

Blackpool Council

18 January 2019

To: Councillors Collett, Humphreys and Mrs Scott

The above members are requested to attend the:

LICENSING PANEL

Monday, 28 January 2019 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- CORNHILL HOTEL (Pages 1 - 90)

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

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**

Date of Meeting : 28 January 2019

APPLICATION TO REVIEW A LICENCE – Cornhill 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 The Cornhill Hotel, 377-379 Promenade.

2.0 Recommendation(s):

2.1 To determine the review application.

3.0 Reasons for recommendation(s):

3.1 The review application must be determined by the Licensing 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 is submitted it must be determined by the Licensing Panel.

4.0 Background Information

4.1 The Cornhill Hotel, 377-379 Promenade, Blackpool has the benefit of a premises licence authorising:

Entertainment (performance of plays, live music, recorded music, performance of dance and entertainment of a similar description) 19.00 – 00.00 Monday – Sunday.
Late night refreshment 23.00 – 05.00 Monday to Sunday.

Supply of alcohol (for consumption on the premises) 11.00 – 23.00 Monday – Saturday and 12.00 – 22.30 Sunday, with different timings permitted at Christmas and New Year. These hours apply to guests attending functions at the hotel – there are no restrictions on the hours during which alcohol may be sold to residents.

- 4.2 On 7 December 2018, the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder, public safety and the prevention of public nuisance. A copy of the application is attached at Appendix 4a
- 4.3 Representations in support of the review have been received from the Licensing Authority, Appendix 4b, and Lancashire Constabulary, Appendix 4c.
- 4.4 The licence holder at the time that the review was submitted was OMG Leisure Blackpool Limited (of which Alan Diamond is a director.) On 14 January 2019, an application to transfer the Premises Licence to Lancashire Leisure Limited was received to take immediate effect (Alan Diamond is also a director of this company.) Alan Diamond is the Designated Premises Supervisor named on the licence. A representation has been received from Mr Diamond and is attached at Appendix 4d.

4.5 **Local policy considerations**

None.

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 to address the causes of concern that instigated the review.

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 designated premises supervisor (for example, because they consider that the problems are the result of poor management)
5. Suspend the licence for up to three months
6. Revoke the licence.

4.7 Observations

The Cornhill Hotel has been licensed under the current Licensing Act since 2005. Mr Diamond's companies have held the licence and he has been the Designated Premises Supervisor since March 2018.

This premises licence has been suspended since 11 September 2018 for non payment of the annual licence fee. Mr Diamond advised the Licensing Service at the time of the transfer to Lancashire Leisure Limited on 14 January 2019 that the bar is currently closed.

This licence has the following conditions endorsed upon it:

Annex 1 - Mandatory conditions

- 1 Intoxicating liquor shall be sold/supplied only to:
 - a) Residents in the hotel and their bona fide guests
 - b) Bona fide guests attending organised functions.
- 2 There are no off sales.
- 3 No bar or counter except as shown on the deposited plan.
- 4 Intoxicants to be served only in the dining room, residents bar and any room or rooms as shown on the deposited plan.
- 5 No display of intoxicants or advertisements thereof outside the premises.
- 6 Alcohol shall not be sold or supplied except during permitted hours.
Permitted hours means:
 - a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11 a.m. to 11 p.m.
 - b) On Sundays, other than Christmas Day or New Year's Eve, and Good Friday from 12 noon to 10.30 p.m.
 - c) On Christmas Day, 12 noon to 3.00 p.m. and 7 p.m. to 10.30 p.m.
 - d) On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
 - e) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.

On New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - c) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
 - d) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
 - e) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - f) 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 forces;
 - g) The taking of alcohol from the premises by a person residing there; or
 - h) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 - i) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
- 7 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- a) He is the child of the holder of the premises licence.
 - b) He resides in the premises, but is not employed there.
 - c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.
 - d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. However, an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

- 8 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,
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 9 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 10 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 11 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

- 12 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years 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 either a holographic mark, or an ultraviolet feature.
- 13 The responsible person must ensure that -
- (a) where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 14 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:-
- a. “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where-
- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 Any regulated entertainment will take place in the bar area only.
- 2 Noise from any regulated entertainment will be inaudible at the nearest sensitive premises or, at the discretion of the Local Authority, shall not exceed some other pre-agreed limit, which does not cause unreasonable disturbance to neighbouring residents or their guests. Any noise limit agreed with the Local Authority must be controlled by a sound limiter / cut out device installed and maintained by a reputable sound engineer.
- 3 The volume of amplified sound used in connection with entertainment shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
- 4 All external windows and doors in the function room will be kept closed during regulated entertainment except for access and egress and for use in the event of an emergency.

5 Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

6 The placing of refuse such as bottles into receptacles outside the premises shall not take place after 21.00 hours so as to prevent disturbance to nearby premises.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application for Review of a Premises Licence- Health and Safety

Appendix 4b: Representation from Licensing Authority

Appendix 4c: Representation from Lancashire Constabulary

Appendix 4d: Representation from Licence Holder- Alan Diamond

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.

Blackpool Council

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

LICENSING ACT 2003

**Review
requested by:**

Marcus Maddock

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/licensing



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	Marcus Maddock
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[Insert name of person requesting review]

apply for the review of a premises licence under section 51 / 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 (delete as applicable).

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordnance survey map reference or description.									
Premises Name and Address	The Cornhill Hotel								
	377-379 Promenade								
	Blackpool	Post Code	F	Y	1	6	B	H	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
OMG Leisure Blackpool Ltd									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL 1137	

Part 2 – Applicant details

I am:

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

(A) 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									
						Post Code									
Telephone Number						Mobile Number									
E-Mail Address															

(B) Other Applicant or Representing Body

Name															
Address															
						Post Code									
						Post Code									
Telephone No.															
Email Address															

(C) Responsible Authority applicant

Name	Marcus Maddock													
Address	Health & Safety													
	Municipal Buildings													
	Corporation Street					Post Code	F	Y	1			1	N	A
Telephone Number	01253 478341													
Email Address	Marcus.Maddock@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	X
4) the protection of children from harm	

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

It is the belief of Public Protection Officer Marcus Maddock that the premises licence at The Cornhill Hotel be reviewed in its failing to adhere to, predominantly, **the public safety licensing objective.**

The review will draw on other failures in licencing objectives including **the prevention of crime and disorder** as well as the prevention of **public nuisance.**

I will state my dealings with The Cornhill Hotel over the last 11 months.

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)

I submit this review on behalf of the Health & Safety Authority in connection with the Cornhill Hotel.

It is my view that the premises are poorly managed by the licence holder, which has resulted in a complete failure to promote the licensing objectives, particularly in relation to matters of public Safety.

In my role as a Health & Safety Officer for Blackpool Council, I am responsible for ensuring that proprietors of businesses based in the Blackpool area and meeting their statutory obligations in respect of the Health & Safety at Work etc. Act 1974. I have visited the Cornhill Hotel numerous times over the last 11 months due to various public complaints. As a consequence of these visits I have had cause to issue statutory notices in accordance with Health & Safety at Work etc. Act 1974 in relation to various offences, 10 in total. These notices required compliance by the 10th of

August. This date has now been exceeded and 8 issues remain. Failure to comply with a notice issued under Health and Safety at Work etc. Act 1974 is a criminal offence under section 33 of the same Act. This department now must also consider prosecution, along with submitting this review.

Circumstances

I first visited the Cornhill Hotel in February 2018. This was during a weekend night shift with my colleague Jacqui Harrison, whom is also an authorised Health & Safety Officer. We had visited that night as we had received a complaint from a guest that stayed in the hotel and had claimed it was undergoing a full restoration and shouldn't be open to the public. That night we met Alan Diamond, the Employer at The Cornhill Hotel and sole Director of OMG Leisure Blackpool Limited. Alan explained that the hotel wasn't operating currently as he was in the process of renovating. I explained that we had evidence that guests have been staying at the hotel and that booking functionality was still enabled through booking.com, but he assured us that he wasn't currently trading. The hotel was in a poor condition but, as we were told they were currently not trading, there were no need for enforcement action.

My next involvement with The Cornhill Hotel was in May 2018. My department was made aware of a complaint that had come through regarding the condition of said hotel. Myself and my colleague Jacqui visited the hotel on the 5th of June 2018. The hotel, once again, was in a poor condition and looked mid-way through a refurbishment. Alan stated that 20 rooms were in use and that 16 were out of service. Numerous issues were seen such as cracked tiles, no window restriction, loose fixtures and fittings and fire safety concerns. On this particular day there wasn't going to be an opportunity to conduct a full inspection so myself and Jacqui arranged to come back 2 days later. On the 7th of June 2018, we visited and carried out a more in-depth inspection. Additional issues noted were cracked windows, broken glass on floor, no documentation in regards to the fixed electrical installation or portable appliance testing (PAT), damaged electrical sockets, no 'LOLER'

certification (legal requirement for the passenger lift), carpets lifting and mold in bathrooms. I

enclose some pictures from this visit :



One of many cracked in glass panels throughout the hotel



Ground floor toilet, not cordoned off to public/residents



One of many loose electrical fittings



No window restriction.



