

Blackpool Council

17 February 2017

To: Councillors Hobson, Hunter, Hutton and Humphreys (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Monday, 6 March 2017 at 6.00 pm
in Committee Room B, 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 of 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- OSPREY HOTEL (Pages 1 - 18)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- OSPREY HOTEL, CHARNLEY ROAD
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- OSPREY HOTEL, CHARNLEY ROAD

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	6 March 2017

APPLICATION TO REVIEW A LICENCE – Osprey Hotel

1.0 Purpose of the report:

1.1 To consider an application by Health and Safety to review the Premises Licence issued in respect of Osprey Hotel, 27 Charnley 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 a review application is submitted

4.0 Background Information

4.1 The Osprey Hotel, 27 Charnley Road, has the benefit of a Premises Licence authorising the sale of alcohol 24 hours a day to residents and their bona-fide guests.

4.2 On 15 December 2016, the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

4.3 This review was initially cancelled on 19 December 2016 when the licence was surrendered by the Licence Holder but was reinstated on 6 January 2017 when the licence was reinstated by an application to transfer the licence back into the original licence holder's name. The outstanding licence fees were also paid on 6 January 2017.

4.4 The licence holder is Dinesh Modi

4.5 On 17 January 2017, Mr Modi confirmed that the tenants Mr and Mrs Nottage were no longer running the business and he intended to re-let the hotel. Mr Modi further confirmed that he would transfer the licence to the new tenant when they took possession. As a result of this Mr Marshall, Licensing and Health and Safety Manager, confirmed that he no longer believed that it was necessary to revoke the licence. At the time of writing this report no new transfer application has been received.

4.6 **Local policy considerations**

None

4.7 **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.

4.8 **Observations**

This licence has not been varied since it was converted from a Magistrates' Court licence therefore it only has the mandatory conditions endorsed upon

4.9 Does the information submitted include any exempt information? No

4.10 **List of Appendices:**

Appendix 4a: Application

Appendix 4b Email correspondence between Mark Marshall and the Licence Holder

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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Blackpool Council

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

LICENSING ACT 2003

***Review
requested by:***

Mark Marshall



Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk

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.

I	Mark Marshall, Licensing and Health and Safety Manager
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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.									
Premises Name and Address	The Osprey Hotel								
	27 Charnley Road								
	Blackpool	Post Code	F	Y	1		4	P	E
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Dinesh Modi									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL0705	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/> X
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

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

Please tick

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	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 No.														
Email Address														

(2C) Responsible Authority applicant

Name	Mark Marshall												
Address	Health and Safety												
	Bickerstaffe House, 1 Bickerstaffe Square												
							Post Code	F	Y	1		3	A
Telephone Number	01253-478493												
Email Address	Mark.marshall@blackpool.gov.uk												

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	X
2) public safety	x
3) the prevention of public nuisance	
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)

On Friday 19th February 2016 Public Protection Officer (PPO) Dave Verity from Blackpool Councils Licensing Enforcement department working in company with PPO Jacqui Harrison a Health & Safety officer from Blackpool Council, were on duty conducting Licensing visits part of the duty was to visit premises where the Premises licence had been suspended for non-payment of the annual renew fee to establish if the premises were still stocking or selling alcohol. At approximately 20.45 hrs PPO Verity and Harrison attended the Osprey hotel situated at 27 Charnley Road, Blackpool. This hotel has previously benefitted from a premises licence (PL0705) to supply and sell alcohol issued by Blackpool Council. This licence was suspended on 25th September 2014 for non-payment of renewal fees.

As the officers approached the front door they could see into the ground floor front room of the hotel and saw a small bar to the rear of the room the bar was illuminated.

