

Public Document Pack
Blackpool Council

Dear Councillor

LICENSING PANEL - FRIDAY, 10TH SEPTEMBER, 2021

Please find attached additional information from Lancashire Constabulary for Friday, 10th September, 2021 meeting of the Licensing Panel, which were received after the agenda had been despatched. Please note, items referred to as appendices 3, 4 and 5 are video clips which will be presented for the Panel's viewing separately.

Agenda No	Item
4	<u>TEMPORARY EVENT NOTICES - SHADOW BAR, 19-23 CLIFTON STREET, BLACKPOOL, FY1 1JD (Pages 1 - 10)</u>

Yours sincerely

Sarah Chadwick
Democratic Governance Advisor

This page is intentionally left blank

Police Response to written submission.

General points raised:

- I am unable to comment on the FOI application – I contacted the department in question and was advised there is currently a backlog. Our position is simple – this hearing relates to Shadow Bar and other venues are irrelevant when determining this application.
- Paragraph 9.4 relates to new premises licence applications and requests for minor variations. There is no reference to TEN's in section 9 of the guidance relating to section 182 Licensing Act.
- Mr Suski states he applied blind for the TEN's – had he made contact with the Police prior to this application we would have expressed our concerns at this time and discouraged him from applying, warning of our potential objection.
- My understanding of the meeting on 8th July with Mr Suski and Mr Petrak was that he was reminded of his licensing conditions and was left in no doubt that he was under scrutiny from the relevant authorities in relation to what we considered poor management of the venue, in relation upholding of the licensing objectives.
- Sgt Cox spoke to Diana and Jarek on the night of the 11th July 2021 (final of Euro 2020) and following a large disturbance outside Shadow Bar, they voluntarily agreed to close at 0045 hours.
- Sgt White, on duty that evening, stated "WE WERE APPROACHED BY THE LICENSEE MIDWAY THROUGH THE MATCH AND SHE SAID SHE HAD CONCERNS ABOUT THE ATMOSPHERE INSIDE THE BAR. SHE INITIALLY SOUNDED LIKE SHE WANTED US TO ASSIST IN THE REMOVAL OF SOME PATRONS BUT ULTIMATELY JUST WANTED US TO MAINTAIN A PRESENCE IN CASE IT KICKED OFF. THE OVERWHELMING FEELING WAS THAT SHE WASN'T IN CONTROL OF THE ESTABLISHMENT AND DIDN'T FEEL LIKE SHE WOULD BE ABLE TO COPE WITHOUT US BEING THERE"
- In relation to further correspondence, please see letter from Mr Petrak to Shadow Bar dated 14th July 2021 expressing further concerns. **(appendix 1)**

Specific Police Objections:

- The question is not whether Shadow Bar staff should have been more vigilant in preventing the incident that occurred on the 13th August 2021. Our assertion is simply that, had they been abiding by their licensing conditions, they would have been able to mitigate against the incident and potentially reduce the impact and level of injury.

- CCTV would have been crucial to the Police identifying the suspects, who were potentially still in the area. Images could have in turn been circulated to other licensed premises and local taxi firms which could have assisted in identification and arrest. To date, the offenders have not been identified and no arrests made.
- It is a strange assertion that the incident may not have been covered by the CCTV. It is clearly covered (as shown in the clip provided by Mr Suski) and, at worst, the CCTV would still have shown the suspects in the bar, as per the licensing conditions. Condition 2 and 3 of Annex 2 states:

2

CCTV will be installed internally and externally at the premises and will comply with the following:

-

The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.

-

The system will display on any recording the correct time and date of the recording.

-

The system will make recordings during all hours the premises are open to the public.

-

VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.

-

The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

3

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.

- Clearly, any footage that could have been provided to the Police on the evening would have assisted, be it only an image of the head and shoulders of the suspects as they entered the premises. The CCTV clauses in the licence were clearly inserted specifically to assist in resolving incidents of this nature.
- This is not the first time the CCTV has been an issue at Shadow Bar – see warning letter from PC Pritchard dated 12th October 2020. **(appendix 2)** A similar situation to 13th August 2021 where CCTV could not be provided to Police as no one was conversant with the system and footage of an incident was subsequently lost.
- It is encouraging that Mr. Suski is taking learning from this incident, however he was warned by Police about this 11 months ago and further reminded in July 2021 during his meeting with PC Pritchard and Mr. Petrak. This appears to be a case of closing the stable door when the horse has bolted.
- Mr. Suski states that the conditions on his licence are contradictory and ambiguous relating to the use of glass. During the meeting on 8th July 2021, every condition of his licence was discussed and explained, to ensure there was full understanding and there would be compliance. No concerns were raised at this stage in relation to ambiguity or a contradiction.
- Condition 35 of the licence clearly states:

35

On the ground floor all alcoholic drinks will be served in polycarbonate or other appropriate non-glass vessels after 22.00hrs. Glassware may only be used on the first floor if it is used as a restaurant with alcohol as ancillary to a meal.

- It can clearly be shown by the level of injury caused in this incident and the statements of the 2 victims that a glass was used as a weapon. It is an inescapable fact that, had Shadow Bar been complying with their licence and using polycarbonate or other appropriate non-glass vessel, this offence of assault occasioning grievous bodily harm could not have happened.
- A search of section 18 wounding offences in Blackpool town centre for the last 3 months shows 6 recorded offences as follows –
 1. 27th June – Shadow Bar – an unknown male assaulted another within the bar by punching him, causing a fractured eye socket and cheek bone.