Bacteria growth on shower head

Jacqui stated that the amount of work that was needed was substantial. We agreed that before taking enforcement action would like to give Alan an opportunity to compile a report of the hotels defects and submit a schedule of works with an acceptable time frame then to be agreed. Alan agreed to get this report to Jacqui Harrison by Monday the 11th of June 2018. On Saturday the 16th of June 2018 Alan emailed Jacqui to say he apologized for the delay and will get the report over to her on the following Monday, the 18th of June 2018. The next email Jacqui Harrison received from Alan was on the 3rd of July 2018 stating he hadn't forgotten about the report and would send it on to Jacqui a day later on the 4th July 2018. A further week passed with no report. On the 11th of July 2018, I received an email forwarded from Tim Cogan, Head of Public Protection and Enforcement for Blackpool Council. This email had initially come from Philip Welsh, Head of Tourism and Communications, asking if we could investigate a complaint that had come in regarding The Cornhill Hotel. The following day, 12th July 2018, I issued improvement notices. This was on the basis that me and my colleague were yet to receive a report from Alan Diamond, which we had been told was imminent on 3 occasions. We were also concerned that we were continuing to receive public complaints. I hand delivered the improvement notices to the hotel – the issues were as follows :

<i>Notice Serial Number</i>	<i>Issue</i>
<i>MM/0050/2018</i>	There was no evidence of maintenance of the electrical installation
<i>MM/0051/2018</i>	There was no evidence of maintenance of the gas installation
<i>MM/0052/2018</i>	There was no evidence of maintenance for the portable or movable appliances.
<i>MM/0053/2018</i>	There was no evidence of legionella risks being managed
<i>MM/0054/2018</i>	Not complying with the duty to manage in that no asbestos assessment has been carried out for the hotel
<i>MM/0055/2018</i>	Windows, throughout the hotel, are cracked or in disrepair
<i>MM/0056/2018</i>	No evidence of maintenance for the passenger lift in the hotel
<i>MM/0057/2018</i>	Numerous windows throughout the hotel are without necessary restriction
<i>MM/0058/2018</i>	Bathroom tiles, throughout the hotel, are cracked or in disrepair
<i>MM/0059/2018</i>	Trip hazards caused by carpets lifting throughout the hotel

On the 27th of July 2018, I visited The Cornhill Hotel to ensure that Alan Diamond had received, read and understood the notices I had issued. He said that he had received them but he had not had chance to read them yet. I advised that he do so straight away and that these were legal notices with a deadline to scheduled works enclosed. Alan agreed and said he would read them. Evidence of this conversation is documented in my pocket note book. On the 22nd of August 2018, I visited The Cornhill Hotel to check on whether or not the improvement notices that I served 36 days earlier had been complied with. I was accompanied by Planning Enforcement Officer Nicola Rigby. Nicola was there as she had been informed by Fire Safety Officer Pete Derbyshire, that there may be permanent residents living in the Hotel. I went through the improvement notices with Alan and it transpired that of the 10 notices issued, only 1 had been complied with. Alan stated that enforcement action had also been taken by the fire service and their subsequent schedule of works was his priority and not the health and safety notices. On the 30th of August 2018, I sent Alan Diamond a letter inviting him to the council offices with an intention to interview him in regards to his non-compliance of the improvement notices. The interview was to be conducted in accordance with the Police and Criminal Evidence Act 1984 and as such would be tape recorded. I explained in said letter that Alan may have a solicitor present during the process. I also asked if he could contact me to confirm his attendance. I received no confirmation of attendance and Alan failed to show on the date of the interview. On the 5th of September 2018, I contacted the Business Rates team at Blackpool Council In order to gain supplementary evidence for this case. I received an email back on the 18th of September 2018 stating that no business rates payments have ever been made for this account. It continued to state that because of this, their enforcement team are now involved but they have been unable to make contact with the hotelier. I personally have had no further dealings or contact with Alan Diamond or any other person in connection with The Cornhill Hotel since although I have been made aware of numerous issues within the past 3 months. This information has come via my colleagues in the Fire and Police Services respectively. I am aware that the Fire Service are currently considering prosecuting also. The Police have had numerous calls reporting a variety of issues relating to the premises and its management. On the 13th of

November 2018 I received a complaint from a resident that stayed at the Cornhill Hotel on the 29th of October 2018. I enclose a copy of the complaint as MM12. The dates in which the complainant stayed at the hotel suggest that Alan Diamond is continuing to take bookings despite the fact that the hotel currently has an ongoing prohibition notice from the fire service which stipulates that the premises should not be used for sleeping accommodation. On the 14th of November 2018, I passed this information onto Lancashire Fire and Rescue (LFRS).

I have included the following documents in support of my application:

1. A copy of a companies house search, showing Mr Alan Diamond as the sole director of OMG Leisure LTD.
2. A copy of the Improvement Notices served to OMG Leisure LTD – document is 42 pages long.
3. A copy of the letter I sent to OMG Leisure LTD inviting Mr Diamond to a PACE interview in August 2018.

Conclusion

To conclude, it is my view that in his capacity as licensee and director of OMG Leisure Blackpool Ltd, Mr Diamond has repeatedly failed in his duty of care towards his employees and members of the general public. These failures are in direct conflict with the licensing objectives calling into question Mr Diamond's suitability as a licence holder. In fact, the seriousness of these matters is such that a criminal investigation is running alongside this review, and at this stage the possibility of prosecution remains serious consideration.

Part 4 – Other relevant information

Have you made an application for review relating to these 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 were 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.	X
I understand that if I do not comply with the above requirements my application will be rejected	X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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	Marcus Maddock
Capacity	Health & Safety Officer
Date	07/12/2018

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)											
Title:	<u>Mr</u>	Mrs	Miss	Ms	Other:						
Forenames	Marcus				Surname	Maddock					
Address for correspondence associated with this application	Health & Safety										
	Municipal Building, Ground Floor										
	Corporation Street				Post Code	F	Y	1		1	N
Telephone Number	01253478341				Mobile Number	07717225374					
E-Mail Address	Marcus.Maddock@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.

OMG LEISURE BLACKPOOL LIMITED

Company number 10916463

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[Filing history](#)

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Registered office address

377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Company status

Active

Company type

Private limited Company

Incorporated on

15 August 2017

Accounts

First accounts made up to 31 August 2018
due by 15 May 2019



Confirmation statement overdue

First statement date 14 August 2018
due by 28 August 2018

Nature of business (SIC)

56302 - Public houses and bars

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[DIAMOND, Alan](#)

Correspondence address

377-379, Promenade, Blackpool, Lancashire, FY1 6BM

Role **ACTIVE**

Director

Date of birth

September 1974

Appointed on

15 August 2017

Nationality

British

Country of residence

United Kingdom

Occupation

Manager

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Date: 12/07/2018

OMG LEISURE BLACKPOOL LIMITED
377-379 Promenade
Blackpool
Lancashire
FY1 6BM

Our Ref: MAM19062018
Direct Line: (01253) 478341
Email: Marcus.Maddock@blackpool.gov.uk

Dear Sir/Madam

Health and Safety at Work etc. Act 1974

Re: Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Please find enclosed Improvement Notices in respect of the above property.

In this instance there is a formal appeals procedure through the Employment Tribunal Service. The time limit for the lodging of such an appeal is 21 days.

It may be however that if you do have concerns we may be able to resolve them without the need for you to lodge an appeal. I would suggest therefore that you contact me initially to explore the feasibility of this.

I trust that this matter is self-explanatory, if however you require any further information or clarification, please do not hesitate to contact me.

Yours faithfully



Marcus Maddock
Public Protection Officer
Health & Safety

When a health and safety inspector calls

What to expect when we visit your business

About this leaflet

This leaflet tells you what can happen when one of our inspectors visits your workplace.

Before we start

Our job is to keep people safe and healthy at work. We visit thousands of locations every year as part of that job. Your visit is one of many that we do every day.

We may have arrived without warning. This isn't unusual. We don't always tell people we're coming and the law lets us visit at any reasonable time.

Although we have the powers to come into your workplace, our inspectors still have to follow the government's code of practice on entering homes or businesses.

You can complain if you think our inspector hasn't followed the code.

See the 'Complaints' section at the end of this leaflet, or the information at www.gov.uk/guidance/powers-of-entry.

During the visit

The inspector will look at how you keep your workers, and anyone who may be affected by your work, healthy and safe. They may also give you advice on health and safety or make sure you are providing suitable welfare facilities, such as running hot and cold water and toilets.

While the inspector is with you, they may:

- ask you about your workers and what they do;
- look at any possible health risks arising from the work you are doing;
- look at any machinery or other equipment that you have;
- ask to see records or other documents; and
- take photographs.

