THEM BY THE MALE BEHIND THE COUNTER. THE SELLER DID NOT ASK FOR I.D TO BE PRODUCED OR CHALLENGE THEIR AGE.

ON THE EVENING TRADING STANDARDS OFFICER SHAUN MCKINNEY AND POLICE OFFICER P.C EVANS ENTERED THE SHOP TO INFORM THEM OF THE SALE AND IDENTIFY THE SELLER. THE MALE BEHIND THE COUNTER GAVE HIS DETAILS AS LEAL SMITH [REDACTED] HE WAS INFORMED THAT HE HAD JUST SOLD ALCOHOL TO VOLUNTEERS UNDER 18 AND WAS SHOWN A PICTURE OF THE MALES WHICH HE ACCEPTED HE HAD BEEN THE SELLER.

MR SMITH STATED THAT IT WAS AN OVERSIGHT ON HIS BEHALF AND HAD MADE A MISTAKE, THE SHOP ON FIRST IMPRESSIONS LOOKED QUITE DISHEVELLED AND IN NEED OF MODERNISING AND SOME SHELVES WERE EMPTY.

I ASKED TO VIEW THE PROOF OF AGE TRAINING AND HE COULD NOT FIND IT ON THE EVENING. I COULD NOT LIMITED POSTERS PRESENT INSIDE THE SHOP PROMOTING THE CHALLENGE POLICY. THERE WAS NO REFUSALS BOOK IN PLACE AND THE TILL DID NOT CONTAIN AN EPOS SYSTEM.

TRADING STANDARDS PROVIDED MR SMITH PAPERWORK ADVISING OF THE SALE AND DOCUMENTATION TO BE HANDED TO THE OWNER AND WE ADVISED THAT WE WOULD BE IN TOUCH IN RELATION TO THIS SALE AND BE INVITING THE DPS IN FOR A INTERVENTION MEETING.

I WAS MADE AWARE BY TRADING STANDARDS THAT AN INTERVENTION MEETING HAD BEEN ARRANGED WITH THE COLISEUM ON 28<sup>TH</sup> APRIL AND ASKED IF I WOULD ATTEND.

ON THE DAY MR ALOSH ATTENDED AND CONFIRMED HE WAS THE PLH AND DPS. MR ALOSH PRODUCED SOME OLD PROOF OF AGE TRAINING DOCUMENTS IN RELATION TO SMITH BUT NOTHING UP TO DATE. HIS PAPERWORK THAT HE PRODUCED WERE VERY UNORGANISED AND OF LIMITED QUANTITY AND ACTUALLY ADMITTED THAT HE HAD TAKEN HIS EYE OF THE BALL IN RECENT MONTHS SINCE HIS PREVIOUS BOOK KEEPER HAD LEFT THE COMPANY. HE ALSO STATED THAT THE PREMISES WAS MAKING A SIGNIFICANT LOSS AND HE WAS IN SEVERAL THOUSAND POUNDS OF DEBT AND IN FACT HAD THE BUISNESS UP FOR SALE.

BOTH MYSELF AND TRADING STANDARDS OFFICERS EXPRESSED OUR CONCERNS IN RELATION TO THE THE LACK OF TRAINING AND HOW THE BUISNESS SEEMED TO OF GONE DOWN SINCE PREVIOUS MEETINGS WITH THEM. IT WAS ALSO POINTED OUT THAT ONLY HIMSELF AND HIS SON LEAL SMITH WHO WAS THE SELLER ON THE EVENING ARE CURRENTLY WORKING AT THE PREMISES WHICH WOULD IN MY OPINION BE A LOT OF PRESSURE AND HOURS FOR THEM TO WORK LEADING TO OTHER AREAS BEING MISSED.

I HAVE GREAT CONCERNS IN RELATION TO THIS PREMISES AND DID LEAVE THEM ON THE NOTE THAT WE WOULD BE KEEPING AN EYE ON THE OPERATION PUT STRESSED THAT WE FELT ADDITIONAL CONDITIONS SHOULD BE IMPLEMENTED BY THEM TO THEIR OPERATING SCHEDULE. .