On knocking on the front door a male appeared, PPO Verity identified himself as a Licensing Enforcement officer for Blackpool Council, PPO Verity further explained the reason for the visit was to check the bar area and explained that the premises licence for the Osprey Hotel had been suspended in September 2014. PPO verity asked the male his name and the male stated his name to be STEVEN NOTTAGE who then stated the bar had not been in use for the last eighteen months. PPO Verity then requested to see the bar area NOTTAGE was a little reluctant stating his wife was ill but NOTTAGE eventually invited PPO Verity and PPO Harrison into the property and were shown into the front room. PPO Verity immediately saw the bar area which was illuminated and had optics attached to the wall of the bar each of the optics contained a bottle of spirits each bottle had varying amounts of alcohol inside them. There was also a cash register on top of the bar and clean drinking glasses on shelves behind

LS/F/009/14/3

the bar. PPO Verity also noticed a premises licence summary on the wall behind the bar PPO Verity requested to see the licence summary NOTTAGE took the summary off the wall and passed it to PPO Verity on inspection the summary was PL0705 PPO Verity immediately saw that the licence and the Designated Premises supervisor was in the name of Dinesh Modi.

STEVEN NOTTAGE then explained that Dinesh Modi was the previous owner of the business. I

Then asked to look in the cash register but there was only a few coins inside. PPO Verity explained to STEVEN NOTTAGE that because the licence was suspended even though there was no customers drinking in the bar offences were still being committed under Sections 137 and 138 of the licensing Act 2003 in relation to exposing alcohol for unauthorised sale and keeping alcohol on the premises for unauthorised sale. PPO Verity cautioned STEVEN NOTTAGE who made no immediate reply to caution. PPO Verity then asked NOTTAGE if he agreed that if the bar had not been used for eighteen months the alcohol, drinking glasses and bar fittings would have been removed by now. NOTTAGE then replied "YES" PPO Verity then said to NOTTAGE "I suggest that you have been running the bar serving alcohol using the old premises licence PL0705 NOTTAGE then replied "YES I HAVE" PPO Verity then advised NOTTAGE that he would be reported for the offences committed under the licensing act 2003.

PPO Verity then took photographic evidence of the bar with the alcohol on display with NOTTAGE in the picture and the old premises licence summary in the name of Dinesh Modi PPO Verity advised NOTTAGE to remove the alcohol from display.

PPO Harrison then spoke to NOTTAGE in relation to Health & Safety then both officers left the osprey hotel.

On return to the office the following week and checking the Council computer records PPO Verity discovered that NOTTAGE had been aware of the licence being suspended further enquiries with the licensing admin officers confirmed that NOTTAGE had been contacted and spoken to in relation to the problems with the licence and had made no effort to rectify the situation. On Friday 18th November 2016 STEVEN NOTTAGE appeared before Blackpool Magistrates the Councils Case was presented by Michael Caveney. **The following is an email of the court result sent by Mr Caveney to PPO Dave Verity.**

Steven & Gloria Nottage, The Osprey Hotel.....

Hi

I attended BMC this morning to represent the Council in this matter.

Steven Nottage was in attendance and unrepresented, Gloria Nottage was not in attendance.

Council witnesses in attendance were: Sarah Hawley, David Verity, Jacqui Harrison, Keith Marsden.

After a brief chat before court, Steven Nottage was left pondering a decision to plead or run his own case. The Court Clerk then spoke to him and he appeared to be obtaining some pro bono advice from a solicitor who previously represented him but could not get legal aid.

Steven Nottage pleaded guilty, to 4 of 6 charges, he denied on 5th August selling, and Having in possession with intent to supply. In light of that; I offered no evidence of those two matters.

I presented the Council's case and the Magistrates' retired.

They fined him £1500 each on counts 1-3 with 10% discount for a guilty plea.

They fined him £2000 count 5 from 5th August. The fine reflecting the aggravating fact that David Verity had instructed him to take the alcohol off display.

That came to £5850

Costs were awarded against him in the sum of £500. (£250 investigation, £250 legal)

Victim surcharge of £170.

Total £6520 to be paid at £250 per month by direct debit.

Collection order made.