The inspector will want to know about:

- the main health and safety issues in your workplace; and
- your own knowledge or experience of health and safety.

The inspector may also talk to you about things like safety standards, guidance and everyday practices in your industry.

Your workers

The inspector will need to talk to your employees or their representatives during the visit.

What if there's something wrong?

The inspector may take action if they find you're breaking the law during the visit. They may also tell you to stop a dangerous activity in your workplace immediately. For example, a dangerous activity could be people working on a roof where scaffolding is unsafe.

After the visit

After the inspector has finished looking round your workplace, they might:

- offer advice (either verbal or in writing);
- give you a notification of contravention;
- give you an improvement notice;
- give you a prohibition notice; or
- prosecute you for breaching health and safety laws.

We publish all improvement and prohibition notices on our website: www.hse.gov.uk/notices.

Advice

The inspector may give you advice, verbally or in writing, about some improvements you could make to health and safety in your workplace. This advice is free.

Notification of contravention

A notification of contravention (NoC) is a document or letter that tells you about health and safety laws you've broken. It also explains how you've broken them. A NoC will tell you what you need to do to stop breaking the law.

The inspector will only give you a NoC if they think you are in 'material breach' of the law. This means the inspector thinks you have broken the law seriously enough for them to write to you about it.

If the inspector gives you a NoC, you'll have to pay for the cost of the visit. There's more about this in 'Recovering our costs' on pages 3 and 4.

Improvement notice

An improvement notice will tell you:

- what's wrong;
- any changes you need to make to put things right; and
- how long you have to make those changes.

We will give you at least 21 days to make any changes. You commit a criminal offence if you don't make the changes in the time we give you.

Prohibition notice

You may get a prohibition notice if there is a risk of serious personal injury now or in the future. This could be, for example, people working on a roof where scaffolding is unsafe.

A prohibition notice orders you to stop doing something until you have made it safe to continue. This could be, for example, keeping workers off a roof until you fix any unsafe scaffolding. You commit a criminal offence if you don't comply with a prohibition notice.

Prosecution

We can prosecute you for breaking health and safety laws or for failing to comply with an improvement notice or a prohibition notice. The courts can fine you or in some cases send you to prison.

Disagreeing with our decision

If you don't agree with what we've decided when we write to you, you may be able to challenge our decision.

We will always tell you how you can challenge one of our decisions. Please contact your inspector or their manager before you start any formal dispute against one of our decisions. They may be able to look at the decision again.

Recovering our costs – fee for intervention

If we give you a notification of contravention you will have to pay a fee. This is called a 'fee for intervention' (FFI).

How much could this cost me?

The fee will include the costs for the time of the entire original visit. It may also include the inspector's time:

- at your business or workplace;
- preparing reports;
- getting specialist advice;
- talking to you after the visit; and
- talking to your workers.

The fee can vary and will depend on:

- how long the original visit was;
- the time the inspector spent helping you put things right;
- the time it took the inspector to investigate your case; and
- any time we spend on taking action against you.

Paying your invoice

We send out invoices every two months. You must pay any invoice we send you within 30 days.

What if I don't agree with my invoice?

If you disagree with anything on your invoice, you can query it with the FFI invoice dispute team. It costs nothing to query an invoice.

If you don't agree with our response to your query, you can dispute it with the FFI invoice dispute team. This must be done in writing. A disputes panel, completely independent of HSE, will consider your dispute and write back to you informing you of the outcome.

You can find information on how to raise a query or dispute an FFI invoice at: www.hse.gov.uk/fee-for-intervention.

Contact the invoice disputes team

By email

feeforintervention@hse.gov.uk

By phone

0300 0033 190

By post

HSE FFI Team
HSE
Building 6
Redgrave Court
Bootle
L20 7HS

Complaints

If you have any complaints about your visit, you can contact your inspector's manager to tell them why you're not happy. Your inspector has to tell you their manager's name. If you're not satisfied with what your inspector's manager tells you or any investigation they carry out, you can complain in writing to our Chief Executive:

Dr Richard Judge
Chief Executive,
Health and Safety Executive
Redgrave Court
Merton Road
Bootle
L20 7HS

If you're not satisfied with the response, you can contact the Parliamentary and Health Service Ombudsman:
www.ombudsman.org.uk.

If you think our inspectors have given you wrong advice or bad advice, you can complain to the Independent Regulatory Challenge Panel:
www.hse.gov.uk/contact/challenge-panel.htm

Find out more

Health and safety made simple: The basics for your business Leaflet INDG449 HSE Books 2011 www.hse.gov.uk/pubns/indg449.htm

The health and safety toolbox: How to control risks at work
www.hse.gov.uk/toolbox/

Enforcement Policy Statement HSE41(rev1)
www.hse.gov.uk/enforce/enforcepolicy.htm

The way in which HSE recovers its costs under the fee for intervention scheme is set out at www.hse.gov.uk/fee-for-intervention

How to query or dispute an FFI invoice:
www.hse.gov.uk/fee-for-intervention

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This document is available online at www.hse.gov.uk/pubns/hsc14.htm.

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Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0050/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2) (a) (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 installation

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date 12/07/2018

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

This page only will form the register entry.

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

1. Blackpool Council, for its own purposes and, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is Blackpool Council's policy that this information should be brought to the public's attention. Blackpool Council also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on a database and made available at the following address:

Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in Blackpool Councils belief, its disclosure would:

- cause harm or prejudice; or
- be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0050/2018

An Electrical Installation Condition Report must be undertaken, in accordance with the IEE Regulations, by a suitably qualified electrician and an inspection report showing the installations to be satisfactory must be served to Public Protection Officer Marcus Maddock within the timescale of the notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0051/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

you, as an employer are contravening the following statutory provisions:

**The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2) (a) (b), 3(1)
The Gas Safety (Installation and Use Regulations) 1998 Regulation 35**

The reasons for my said opinion are:

There was no evidence of maintenance of the gas installation

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date 12/07/2018

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

This page only will form the register entry.

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

1. Blackpool Council, for its own purposes and, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is Blackpool Council's policy that this information should be brought to the public's attention. Blackpool Council also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on a database and made available at the following address:

Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in Blackpool Council's belief, its disclosure would:

- cause harm or prejudice; or
- be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0051/2018

All gas consumers must ensure that all mains or bottled gas appliances are maintained in good order and checked for safety. Furthermore such maintenance or safety work must be done by businesses registered with Gas Safe Register. Ensure you check the competency of the engineer by verifying his work categories on 0800 408 5500 or at www.gassaferegister.co.uk.

You are reminded that registration is dependent upon proving competency to carry out the required work and we would strongly advise that you check your contractor's Gas Safe ID which gives such information. If you have any doubts regarding the competency of your contractor then you can contact Gas Safe on 0800 408 5500 or on line on www.gassaferegister.co.uk. A leaflet "Get them checked – Keep them safe" INDG238 (rev3) is available from this office or www.hsebooks.co.uk [The Gas Safety (Installation and Use) Regulations 1998].

No evidence of recent inspection and testing of the gas installation was available at the time of the inspection. This must be addressed within the timescale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0052/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2)(a), 3(1)
The Provision and Use of Work Equipment Regulations 1998 Regulation 5(1)
The Electricity at Work Regulation 1989 Regulation 4(2)

The reasons for my said opinion are:

There is no current evidence of maintenance for the portable or movable appliances.

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to be 'M. Maddock'.

Date **12/07/2018**

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

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NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

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Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0052/2018

Have a competent person subject all portable equipment to a portable appliance testing regime and serve to Officer Marcus Maddock a register of equipment and test results within the time scale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0053/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

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I, **Marcus Maddock**

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you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2)(a), 3(1)
The Control of Substances Hazardous to Health Regulations 2002, Regulation 6

The reasons for my said opinion are:

No evidence of legionella risks being managed

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date 12/07/2018

An Improvement Notice is also being served on

of

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- cause harm or prejudice; or
- be in breach of the law.

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5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0053/2018

You are required to carry out a risk assessment for managing risks from Legionella, you need to understand your water systems, the equipment associated with the system such as pumps, heat exchangers, showers etc, and its constituent parts.

Identify whether they are likely to create a risk from exposure to legionella, and whether:

- the water temperature in all or some parts of the system is between 20–45 °C
- water is stored or re-circulated as part of your system
- there are sources of nutrients such as rust, sludge, scale, organic matter and biofilms
- the conditions are likely to encourage bacteria to multiply
- it is possible for water droplets to be produced and, if so, whether they can be dispersed over a wide area, e.g. showers and aerosols from cooling towers
- it is likely that any of your employees, residents, visitors etc are more susceptible to infection due to age, illness, a weakened immune system etc and whether they could be exposed to any contaminated water droplets

Your risk assessment should include:

- management responsibilities, including the name of the competent person and a description of your system
- competence and training of key personnel
- any identified potential risk sources
- any means of preventing the risk or controls in place to control risks
- monitoring, inspection and maintenance procedures
- records of the monitoring results and inspection and checks carried out
- arrangements to review the risk assessment regularly, particularly when there is reason to suspect it is no longer valid

Further information can be found at hse.gov.uk and I draw your attention to the document

[Legionnaires' disease: The control of Legionella bacteria in water systems \(L8\)](#) which can be downloaded free of charge from the website

Carry out a risk assessment in relation to Legionella bacteria, document this and serve a copy to Officer Marcus Maddock within the timescale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0054/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 3(2)
Control of Asbestos Regulations 2012, Regulation 4(3), (4) and (5)

The reasons for my said opinion are:

Not complying with the duty to manage in that no asbestos assessment has been carried out for the hotel

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date **12/07/2018**

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

This page only will form the register entry.