**Officer:** PC 3842 EVANS

**Further Action Required** Yes

**If 'Yes' Indicate details**

**Blackpool Council Licensing Service**  
**Representation made by a Responsible Authority**

**Responsible Authority**

Name of Responsible Authority	<b>Licensing Authority</b>			
Name of Officer <i>(please print)</i>	Mark Marshall			
Signature of Officer				
Contact telephone number	<b>01253-478493</b>			
Date representation made	<b>21</b>	<b>07</b>	<b>2015</b>	
Do you consider mediation to be appropriate			<b>YES</b>	<b>NO</b>

**Premises Details**

Premises Name	<b>Coliseum Off Licence</b>
Address	53 Tyldseley Road
	Blackpool
Post Code	FY1 5DH

**Details of your representation (Please refer and attach any supporting documentation)**

I am Mark Marshall and am duly authorised to submit representations on behalf of the Licensing Authority.

The problems associated with alcohol in this ward are well evidenced locally and through previous papers submitted before the Committee, the JSNA ( joint strategic needs assessment ) owned by Public Health. The document paints a picture of disproportionately high levels of Domestic Violence, calls to the police, deprivation and children being taken into Local Authority care. Bloomfield also has one of the highest numbers of Off Licences in Blackpool.

As such at the beginning of 2015 the Licensing authority wrote to all Off Licences in the 4 Saturated wards advising them of local pressures in connection with alcohol retailing and consumption and offered free training to all staff working with Off Licences in these wards. The training was supported and funded by Public Health.

An example of the letter which was sent to 88 Off Licences is attached to this representation. The response to the free training was appalling to say the least with less than a dozen premises taking

up the generous offer. Premises who failed to respond were looked at in more detail and referred to Trading Standards for consideration for Test Purchases.

This is such as premises, no response to the training Offer and a subsequent failure of a test purchase following the referral.

The Review application identifies some business failings with the operational manager being absent due to sickness.

Following a visit that I conducted on the 20<sup>th</sup> July 2015 I can confirm that the business looks to be in a state of failure with fridges and shelves half stocked, whilst this is not a relevant consideration for a Licensing Authority it begins to paint a picture of the lack of structure behind this business which could be the reason why the Licensing Objectives have been undermined.

A condition of the licence is that a refusal register is kept at the premises, on the day one was produced but the lack of formality and limited detail with the register was of concern.

The staff member on the day was helpful and could operate the CCTV.

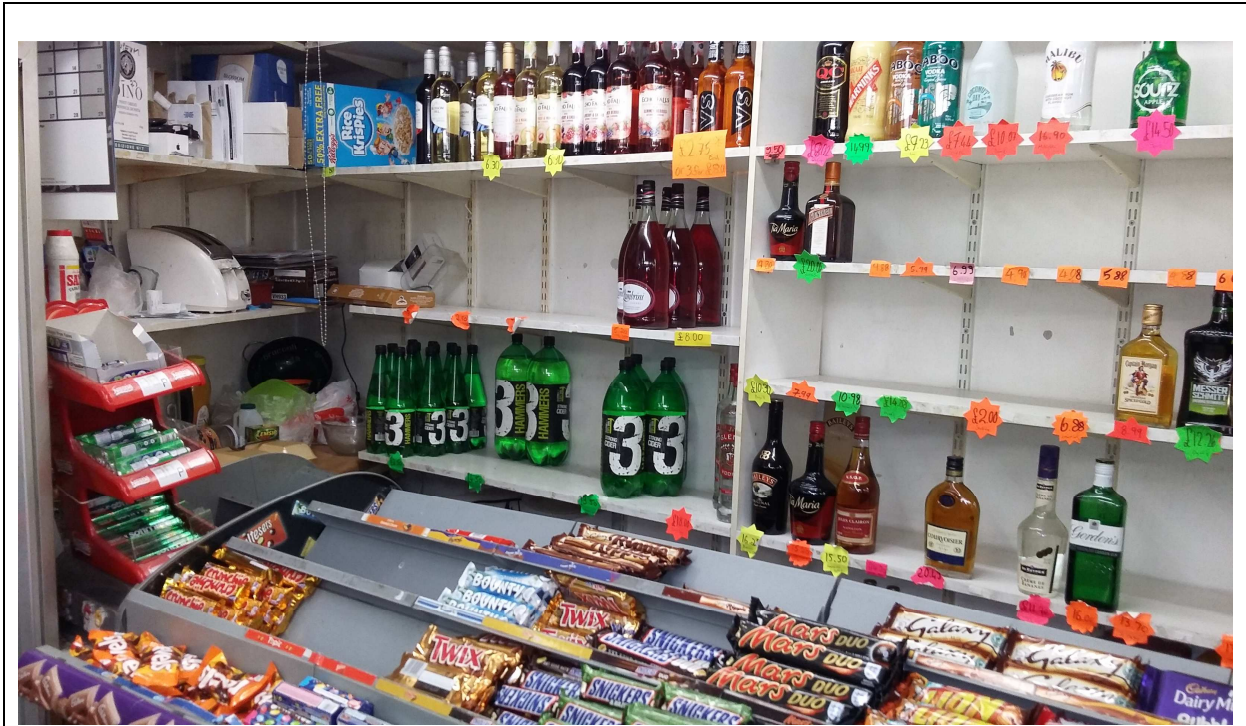
The representation is submitted to draw the committees attention to the issues in the ward, the offers of assistance that have been given to the Industry and more recently to the patchy way in which this business continue to struggle on.