I then presented the case of Gloria Nottage to proceed in her absence. The court wished to adjourn, but I stated that she had been properly served, had been written to by the court and should have attended. Mr Nottage had said she was in Oxford but still lived in Blackpool at the Osprey for now.

The court did agree to hear the matter. Given the fines metered above, and the fact that Mrs Nottage had never attended court to enter a plea, I withdrew charges 1-4 and 6. This would secure a conviction so that she would find it difficult to obtain a licence in future.

She was fined £1000, no order for costs and a £100 victim surcharge. A collection order being made, the full amount to be paid within 21 days.

I will now pass the file to Lynda Bennett who will close the same.

Kind regards

Mike.

EXHIBIT
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EXHIBIT
SN/C2
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premises
annual f

ry Date
haw Ro



Blackpool Council
BUILDING A BETTER COMMUNITY FOR ALL

MARK LEWIS HEAD OF LEGAL SE
LICENSING SERVICE, PO BOX 1145, BIL
BLACKPOOL, FY1 5WY
TELEPHONE: (01253) 477417 FAX: (01253) 476392 EMAIL:
licensing@blackpool.gov.uk

Licensing Act 2003 Premises Licence Summary

Premises Details

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

Osprey Hotel
27 Charnley Road, Blackpool, Lancashire, FY1 4PE Telephone 01253 621664

WHERE THE LICENCE IS THIS LIMITED THE DATES

LICENSABLE ACTIVITIES AUTHORIZED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M	The sale by retail of alcohol for consumption ON the premises only Licensed Area	Monday - Sunday Midnight	Midnight

THE OPENING HOURS OF THE PREMISES

Licensed Area	Description	Time From	Time To
	Monday - Sunday	Midnight	Midnight

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND / OR OFF SUPPLIES

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

NAME (REGISTERED) ADDRESS OF HOLDER OF THIS LICENCE

Dinesh Modi 27 Charnley Road, Blackpool, Lancashire, FY1 4PE

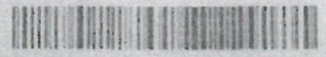
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER OR COMPANY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Dinesh MODI

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Printed by Lalfac on 20 Jan 2006 at 11:42



PL0705/11251

EXHIBIT SN/OS
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Suspended (non-payment of ARF) for
PREMISES LICENCE PL0705
for **Osprey Hotel**
for **Derech Moad**
Suspended for non payment of ARF