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

1. Blackpool Council, for its own purposes and, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is Blackpool Council's policy that this information should be brought to the public's attention. Blackpool Council also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on a database and made available at the following address:

Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in Blackpool Council's belief, its disclosure would:

- cause harm or prejudice; or
- be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0054/2018

You must manage the risk from asbestos on the premises. You are required to ensure that a written plan is prepared that shows where the ACM (asbestos containing materials) is located and how it will be managed to prevent exposure to asbestos, including to contractors and other workers who may carry out work on the fabric of the building that could disturb the ACM. This plan then needs to be put into action and communicated to those affected.

Further information on how to manage asbestos is available under 'Topics' on the HSE website. Alternatively, via this web address <http://www.hse.gov.uk/asbestos/index.htm>

No evidence was provided of an asbestos assessment/survey for the hotel. An asbestos assessment/survey must be served to Officer Marcus Maddock within the timescale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0055/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2)(a), 3(1)
Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 5(1)

The reasons for my said opinion are:

Windows, throughout the hotel, are cracked or in disrepair

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date **12/07/2018**

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

This page only will form the register entry.

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

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Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

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- cause harm or prejudice; or
- be in breach of the law.

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5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0055/2018

On inspection, several rooms had broken windows, in particular cracked or smashed glass. Officer Jacqui Harrison was told that a report of the hotels damaged windows and subsequent remedial works plan would be made available to her over 1 month ago but has yet to be seen.

Ensure all damaged windows in the hotel are replaced or made good within the timescale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0056/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2) (a) (d), 3(1)
The Lifting Operations and Lifting Equipment Regulations 1998 Regulation 9(3)

The reasons for my said opinion are:

There is no current evidence of maintenance for the passenger lift in the hotel

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date **12/07/2018**

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

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NOTES

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Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

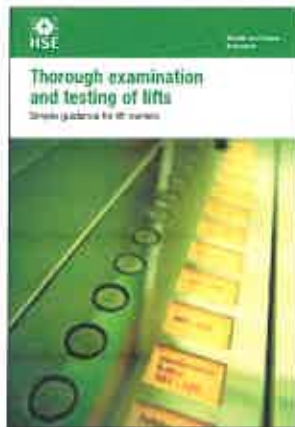
Serial Number: MM/0056/2018

Have a competent person subject all passenger lifts in the hotel to a thorough examination and serve the written report to Officer Marcus Maddock within the time scale of this notice.

I have enclosed a copy of INDG339 rev1 - Thorough examination and testing of lifts simple guidance for lift owners. This provides additional information and explains what you need to do to comply with the law.

Thorough examination and testing of lifts

Simple guidance for lift owners



*This is a web-friendly version
of leaflet INDG3339(rev1),
revised 01/08*

Introduction

The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) introduced new requirements for the safe provision and use of lifting equipment. Regulation 9 of LOLER requires that all lifts provided for use in work activities are thoroughly examined by a competent person at regular intervals. This applies to lifts and hoists used to lift people or loads.

If you are a lift owner or someone responsible for the safe operation of a lift used at work, such as a facilities manager or supervisor, you are a 'dutyholder' under LOLER. This means that you have a legal responsibility to ensure that the lift is thoroughly examined and that it is safe to use. (If you are the owner of a lift used primarily by members of the public, you may also find this guidance helps you to comply with more general health and safety legal duties under the Health and Safety at Work etc Act 1974.)

This leaflet explains what you need to do to comply with the law.

What is a thorough examination?

A thorough examination is a **systematic** and **detailed** examination of the lift and all its associated equipment by a competent person. Its aim is to detect any defects which are, or might become, dangerous, and for the competent person to report them to the dutyholder and, if appropriate, the enforcing authority (the Health and Safety Executive or local authority) so that appropriate remedial action can be taken.

To determine the extent of the thorough examination, the competent person will assess the risks, considering factors such as where the lift will be used, frequency of use, age and condition, the weight of loads to be lifted, etc.

A thorough examination may include some **testing**, if the competent person considers it to be necessary. The competent person will normally determine what tests are required, taking account of the relevant guidance and standards (see *Further information*), and dutyholders are recommended to insist on this approach.

Thorough examination may also be supplemented by **inspection**. Inspections should be carried out at suitable intervals between thorough examinations and may be done 'in-house' by a competent, trained employee. Inspections would normally include visual and functional checks, eg that the alarm interlocks operate correctly and lift doors cannot be opened from the landing side.

Thorough examination should **not** be confused with **preventive maintenance**, although they have some elements in common. Preventive maintenance usually involves replacing worn or damaged parts, topping up fluid levels and making routine adjustments to ensure risks are avoided. Thorough examination may act as a check that maintenance is being carried out properly, but is not intended to replace it.

Thorough examination should include the following:

- landing and car doors and their interlocks;
- worm and other gearing;
- main drive system components;
- governors;
- safety gear;
- suspension ropes;
- suspension chains;
- overload detection devices;
- electrical devices (including earthing, earth bonding, safety devices, selection of fuses, etc);
- braking systems (including buffers and overspeed devices); and
- hydraulics.

This list is not exhaustive. More detailed guidance can be found in the Safety Assessment Federation's (SAFed) Lift guidelines (see *Further information*).

Role of the dutyholder

As the dutyholder you are legally responsible for ensuring that the lift is safe to use and that it is thoroughly examined. These responsibilities include:

- maintaining the lift so that it is safe to use;
- selecting and instructing the competent person;
- ensuring that the lift is examined at **statutory intervals** (every 6 or 12 months) or in accordance with an **examination scheme** drawn up by a competent person;
- keeping the competent person informed of any changes in the lift operating conditions which may affect the risk assessment;
- making relevant documentation available to the competent person, eg manufacturer's instructions and maintenance records;
- acting promptly to remedy any defects;
- ensuring that all documentation complies with the Regulations; and
- record keeping.

Selecting a competent person

A competent person is someone who has sufficient **technical** and **practical** knowledge of the lift to be able to detect any defects and assess how significant they are. It is also important that the competent person is sufficiently **independent** and **impartial** to allow them to make an objective assessment of the lift. For this reason, it is not advisable for the same person who performs routine maintenance to carry out the thorough examination, as they are then responsible for assessing their own work.

You can use someone from an external company or someone from within your own organisation to act as the competent person as long as they meet the above criteria. However, few owners or lift operators have the necessary competence in-house. If you intend to use an external person,

you should ensure that they understand what is meant by a 'thorough examination' and what the law requires. Accreditation by the United Kingdom Accreditation Service to the relevant standard (BS EN ISO/IEC 17020:2004) is an indication of the competence of an inspection body. Most insurance companies can recommend accredited inspecting organisations.

The thorough examination

The law requires that all lifts when in use should be thoroughly examined:

- after substantial and significant changes have been made;
- at least every six months if the lift is used **at any time** to carry people, every 12 months if it **only** carries loads, **or** in accordance with an examination scheme; and
- following 'exceptional circumstances' such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.

Note: When first installed, new lifts do not require any initial thorough examination as long as they have been manufactured and installed in accordance with the Lifts Regulations 1997 and have a current declaration of conformity, ie made not more than 12 months before. A new lift is one where:

- no lift previously existed;
- an existing lift has been completely replaced; or
- only the existing guide rails and their fixings or the fixings alone have been retained.*

*Guide to application of the Lifts Directive – 95/16/EC; details available from the Europa website at: http://ec.europa.eu/enterprise/sectors/mechanical/documents/guidance/lifts/chapter1/index_en.htm

Examination schemes

As an alternative to thorough examinations at statutory intervals, the competent person may draw up an 'examination scheme'. The scheme may specify periods which are different from the statutory intervals, but this must be based on a rigorous assessment of the risks. An examination scheme may be particularly appropriate if you have a lift which is used infrequently for light loads.

Action following notification of defects

The competent person is legally required to notify you as soon as possible, following a thorough examination, of any defects which are, or could soon become, dangerous.

If you are notified of a serious and significant defect you should **immediately** take the lift out of service until the fault has been addressed. If you do not take the lift out of operation you will be in breach of the law.

The competent person may also notify you of defects which need to be made good within a certain timescale. In this case, you should take steps to have the defective equipment repaired or replaced within the specified time, and not use the lift after that time unless the defect has been satisfactorily remedied.