It is my submission that in Stress Areas, operators will face stiff competition from large amounts of neighbouring properties offering similar licensable activities; this is a consideration for new applicants with in the Licensing Policy also.

During the visit irresponsible trading was not disclosed but a struggling business with limited structure and supervision was, in the Stress areas operators of the best quality are what is required to begin to make headway into the issues that prevail in the ward.

The failure to respond to offers of trading, the failure of a test purchase and the poor arrangements with the refusal register demonstrate a need for the business to improve, the removal of the DPS may not be sufficient here to address the concerns. It is my belief that the issues are down to poor company practice and any action should be targeted at that.





01/07/15 (Ref se abg north) LHM

02/07/15 (Ref se abg No ID) LHM

03/07/15 (Ref se abg No ID) LHM

04/07/15 (Ref se abg north) LHM

05/07/15 (Ref se abg No ID) LHM

06/07/15 (Ref se abg No ID) LHM

08/07/15 (Ref se abg No ID) LHM

08/07/16 (Ref se abg No ID) LHM

10/07/15 (Ref se abg No ID) LHM

11/07/15 15:03  
 1 Refuse to serve  
 a lady a sale of  
 cigarettes because  
 don't had ID.

11/07/15 19:56  
 1 Refuse to sale  
 of cigarettes  
 to a grand lady



Date	Time	Purchase of	Dose
		1 pack	Female
			Male

11/12/15 2015/07/11	22:15	1 Refuse a smoke to a young lady of cigarette to	
13/07/15		1 Refuse 2 Girls with	
15/07/15		1 Refuse a girl with	
16/07/15		1 Refuse a girl with	
14/07/15		1 Refuse a girl with	

**For New / Variation Applications only.  
It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.**

**Date:**

**Our Ref:** MM/

**Direct Line:** (01253) 478493

**Email:** [mark.marshall@blackpool.gov.uk](mailto:mark.marshall@blackpool.gov.uk)

Dear Sir/Madam

Your premises are located in a ward which is subject to a cumulative impact policy. This has no bearing on existing premises but creates a legal presumption that all new applications or variations in your ward area will be refused.

The reason for such a policy is that, it is the Licensing Committee's view that the cumulative impact of all the off-licences is having an adverse impact on crime and disorder.

It is difficult to make a casual link between specific premises and crime in the area but the statistics for alcohol related crime, violence and disorder are significant in your area.

Clearly other factors will play a part such as poor housing, deprivation, joblessness and a general lack of aspiration however, if you overlay the outlet density (i.e. high numbers of alcohol retailers) a clearer picture of 'cause and effect' becomes apparent. In lay terms the more off-licence premises in an area with social and demographic problems the greater the problems seem to become.