Licence Number **PL0705**
Commences **25/09/2014**
Expires **31/12/9999**

Date	Time	Type	Input By	OLE	Notes
02/08/15	15:29	Letter Sent	Sarah Hawley		LA2003 ARF letter (Suspended licence / one PLH) letter sent to M. D Moad
18/7/14	10:40	Letter Sent	Ryven Ursworth (Admin)		Draft Statement of Policy under the Licensing Act 2003
25/09/14	10:09	Document Printed	Sarah Hawley		Suspension Letter (Premises) printed
23/09/14	16:05	Document Printed	Sarah Hawley		Suspension Letter (PLH) printed
04/08/14	11:18	Letter Sent	Ryven Ursworth (Admin)		Message left with gentleman at hotel for M. D Moad to call us back (need to discuss ARF and address)
04/08/14	12:46	Letter Sent	Ryven Ursworth (Admin)		LA2003 ARF Invoice (one ARF and one PLH) sent to M. D Moad
31/03/14	11:31	Document Printed	Jacqui Harrison		Premises Licence - Letter and new Mandatory Condition sent to M. D Moad for Licence No. PL0705 - Osprey Hotel
28/11/13	11:32	Document Printed	Steven Charneck		Duplicate Licence printed
21/11/13	11:10	Document Printed	Jacqui Harrison		Duplicate Licence printed
30/09/13	13:19	Note	Ryven Ursworth (Admin)		Derech Moad called and paid the £180 to lifted the suspension. Tel numbers confirmed
27/09/13	15:47	Document Printed	Ryven Ursworth (Admin)		Suspension Lined (ARF) printed
25/09/13	09:56	Note	Sarah Hawley		Tacny took a call 14:20 from a man who was trying to query how much was owed on the licence as he has mispoked the invoice - she took a message, telling the man that one
25/09/13	09:56	Document Printed	Sarah Hawley		Suspension Letter (Premises) printed
23/09/13	15:25	Document Printed	Sarah Hawley		Suspension Letter (PLH) printed
09/08/13	12:17	Note	Ryven Ursworth (Admin)		Unable to contact Derech Moad re impending suspension for non-payment of ARF
01/08/13	10:15	Letter Sent	Sarah Hawley		2013 ARF invoice returned by Royal Mail - addressee gone away...
12/06/13	15:16	Letter Sent	Ryven Ursworth (Admin)		LA2003 ARF Invoice (one ARF and one PLH) sent to M. D Moad
18/7/12	11:38	Letter Sent	Ryven Ursworth (Admin)		Premises Licence - Letter regarding the LA2003 EMOH consultation sent to M. D Moad for Licence No. PL0705 - Osprey Hotel
18/7/12	12:46	Note	Ryven Ursworth (Admin)		Blackpool Licensing Service - Draft Statement of Policy under the Licensing Act 2003
12/10/12	11:16	Note	Sarah Hawley		M. D Moad called having leased hotel out...
08/10/12	13:25	Note	Ryven Ursworth (Admin)		M. D Moad called. He is going to come in with new tenants for them to handle PL0705

Client Details | Premises Details | Checks | Licensured Activities | Premises Supervisor | Permitted Occupancy | Standard Triggers | Application History | Additional Conditions | Notes/History | Custom Fields

General | OK | 11:33 | 24/02/2016

Spoke to Mr Nottage again who is the tennant at the hotel. He has tried to contact Mr Modi on the number he has for him but the number is not obtainable = 07091333400.

He pays his rent via direct debit.

I suggested to Mr Nottage that it would be best if he obtained his own personal licence and transfered the licence into his name that way he would have more control. He is booked on a course already.

I explained that the licence is suspended for non-payment of the annual fee and we did need to speak to Mr Modi urgently - also explained that it is an offence to serve alcohol whilst the licence is suspended.

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Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

Part 4 – Other relevant information

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


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.	Please tick
	X
I understand that if I do not comply with the above requirements my application will be rejected	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 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 5) If signing on the behalf of the applicant please state in what capacity.

Signed	
Print Name	Mark Marshall

Capacity	Licensing and Health and Safety Manager
Date	15th December 2016

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)

Title:	Mr	Mrs	Miss	Ms	Other	
Forenames					Surname	
Address for Correspondence associated with this application						
					Post Code	
Telephone Number	01253 478493			Mobile Number	07796994786	
E-Mail Address	Mark.marshall@blackpool.gov.uk					

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.

Sharon Davies

From: Mark Marshall
Sent: 18 January 2017 12:04
To: Licensing la2003; Sharon Davies
Subject: FW: Osprey hotel

In light of this information I do not consider that revocation of the licence is necessary.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Dinesh Modi [mailto:dmodi649@gmail.com]
Sent: 17 January 2017 20:34
To: Mark Marshall
Subject: Osprey hotel

Osprey Hotel,
27 Charnley Road,
Blackpool.
FY1 4PE

Premises Licence No:- PL0705

Dear Mark,

Following our telephone conversation of this morning, please find current position on Osprey Hotel as follows:

Mr and Mrs Nottage, the tenants are no longer running the business as we have repossessed the hotel from them from Monday 9th January 2017.

We have updated the payments on the premises licence on Friday 6th January 2017, as we felt it would be easier to re-let the business with the licence.

The hotel has been put on the market for re-let.

On re-let we will transfer the licence to the new tenants

I trust that the information is in order and should you require further details, please contact me.

Many Thanks,

Regards,

Dinesh Modi.

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