Documentation

The competent person is legally required to send you a written and signed report of the thorough examination as soon as practicable. This should normally be within 28 days, but if there is a serious defect which needs to be addressed you should expect to receive the report much sooner.

If the competent person identifies a defect which presents an 'existing or imminent risk of serious personal injury' they are also legally required to send a copy of the report to the enforcing authority. By law, the report must contain certain information, specified in Schedule 1 of LOLER. In summary, it should:

- identify the equipment examined (serial number, make, etc), the employer and the premises;
- give the date of the last thorough examination and specify when the next one should take place;
- specify the safe working load of the lift;
- give the reason for the thorough examination (ie following installation, according to an examination scheme, statutory interval, etc);
- identify any defect which is or may become a danger to people;
- give the details of any repair, renewal or alteration required to remedy the defect and the date by which it should be undertaken;
- give details of any tests carried out;
- give details of the person carrying out the report and the person validating the report on their behalf.

If the report does **not** contain all the information above, you should not accept it, as this may place you in breach of the law. Try to resolve the matter with the competent person, but if this is unsuccessful you should contact your local enforcing authority for advice.

Record keeping

You are legally required to ensure that reports of thorough examination are kept available for consideration by health and safety inspectors for at least two years or until the next report, whichever is longer. They may be kept electronically as long as you can provide a written report if necessary.

If you have chosen to have your lift examined according to an examination scheme, you must ensure that you can produce a written scheme for inspection if necessary. If you cannot, an inspector will assume that the lift is being examined at statutory intervals.

Further advice

If you need further advice on any of these issues, you should contact your local enforcing authority.

Further information

Health and Safety at Work etc Act 1974 (c.37) The Stationery Office 1974
ISBN 978 0 10 543774 1 www.legislation.gov.uk

Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998: Approved Code of Practice and guidance L113 HSE Books 1998
ISBN 978 0 7176 1628 2 www.hse.gov.uk/pubns/book/L113.htm

Safe use of work equipment: Provision and Use of Work Equipment Regulations 1998: Approved Code of Practice and guidance L22 (Third edition)
HSE Books 2008 ISBN 978 0 7176 6295 1 www.hse.gov.uk/pubns/books/L22.htm
This covers requirements for the selection and use of work equipment.

BS 5655 Part 10: 1995 *Specification for the testing and inspection of electric and hydraulic lifts* British Standards Institution

BS 8486-1:2007 *Examination and test of new lifts before putting into service. Specification for means of determining compliance with BS EN 81. Electric lifts*

BS 8486-2:2007 *Examination and test of new lifts before putting into service. Specification for means of determining compliance with BS EN 81. Hydraulic lifts*

British Standards can be obtained in PDF or hard copy formats from BSI: <http://shop.bsigroup.com> or by contacting BSI Customer Services for hard copies only
Tel: 020 8996 9001 email: cservices@bsigroup.com.

Guidelines on the Supplementary Tests of In-service Lifts Safety Assessment Federation 2006. Available from the Safety Assessment Federation Ltd, Unit 4, First Floor, 70 South Lambeth Road, Vauxhall, London, SW8 1RL
Tel: 020 7582 3208.

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

The Stationery Office publications are available from The Stationery Office, PO Box 29, Norwich NR3 1GN Tel: 0870 600 5522 Fax: 0870 600 5533 email: customer.services@tso.co.uk Website: www.tsoshop.co.uk/ (They are also available from bookshops.) Statutory Instruments can be viewed free of charge at www.legislation.gov.uk/.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This leaflet is available in priced packs from HSE Books, ISBN 978 0 7176 6255 5. A web version can be found at: www.hse.gov.uk/pubns/indg339.htm.

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Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0057/2018

Name: OMG LEISURE BLACKPOOL LIMITED

Address: 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Trading as: Cornhill Hotel

I, Marcus Maddock

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2) (d) (e), 3(1)
Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 15(1)

The reasons for my said opinion are:

Numerous windows throughout the hotel are without necessary restriction

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date 12/07/2018

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

This page only will form the register entry.

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

1. Blackpool Council, for its own purposes and, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is Blackpool Council's policy that this information should be brought to the public's attention. Blackpool Council also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on a database and made available at the following address:

Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in Blackpool Council's belief, its disclosure would:

- cause harm or prejudice; or
- be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0057/2018

Windows are without restriction throughout the hotel, particularly at higher levels, thus exposing staff and residents to a risk of falling from height. This was noted in room 42 on the top floor.

Ensure all windows throughout the hotel have adequate restriction to prevent falls from height. Do so within the timescale of this notice.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0058/2018

Name: OMG LEISURE BLACKPOOL LIMITED

Address: 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Trading as: Cornhill Hotel

I, Marcus Maddock

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2(1), 2(2)(d)(e), 3(1)
Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 5(1)

The reasons for my said opinion are:

Bathroom tiles, throughout the hotel, are cracked or in disrepair

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date 12/07/2018

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

1. Blackpool Council, for its own purposes and, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is Blackpool Council's policy that this information should be brought to the public's attention. Blackpool Council also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on a database and made available at the following address:

Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.

3. Information will be withheld where, in Blackpool Council's belief, its disclosure would:

- cause harm or prejudice; or
- be in breach of the law.

4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.

5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0058/2018

On inspection, several hotel bathrooms had broken/cracked tiles.

Ensure all damaged tiles throughout the hotel are replaced or made good within the timescale of this notice. This may include any remedial works that remove the risk of cuts from the cracked tiles.

Blackpool Council Improvement Notice



Health and Safety at Work etc Act 1974, Sections 21, 23 and 24

Serial Number: MM/0059/2018

Name: **OMG LEISURE BLACKPOOL LIMITED**

Address: **377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

Trading as: **Cornhill Hotel**

I, **Marcus Maddock**

One of Blackpool Council's Public Protection Officers

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

of Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF. Telephone number (01253 478341)

hereby give you notice that I am of the opinion that at: **Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM**

you, as an employer are contravening the following statutory provisions:

The Health and Safety at Work etc. Act 1974 Section 2.1, 2(2)(e), 3(1)
Workplace (Health, Safety and Welfare) Regulations 1992 Regulation 12(3)

The reasons for my said opinion are:

Trip hazards caused by carpets lifting throughout the hotel

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

10/08/2018

(and I direct that the measures specified in the schedule which forms part of this notice shall be taken to remedy the said contraventions or matters).

Signature

A handwritten signature in black ink, appearing to read 'M. Maddock'.

Date **12/07/2018**

An Improvement Notice is also being served on

of

related to the matters contained in this notice.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988 Yes

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office(England and Wales), PO Box 10218, Leicester, LE1 8EG

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Time limit for appeal

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The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

Public availability of information on all enforcement notices

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Health and Safety Enforcement, Public Protection Division, Municipal Buildings, Corporation Street, Blackpool, FY1 1NF

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3. Information will be withheld where, in Blackpool Council's belief, its disclosure would:

- cause harm or prejudice; or
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5. If you are not satisfied with the information contained in the entry you have a further right to appeal to Blackpool Council in the first instance.

Blackpool Council Schedule

Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

Health and Safety at Work etc. Act 1974, Sections 21, 23 and 24

Serial Number: MM/0059/2018

Floors and traffic routes should be kept free of obstructions that may present a hazard or impede access. This is particularly important in any place where an obstruction is likely to cause an accident, for example near emergency routes, stairs, corners or junctions.

Carpets are lifting throughout the hotel, mainly due to carpet plates being missing or damaged. This needs to be addressed within the timeframe of this notice.

Date: 30/08/2018

OMG LEISURE BLACKPOOL LIMITED
377-379 Promenade
Blackpool
Lancashire
FY1 6BM

Our Ref: MM30082018
Direct Line: (01253) 478341
Email: Marcus.Maddock@blackpool.gov.uk

Dear Mr Alan Diamond,

Re: Cornhill Hotel, 377-379 Promenade, Blackpool, Lancashire, FY1 6BM

I write further to my visit on the 22nd August 2018, where I sought to review the compliance of the improvement notices served on the 12th June 2018 to be complied with by 10th August 2018. I note several of the notices were not complied with and I now deem it necessary to obtain your account of this non-compliance formally.

I therefore write to invite you to be interviewed at the **Council Offices at Customer First, Corporation Street, Blackpool, FY1 1NA**; the interview will be conducted in accordance with the Police and Criminal Evidence Act 1984 and as such will be tape recorded.

You may have a solicitor present during the process. In order for you to seek legal advice I have arranged for the interview to take place on **Monday the 10th of September 2018 at 10:00am.**

The interview is voluntary so I would be grateful of confirmation of your attendance.

Yours Sincerely,



Marcus Maddock
Public Protection Officer
Health & Safety Enforcement

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LANCASHIRE FIRE AND RESCUE SERVICE



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5(B); Criminal Procedures Rules 2005, Rule.27.1)

Page 1 of 4

Statement of: Stephen Simms

Age if under 18: _____ (if over 18 insert 'over 18') Occupation: Fire Safety Protection Team Leader

This statement (consisting of _____ 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 anything which I know to be false or do not believe to be true.