The reasons above are often given to persuade the Licensing Committee **not** to grant additional licences in the area but the other consideration that needs to be made is the overall quality and competence of existing operators. This is the reason why I write to inform you that the general impression held by the Statutory Authorities is that improvement and investment is required in some premises. For this reason we have secured some funding from Public Health to provide formal licensing training to all staff who work in off-licences in the Talbot, Claremont, Bloomfield and Victoria wards.

The priority in 2015 will be firstly rolling out this training and secondly dealing with premises in these wards who demonstrate a level of ignorance to the concerns disclosed by their failure to send their staff on the requisite training courses (provided and delivered by the Council).

Premises who fail to take part will present a much higher risk and will be prioritised for regulatory inspections from Licensing Enforcement, Health & Safety and the Police. To that end breaches of legislation disclosed or concerns with staff competence will be treated seriously.

Public Protection Division | Community and Environmental Services Department | Blackpool Council | Number One | Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

Post to: Blackpool Council | PO Box 4 | Blackpool | FY1 1NA

Options open to the Authorities include:

- Review of the premises licence which could result in conditions being applied or in the most serious cases where the Committee have no faith that the licensing objectives will be promoted, revocation.
- Prosecution for breaches of the premises licence or for failures of statutory duties under the Health & Safety at Work etc. Act 1974.

Courses will be run on the dates on the attached sheet. May I invite you to take the opportunity to book all your staff on the course by telephoning one of the following telephone numbers:-

01253 478349 Jacqui Harrison

01253 478341 Keith Marsden

01254 478315 Gareth Shaw

01253 478493 Mark Marshall

01253 478314 Dave Verity

Yours faithfully

Mark Marshall

**Licensing/Health and Safety  
Enforcement Manager**

**Blackpool Council Licensing Service**  
**Representation made by a Responsible Authority**

**Responsible Authority**

Name of Responsible Authority	<b>Health and Safety</b>			
Name of Officer <i>(please print)</i>	Gareth Shaw			
Signature of Officer	<b>G Shaw</b>			
Contact telephone number	<b>478315</b>			
Date representation made	<b>29</b>	<b>06</b>	<b>2015</b>	
Do you consider mediation to be appropriate			<input type="checkbox"/>	No

**Premises Details**

Premises Name	<b>Coliseum Off Licence,</b>
Address	53 Tyldesley Road/26 Lytham Road,
	Blackpool
	Lancashire
Post Code	FY1 5DH

**Details of your representation (Please refer and attach any supporting documentation)**

This department would like to bring to the attention of the committee that the premises was visited on the 8<sup>th</sup> of May 2015 and Improvement notices served for poor cleanliness and also damaged electrical furniture.

These notices have not been complied with at the date of writing this representation and therefore will be reported for consideration of prosecution along with other issues noted on this visit.

1) Damaged lighting and very poor cleanliness.



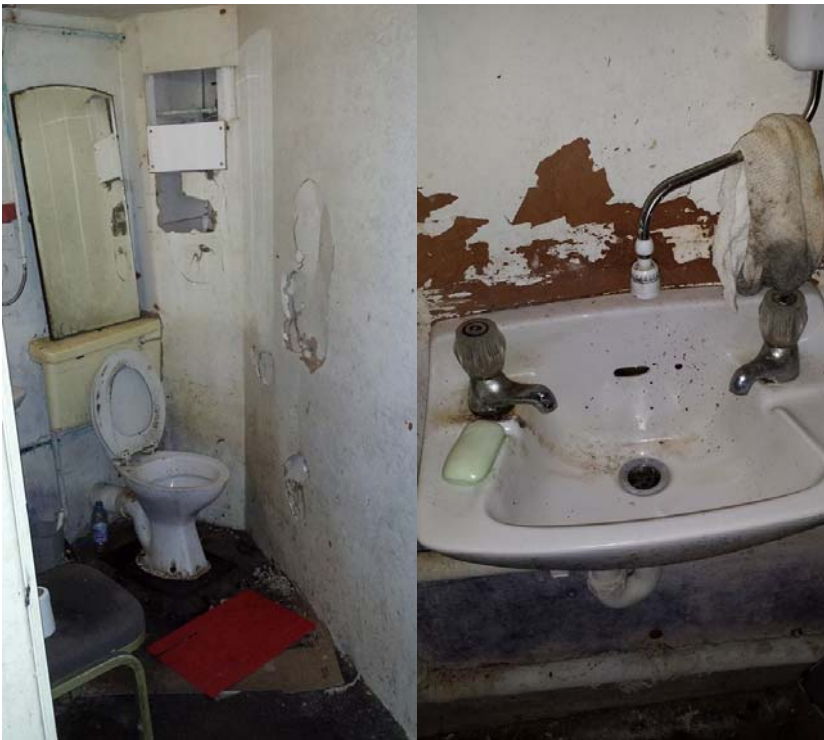
2) Electrical installation requiring making safe and investigating further and very poor cleanliness.