Signature: _____ Date: 7/11/18

I STEPHEN SIMMS have been a member of Lancashire Fire & Rescue Service (LFRS) since 1996 and have worked within the Protection Team for approximately 10 years. I have been in my current position as Protection Team Leader for the Western Area of Lancashire (Blackpool and Fylde districts) since November 2015. I have completed all Fire Safety modules related to my role and achieved my Level 4 & 5 diploma's in Fire Safety.

I originally visited the Cornhill Hotel, 377-379 Promenade, Blackpool, FY1 3BH after one of the Fire Safety Inspectors in our team; Watch Manager PETER DERBYSHIRE (PD) raised some concerns regarding the fire safety in the building following a routine inspection. As a result of these concerns we arranged a full Risk Audit of the premises on 12th June 2018. During the visit I was accompanied by PD and met with the person who presented himself as the responsible person for the building ALAN DIAMOND (AD).

During the visit we encountered numerous serious Fire Safety issues including:

- Inadequate means of giving warning in case of fire, faults on the system and alarm engineers who were on site stated they were struggling to get the system functioning correctly.
- Poor layout of Fire Alarm and inappropriate detection (Heat Detection on Means of Escape adjacent to reception area)



WITNESS STATEMENT

Page 2 of 4

Continued statement of: Stephen Simms

- Large amounts of combustibles stored in Reception area by final exit and doorway opened up into adjacent office (room of risk) with inadequate fire separation.
- Lack of testing and maintenance of: Fire Alarm, Emergency lighting, Fire Extinguishers & Fire doors
- Poor fire safety management
- Inadequate fire risk assessment
- Inadequate means of escape, including lack of fire separation in numerous areas.

To rectify the amount of issues highlighted would take a significant amount of time; AD had leased the Hotel for only a short period of time and claimed to have not understood the magnitude of the work to be done. Looking back through the history we had on our records for the Hotel the original alarm had been fitted by a company who were known to us for their poor workmanship. The issues were so serious that I felt the property would put anyone staying on the premises at risk of death or serious injury. Rather than prohibit the use of the building I felt a voluntary closure would be more appropriate to help support AD to comply with the regulations and also issued an enforcement notice to highlight what areas needed to be addressed,. AD agreed to this and signed PD's duty diary to this effect.

On 5th July 2018 I was on leave, the Protection Team Leader from Central & Southern area of Lancashire was contacted PAUL RATCLIFFE (PR) to attend the Hotel at the request of Station Manager LISTER HOWARTH (LH) following reports of people still staying on the premises. PR attended the Cornhill Hotel on 5 July 2018 along with PD, the purpose of the visit was to assess if the Hotel was still operating following the previous agreement by AD to voluntarily close the premises.

Signature: _____

Signature witnessed by: _____



WITNESS STATEMENT

Page 3 of 4

Continued statement of: Stephen Simms

AD admitted he had reopened the Hotel as it was his understanding that once the fire alarm had been repaired he was okay to do so. He claimed this had also been his understanding following a recent a visit by the Fire Service and Blackpool Council the previous Saturday evening.

Upon limited inspection of the fire alarm system by Lancashire Fire & Rescue Services contracted Fire Alarm Engineer – WARREN PARKINSON (WP), it was identified that the fire alarm system had only limited functionality.

The owner agreed to relocate the four guests that were staying at the Hotel and to cancel further bookings for the weekend. He agreed not to allow any guests to stay at the premises until he has had confirmation from the Fire Service that they are safe to do so. He signed PD's duty diary to confirm he understood this agreement.

PR advised AD that his immediate priority should be to instruct a competent Fire Risk Assessor to carry out a Fire Risk Assessment of the premises.

On 6th August we received further information that the council had received over that weekend where people were still staying at the Hotel and were complaining regarding the standards.

We immediately attended and gained witness statements off several people who had been staying at the Hotel for Rebellion Punk Festival that is held locally. During the visit AD was not present however a man identifying himself as ASHLEY BROOKES (AB) was there. He was extremely aggressive and uncooperative and despite me explaining our powers of entry under the Regulatory Reform (Fire Safety) Order 2005 (RRO) he wanted us to leave. We called the police who then attended and explained to AB that we had right of entry.

Signature: _____

Signature witnessed by: _____



WITNESS STATEMENT

Page 4 of 4


Continued statement of: Stephen Simms

Despite the Hotel having guests staying the majority of the initial fire safety issues still remained and the Fire Alarm was switched off. We explained that we would now be issuing a Prohibition Notice for the entire building under Article 31 of the RRO. We gathered evidence and attempted to interview AB under caution, however he gave a 'No Comment' interview. At 15:25 on 6th August 2018 we issued the Prohibition directly to AB who signed my duty diary to accept it.

Despite the two voluntary closures attempts with AD and the Prohibition notice being issued we still continue to receive reports of people staying at the premises. We are now considering prosecution due to the blatant disregard to people's safety within the Hotel.

Signature: _____

Signature witnessed by: _____

Blackpool Council Licensing Service				
Representation made by a Responsible Authority				
Responsible Authority				
Name of Responsible Authority	Licensing Authority			
Name of Officer <i>(please print)</i>	Lee Petrak – Trading Standards & Licensing Manager			
Signature of Officer				
Contact telephone number	01253 477861			
Date representation made	20	12	2018	
Do you consider mediation to be appropriate		YES	NO	
Premises Details				
Premises Name	The Cornhill Hotel			
Address	377-379 Promenade			
	Blackpool			
Post Code	FY1 6BH			
Details of your representation (Please refer and attach any supporting documentation)				
<p>I am the above named person and I make these representations on behalf of the Licensing Authority. I can confirm that I have seen the application for review of the above premises submitted by the Health and Safety Authority. I make the following representations on behalf of the Licensing Authority in support of the application for review.</p> <p>Licence reference PL1137 held by OMG Leisure Blackpool Ltd in connection with the above mentioned premises, is currently suspended within the meaning of section 55A of the Licensing Act 2003 due to non-payment of the annual fee. This suspension has been in effect since the 11th September 2018.</p> <p>In addition to the non-payment of the annual fee, the licence holder has also failed in their obligation under section 33 of the Licensing Act 2003 to notify the authority of a change of name or address.</p> <p>The following documents are attached in support of these representations:</p> <p>Appendix 1 – This document has been retrieved from the Companies House public register and shows details of a change of registered office submitted to Companies House. This document is dated on the public register 31st May 2018.</p> <p>Appendix 2 – This is a copy of the letter sent to the licence holder notifying them of the failure notify</p>				

the Licensing Authority of a relevant change. The correspondence provides information as to how this can be remedied.

Appendix 3 – This is a copy letter sent to the licence holder notifying them that the annual fee is now due. It also advises the licence holder what the consequence of non-payment will be in relation to the licence.

Appendix 4 – This is a copy letter sent to the licence holder advising that the licence has been suspended from the 11th September 2018.

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.

Appendix 1

In accordance with Section 87 of the Companies Act 2006.

AD01

Change of registered office address



Companies House

You can use the WebFiling service to file this form online. Please go to www.companieshouse.gov.uk



✓ What this form is for: You may use this form to change a company's registered office address.

X What this form is for: You cannot use this form to change the registered office address of a Limited Liability Partnership. If you are a Limited Liability Partnership and you want to do this, please use form AD02. You cannot use this form to change the registered office address of a limited liability partnership.

THURSDAY

A15 *A76M2JXE* 24/05/2018 #269 COMPANIES HOUSE
A18 *A74MFO08* 25/04/2018 #86 COMPANIES HOUSE

1 Company details

Company number: 10916463
Company name in full: OMG LEISURE BLACKPOOL LIMITED

Filling in this form: Please complete in typescript or in bold black capitals. All fields are mandatory unless specified or indicated by *

2 New registered office address

The change in registered office address does not take effect until the Registrar has registered this notice. A person may validly serve any document on the company at its previous registered office for 14 days from the date that a change of registered office is registered.

Change of registered office: For England and Wales companies, the address provided can either be in England or Wales. For Welsh companies, the address provided must be in Wales. For companies registered in Scotland or Northern Ireland, the address provided must be in Scotland or Northern Ireland respectively.

Building name/number: 377 - 379 PROMENADE
Street:
Post town: BLACKPOOL
County/Region: LANCASHIRE
Postcode: FY11 6BM

3 Signature

I am signing this form on behalf of the company.

Signature

Signature field with handwritten signature and X marks

This form may be signed by: Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative receiver, Receiver, Receiver manager, Charity commission receiver and manager, CIC manager, Judicial factor.

Societas Europaea: If the form is being filed on behalf of a Societas Europaea (SE), please delete 'director' and insert details of which organ of the SE the person signing has membership.
Person authorised: Under either section 270 or 274 of the Companies Act 2006.

CHFP000 05/10 Version 4.0

AD01

Change of registered office address

 **Presenter information**

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name ALAN DIAMOND

Company name OMG LEISURE

BLACKPOOL LTD

Address 377-379 PROMENADE

Post town BLACKPOOL

County/Region LAKESHIRE

Postcode

F	X	I	G	B	H
---	---	---	---	---	---

Country UK

DX

Telephone 01253 400899

Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- The company name and number match the information held on the public Register.
- You have provided the new registered office address in section 2.
- The registered office is in the location where the company was registered e.g. England and Wales, Wales, Scotland, Northern Ireland.
- You have signed the form.

 **Important information**

Please note that all information on this form will appear on the public record.

 **Where to send**

You may return this form to any Companies House address, however for expediency we advise you to return it to the appropriate address below:

For companies registered in England and Wales:
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.

For companies registered in Scotland:
The Registrar of Companies, Companies House,
Fourth floor, Edinburgh Quay 2,
139 Fountainbridge, Edinburgh, Scotland, EH3 9FF.
DX ED235 Edinburgh 1
or LP - 4 Edinburgh 2 (Legal Post).

For companies registered in Northern Ireland:
The Registrar of Companies, Companies House,
Second Floor, The Linenhall, 32-38 Linenhall Street,
Belfast, Northern Ireland, BT2 8BG.
DX 481 N.R. Belfast 1.

 **Further information**

For further information, please see the guidance notes on the website at www.companieshouse.gov.uk or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.companieshouse.gov.uk

Appendix 2

Blackpool Council

OMG Leisure Blackpool Ltd
377 - 379 Promenade
Blackpool
Lancashire
FY1 6BH

Our Ref: PL1137 / RU
Direct Line: 01253 47 8572 / 8589
Date: November 28, 2018

Dear Sir or Madam:

Premises Licence

PL1137

Companies House - Change of Name / Address

Registration Number: 10916463

Registered Name: OMG Leisure Blackpool Ltd

Registered Address: 53A Albert Road
Blackpool
Lancashire
FY1 4PW

Changed to: 377 - 379 Promenade
Blackpool
Lancashire
FY1 6BH

We have been made aware that the Company details registered with Companies House have been changed.

Under the Licensing Act 2003, the holder of a premises licence must, as soon as reasonably practicable, notify the Licensing Authority of any change of name / address. This notification must be accompanied by a fee of £10.50 per licence and the original premises licence and summary for amendment (or a statement why this cannot be provided).

The Licensing Service will now allow a reasonable time for you to comply. Please note that failure to produce your premises licence for amendment within 14 days of the date of this letter will be considered an offence liable to prosecution. Should you have any queries and wish to discuss the contents of this letter please do not hesitate to contact the Licensing Service on the number above.

Yours sincerely,

Licensing Services

Licensing Services
Municipal Buildings, PO Box 4, Blackpool, FY1 1NA
Fax: 01253 478372
Email address: licensing@blackpool.gov.uk
Visit www.blackpool.gov.uk/licensing for information about licensing

LS/D/005/51/2

Appendix 3

Blackpool Council

OMG Leisure Blackpool Ltd
377 - 379 Promenade
Blackpool
Lancashire
FY1 6BH

Ref: BJ30027442 PL1137
Tel: 01253 47 8589 / 8572
Date: 2 July, 2018

Dear Sirs

LICENSING ACT 2003 - ANNUAL FEES DUE

Premises Licence Number: **PL1137**
Premises Name: **Cornhill Hotel**
Premises Address: **377 - 379 Promenade, Blackpool, Lancashire, FY1 6BH.**

Annual Fee Due by: **20 August**
Amount(s) to be Paid: **£180.00** > **Annual Fee - Band B**

The annual premises licence fee is payable for the above premises by the date shown above.

The annual fee can be paid through the Blackpool Council website, at: www.blackpool.gov.uk/paylicence
When asked for the licence number when making payment enter PL1137.

The annual fee can also be paid by cash, card, postal order or cheque (payable to Blackpool Council).

Alternatively, if you want to make payment by BACS please email licensing.la2003@blackpool.gov.uk for instructions.

THE LICENCE WILL BE SUSPENDED FOR NON-PAYMENT ON: 11 September 2018.

Failure to pay the full amount will result in suspension of the premises licence on the above date.

I must warn you that should your premises licence be suspended it would be an offence under Section 136 of the Licensing Act 2003 for licensable activities to continue at the premises which may adversely affect your business.

If you no longer require this licence please contact the Licensing Service as soon as possible in order to surrender the premises licence.

Blackpool Licensing Service

Licensing Service
Municipal Buildings, PO Box 4, Blackpool, FY1 1NA
Fax: 01253 478372
Email address: licensing@blackpool.gov.uk
Visit www.blackpool.gov.uk/licensing for information about licensing

LS/D/005/26/12

OMG Leisure Blackpool Ltd
377 - 379 Promenade
Blackpool
Lancashire
FY1 6BH

Our Ref: PL1137 Suspension
Direct Line: 01253 47 8589 / 8572
Email: licensing.la2003@blackpool.gov.uk
Date: September 11, 2018

Dear OMG Leisure Blackpool Ltd

**LICENSING ACT 2003 - SUSPENSION OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE**

Premises Licence / Club

Premises Certificate Number: **PL1137**

Premises Name: **Cornhill Hotel**

Premises Address: **377 - 379 Promenade
Blackpool
Lancashire
FY1 6BH**

Date Suspension takes effect: **11/09/2018**

Our records show that you are the premises licence / club premises certificate holder(s) for the above premises.

An invoice was sent to you detailing outstanding premises licence / club premises certificate annual fees owed by you in respect of the premises. You were warned in that invoice that failure to pay the full amount due within 21 days after the renewal date would result in immediate suspension of the premises licence / club premises certificate.

I regret to inform you that the premises licence / club premises certificate has been suspended from the above date.

Continuance of any licensable activities will constitute an offence under Section 136 of the Licensing Act 2003. Such activities will include those relating to the sale of alcohol, the provision of regulated entertainment, and late night refreshment.

Please contact the Licensing Service offices as soon as possible to make payment by either cash or credit/debit card. Cheques will not be accepted.

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LS/D/005/41/2

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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>	PC 3127 Ben Reynolds			
Signature of Officer				
Contact telephone number	01253 604073			
Date representation made	10	12	2018	
Do you consider mediation to be appropriate			NO	
Name of Responsible Authority / Applicant who requested a review of this Licence				
Mr Marcus Maddock – Health and Safety, Blackpool Council				
Premises Details				
Premises Name	Cornhill Hotel			
Address	377 Promenade Blackpool			
	Blackpool			
Post Code	FY1 6BH			
Details of your representation in support of the review application (Please reference & attach supporting any documentation)				
<p>The Review is brought by Marcus Maddock from Blackpool Council following concern regarding licensing breaches at these premises. This application is made in support of this Review and the Police will present evidence that the Licensing Objectives Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety have been undermined.</p> <p>The premise is situated on Blackpool Promenade and is in the central/south area of the promenade which is densely populated by hotels primarily used by families as part of Blackpool's tourism industry.</p> <p>Since coming under new management Blackpool Police have received many reports via its communications room. In fact since the start of the year the police have received no less than 38 calls reporting a variety of issues relating to the premises and its management. For what is supposed to be a licensed hotel serving the family tourist industry in this is an alarming number of calls to have come from such and as a result has placed a heavy burden on police resources where one might not expect. As a result given the fact the premises is licensed the police licensing department have researched these incidents and become aware that our</p>				

partner agencies from LFRS and Health and Safety have also been made aware of issues at the premises and again their respective resources have had to be deployed at the address on numerous occasions.

The following is a list and short appraisal of the incidents from the premise that officers have had to deal with since the start of 2018.

LC-20180121-0125 – **Domestic incident** involving the DPS and his partner, of note the DPS was believed by attending officers to be intoxicated.

LC-20180122-0728 – Report that the premises was **servicing alcohol without a premises licence**, premises was not found committing the offence however it was strongly suspected by attending officers that this was the case.

LC-20180310-1306 – **Altercation between management and guest** regarding standard of accommodation

LC-20180401-0022 - **Altercation between management and guest** regarding standard of accommodation

LC-20180401-0030 - **Altercation between management and guest** regarding standard of accommodation

LC-20180516-0758 - **Altercation between management and guest** regarding standard of accommodation

LC-20180310-1306 - **Altercation between management and guest** regarding standard of accommodation

LC-20180606-0092 – **Domestic incident** involving the DPS and partner, officers noted alcohol was a contributing factor with both parties.

LC-20180705-1733 – **Domestic incident** involving DPS and partner.

LC-20180719-0639 – **Fraud**, guest reporting suspected fraudulent activity by the hotel with their bank details.

LC-20180722-0916/0148 – **Domestic incident** involving DPS and partner.