3) Poorly maintained untidy premise with gas cylinders stored in a cellar area.



4) Poorly maintained sanitary facilities.





Blackpool Council  
**IMPROVEMENT NOTICE**

Serial No IN GS5062015

To **Sraj Alesh**

Trading as:

Coliseum

(a) I, **Gareth Shaw**

(b) one of Blackpool Borough Council's Public Protection Officers

of (c) Health and Safety Enforcement, Public Protection Division, Bickerstaffe House  
 Talbot Road, Blackpool, FY1 3AZ Tel. no. (01253) 478315

(d) hereby give you notice that I am of the opinion that at:

53 Tydesley Road, Blackpool, Lancashire, FY1 5DF

you as an employer

(e)

are contravening the following statutory provisions:-

(f)

Health and Safety at Work Act 1974 Section S2(1), 2(2)(d), 3(1)  
 Workplace (Health, Safety and Welfare) Regulations, Regulation 9(1), (2) and (3)

The reasons for my said opinion are:-

The workplace floors and walls and hand contact surfaces were in a very poor state of cleanliness.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them

by:-

(g) **12/09/2015**

and I direct that the measures specified in the Schedule which forms part of the notice shall be taken to remedy the said contravention or matters.

Signature

Date

Being an Inspector appointed by an Instrument in writing made pursuant to Section 19 of the said Act and entitled to issue this notice.

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purpose of the Environment and Safety Information Act 1988. **Yes**

This page only will form the register entry

†Name and Address (see Section 45)

- |                                      |  |
|--------------------------------------|--|
| (a) Inspector's full name            | (d) Location of premises or place and activity |
| (b) Inspector's official designation | (e) Other specified capacity                   |
| (c) Official address                 | (f) Provisions contravened                     |
|                                      | (g) Date                                       |

Please refer to explanatory notes overleaf





Blackpool Council  
**IMPROVEMENT NOTICE**

Serial No IN GS5072015

To **Sraj Alesh**

Trading as:

**Coliseum**

- (a) I, **Gareth Shaw**  
(b) one of Blackpool Borough Council's Public Protection Officers  
of (c) Health and Safety Enforcement, Public Protection Division, Bickerstaffe House  
Talbot Road, Blackpool, FY1 3AZ Tel. no. (01253) 478315  
(d) hereby give you notice that I am of the opinion that at:

**53 Tydesley Road, Blackpool, Lancashire, FY1 5DF**

you as an employer

(e)

are contravening the following statutory provisions:-

(f)

- The Health and Safety at Work etc Act 1974 Section S2(1), 2(2)(d), 3(1)  
The Electricity at Work Regulations 1989 Regulation 4 (1), (2)

The reasons for my said opinion are:-

There was no evidence of maintenance of the electrical installations and defects of the installation evident.

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them by:-

(g) **12/06/2015**

and I direct that the measures specified in the Schedule which forms part of the notice shall be taken to remedy the said contravention or matters.

Signature

Date

Being an Inspector appointed by an Instrument in writing made pursuant to Section 19 of the said Act and entitled to issue this notice.

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purpose of the Environment and Safety Information Act 1988. **Yes**

This page only will form the register entry

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†Name and Address (see Section 46)

- |                                      |  |
|--------------------------------------|--|
| (a) Inspector's full name            | (d) Location of premises or place and activity |
| (b) Inspector's official designation | (e) Other specified capacity                   |
| (c) Official address                 | (f) Provisions contravened                     |
|                                      | (g) Date                                       |

Please refer to explanatory notes overleaf

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