LC-20180805-0989 – **Theft**, guest reporting theft from room, no sign of forced entry believed staff member.

LC-20180806-0435 – **Refused entry** to LFRS to perform checks

LC-20180807-1516 - **Domestic incident** involving DPS and partner.

LC-20180815-0195 - **Domestic incident** involving DPS and partner.

LC-20180915-0028 - **Domestic incident** involving DPS and partner.

LC-20180915-0295 - **Domestic incident** involving DPS and partner.

LC-20180923-0308 – **Drunken disturbance** between DPS and private guests resulting in minor stabbing incident, on police patrols arriving at scene **numerous suspected H&S, Fire and Licensing breaches noted.**

LC-20180926-0734 – **Vehicle crime** – guest reporting damage to vehicle.

LC-20180928-0008 - **Domestic incident** involving DPS and partner.

LC-20181005-0013 - **Domestic incident** involving DPS and partner.

From the evidence presented the Police have serious concerns in relation to how this Hotel is being run. It is clear that there are issues around serious mis-management with regard a wide spectrum of issues. What seems to be very evident is that both the DPS and his partner have issues with alcohol abuse which manifest itself into domestic arguments, the management clearly have a disregard for the standards of the hotel in relation to what they provide for their guests, and they appear to have the same disregard for the relevant authorities who have been trying to intervene as a result of the ever increasing concerns growing around the property. Given the catalogue of incidents for a premises that really would not be expected to generate even a ¼ of what it has done in a 10 month period the police can only assume that there is a shambolic ownership/management structure in place at the premises that needs to be reviewed and that currently is in no position to be trusted to hold a premises licence and benefit from the privileges that come from holding such.

The Police therefore have similar concerns to those raised by Mr Marcus Maddock with regards to the lack of compliance with important Licensing Conditions and are of the opinion that all the Licensing Objectives are being undermined and fully support Mr Maddock in his Representation.

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Appendix 4d

Premises Name: The Cornhill Hotel

Hearing Date: 28th January 2019

Hearing Time: 6pm

Hearing Location: Town House, Talbot Square, Blackpool

Dear Sir / Madam.

I am writing with regards the above hearing and the representations made by the police, I understand the representations made, I was in a very abusive alcohol induced relationship and have been since taking over the hotel, I have now escaped from the relationship for my own personal safety, I am now single and trying to rebuild my life after this appalling experience.

I am now in a position to concentrate on the hotel but as a safety measure I have instructed an experience hotel management company to take over the complete running of the hotel until I feel able to take a bigger role within the premises. Blackpool Hub have a number of hotels and signed the management agreement on 10th December 2018, a copy of this agreement is attached, it also states that all licence fees will be paid by them before they open the premises and lift the suspension, they were planning on paying the fee in December but missed to make the council offices prior to the Christmas break period, and with the review they have not bothered to open the bar since the closure, as we are under a prohibition from the fire service anyway and this matter will need to be rectified beforehand.

An application to transfer the premises licence to a new company has also been submitted this will rectify the address issues, and also provides an office address where we have experienced clerical staff who will deal with any notices or mail received in the future so it can't go missing.

With regards the initial complaint about works which needed to be carried out at the hotel, I can confirm most of these works have now been completed while the hotel has been closed, and moving forward the new management company will put in place a plan of action to get these all completed and all required documents to the relevant body and will also ask the council to attend the premises as the items which have been completed with regards broken windows and broken mirrors in some of the rooms, some carpets not fitted properly a window being too low and dangerous an inspection is the best way to show these works have been completed.

If you require any further information then please don't not hesitate to get in touch, hopefully now all parties can work to move the hotel in the right direction and create another hotel Blackpool can be proud off.

Regards

Alan Diamond



3. Licensors Covenants

- 3.1 To maintain the necessary regular payments to the local authority (Blackpool Council) on any bills in which they issue, with the exception of any licensing fees for alcohol, food or gaming which will be the licensee's responsibility.
- 3.2 To give the Licensee a minimum of 90 days notice should they wish to end this agreement.
- 3.3 To make sure the external aspects of the property are in good working order or reported to the licensee so we can make good repairs
- 3.4 To understand you act as landlord, and we tenant in respects of management of the property unless emergency situations warrant.

4. Licensee's covenants

The Licensee agrees with the Licensor:

- 4.1 To pay the license Fee at the times and in the manner stated above.
- 4.2 To pay 0% of the business rate and any council tax bill pursuant to any obligation on the part of the Licensee arising under the Local Government Finance Act 1992 or regulations made thereunder.
- 4.3 To pay 100% of all other bills for the running of the day to day running of the property, including but not limited to Gas, Electric, Water rates, telephone, internet, food and drinks stock, laundry, all staffing and employment cost, booking platforms and any other associated costs in the operation of the property.
- 4.4 Not to damage the Property or make any alteration in or addition to any part of the property without consent of the landlord/owner.
- 4.5 To preserve the fixtures, fittings and effects from being broken, lost, destroyed or damaged.
- 4.6 Not to do or suffer to be done in or upon the Property anything which may be a nuisance or annoyance to occupiers of any of the neighbouring premises.
- 4.7 To not use the property for any other use than expected, licensed for and previously operated as.
- 4.8 To observe such rules and regulations as required by law.
- 4.9 To insure his or her personal belongings against loss by any means including fire and theft.
- 4.10 On termination of the license to pay for the repair of or replace all such items of the fixtures, fittings and effects as shall be broken, lost, damaged or destroyed by the Licensee or his or her guests during the license (reasonable wear and tear excepted). Including replacing any furniture or like for like fixtures and fittings if bought and replaced of existing items on take over, as such ownership of these items will become that of the licensor after the 12 month of occupation and usage, automatically.
- 4.11 To not possess or use any illegal substances on the premises, nor overly consume alcohol creating rowdy behaviour, smoking is also NOT permitted in the premises.
- 4.12 To fulfil any & all repairs and maintenance required on the property, whilst covering all costs.

5. Arrears of License Fee or breach of the Licensee's covenants

- If the License Holding Fee or any part of the expected lease fees shall be in arrears for 21 days after the same shall have become due (whether legally demanded or not) or in the event of breach of any of the covenants on the part of either party contained in this Agreement, this license shall immediately trigger the 90 notice period until such situation is resolved.

6. Fire

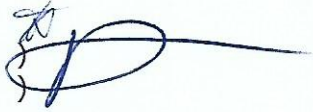
If the Property shall be burnt down or rendered uninhabitable by fire, all fee's shall from that date cease to be payable until the Property is reinstated and rendered habitable.

7. Termination

Either party may terminate this license at any time by giving 90 days written notice to the other party and at the end of the period the Licensee shall vacate the property but without prejudice to the other rights and remedies of the Licensor. Unless in the case of clause 5.

IN WITNESS whereof this Licence Agreement has been signed on the date which first appears on this Agreement.

Signed by the above-named Licensor in the presence of:



James Jones
Signature of witness

JAMES JONES
Name of witness

Address of witness
109 Coronation St
Blackpool
FY1 4QQ

Signed by the above-named Licensee in the presence of:



D. Cuddy

Briana Richardson
Signature of witness

BRIANA RICHARDSON
Name of witness

Address of witness
44 REGENT ROAD
FY1 4NB

Additional notes of separation:

Licensors responsibilities, based on requirements & issues as so noted and ordered by the council and or fire service:

- Roofing & structural
- Kitchen Installation
- Any demolition and rebuild
- Fire features
- Electrical
- Gas
- Plumbing
- Health & safety

As such any future issues not related nor caused by the above mentioned will be the licensee's responsibilities to maintain

RESPONSE TO NOTICE OF HEARING

Blackpool Licensing Service - Application for the review of a premises licence

Premises Name	Cornhill Hotel
Hearing Date	28 January 2019
Hearing Time	6.00pm
Hearing Location	Town Hall, Talbot Square, Blackpool
Return "Response to Notice of Hearing" by	21 January 2019

I acknowledge receipt of the Notice of Hearing for the hearing detailed above.

I will attend the hearing	<input checked="" type="radio"/> YES	<input type="radio"/> NO
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I will be represented	<input checked="" type="radio"/> YES	<input type="radio"/> NO
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If YES Give details of your representative [Please print name]

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I consider the hearing to be unnecessary	<input type="radio"/> YES	<input checked="" type="radio"/> NO
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I request permission for the person/s detailed below to attend the hearing:

Name of proposed attendee/s: [Please print name/s]

RICHARD SLOMAN,
DEESAY CUTTY - LOW

Brief description of the points that each proposed attendee may assist the panel:

RICHARD SLOMAN - LEGAL REPRESENTATIVE
DEESAY CUTTY LOW - NEW MANAGEMENT
(BLACKPOOL HVA) FOR HOTEL

Print Name (Your name)	ALAN DIAMOND
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Usual Signature	
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Contact Telephone Number	07973360332	Fax Number	
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E-mail Address	alandiamond28@hotmail.com
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Date			
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