2. 3rd July – Bank Hey Street – an unknown football fan assaulted a rival fan from behind on the street causing a bleed to the brain.
 3. 24th July – North Pier – a vehicle was driven at a female by her partner who was subsequently arrested.
 4. 8th August – Promenade – a female fell 20ft causing life-changing injuries following a domestic related argument.
 5. 13th August – Shadow Bar – two males were assaulted with a glass by an unknown female causing deep lacerations to the head.
 6. 7th September – Promenade – a female was badly assaulted by her partner who was subsequently arrested.
- Clearly this appears to be a disproportionate number of the most serious assaults that have happened within the Shadow Bar, compared to other venues.

Conclusion:

- Paragraph 9.12 of the section 182 guidance states:

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective.

The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations.

The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

- We have concerns in relation to Mr. Suski's ability to promote the licensing objectives, specifically around the prevention of crime and disorder and public safety. We believe that the lack of availability of CCTV following a serious crime and the use of glass within the venue, both in breach of the premises licence, evidence these concerns and stand up to scrutiny.
- Further evidence of crime and disorder outside the venue can be seen in footage of a fight on the street from 16th July 2021 (**appendix 3**) and another from 20th July 2021 (**appendix 4**)
- Additionally, we have footage showing extremely concerning behaviour where what appears to be a hand-to-hand exchange is made between a customer within Shadow bar and a youth outside who appears to be 13/14 years old. This happens at around 0030 hours on 20th July 2021. (**appendix 5**)
- While the exact details of this incident are unknown, it raises further questions about Mr. Suski's promotion of the licensing objective "the protection of

children from harm.” especially as 2 members of staff appear to be fully aware of what is taking place.

- As per paragraph 9.12 – the licensing authority should accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. Lancashire Constabulary would maintain that our objections are proportionate, relevant and fully supported by the evidence.
- It is the opinion of the Police that by allowing these TEN's to go ahead there will be an increase in crime and disorder. The fact that this venue has been the scene of a third of all wounding's in the town centre in the last 3 months and has shown a disregard for the conditions on it's existing licence, shows an inability to uphold the licensing objectives.

Date: 14 July 2021

Be Safe - National Security AM & RS Ltd
54 Wood Street
LYTHAM ST ANNES
FY8 1QG

Our Ref LKP
Your Ref:
Direct Line: 01253 477861
Email: lee.petrak@blackpool.gov.uk

Dear Sirs

Re: Shadow Bar 19-23 Clifton Street Blackpool FY1 1JD

Further to my recent visit to the above premises and in light of the events of Sunday last, it is my intention to provide you with some recommended practices you should adopt to help you promote the Licensing Objectives.

The recommendations set out below are put forward in conjunction with Police colleagues. I cannot stress how important it is for you to implement these practices with immediate effect, especially in light of the total relaxation of Covid restrictions as of the 19 July 2021.

1. Written risk assessments must take place to determine a safe operating capacity and security provision
2. Immediately review all recent CCTV footage to identify problematic individuals and bar/refuse entry to those identified

In terms of number 1 above, it is noteworthy that condition 21 in the Annex 2 conditions of your licences requires that *risk assessments carried out by or on behalf of the Licence holder which relate to a Licensing Objective will be available for inspection by an officer or a Responsible Authority.*

It is with regret that I must inform you that should we continue to see incidents of disorder and nuisance emanating from the premises, it is inevitable that review must be considered.



Yours faithfully

Mr L Petrak
Trading Standards and Licensing Manager

**Community & Environmental
Services**

Public Protection
No 1 Bickerstaffe Square,
Talbot Road
Blackpool, FY1 3AH

Contact

T: (01253) 477 477

www.blackpool.gov.uk





West Licensing Department
Bispham Police Office
Red Bank Road
Blackpool
Lancashire
FY2 0HJ

Mr Arkadiusz Marczak
Shadow
19-23 Clifton Street
Blackpool
FY1 1JD

12th October 2020

Dear Mr Marczak,

Re: Shadow, Clifton Street, Blackpool.

On 9th October 2020, the above premises were visited and the following observations were made in relation to the conditions of the premises licence:

- 17

CCTV will be installed internally and externally at the premises and will comply with the following:

- The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.**

ii. The system will display on any recording the correct time and date of the recording.

iii. The system will make recordings during all hours the premises are open to the public.

iv. VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively after the recording is made and will be made available to the Police or any authorised persons acting for Responsible Authority for inspection upon request.

v. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

18

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to by a Police Officer.

At the time of my visit I asked to look at CCTV footage from 6th September, however you told me this was not possible as you did not know how to use the system and the only other person who could use the system (James Swift) was on holiday abroad for 2 weeks. You stated you would try to contact the company who installed the system. I further contacted you on 18th September, however you could still not show me this CCTV footage.

Please see the above licensing condition which states a staff member who can use the CCTV system should be on the premises at all times it is open and should be able to show such footage as requested by the Police with a minimum of delay. Please ensure you can operate in line with the above condition as soon as possible.

I would also advise that in accordance with section 136 (1) of The Licensing Act 2003 "A person commits an offence if a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than in accordance with an authorisation, b) he knowingly allows a licensable activity to be so carried on".

The maximum penalty for this offence is six months imprisonment and/or an unlimited fine.

I must also draw your attention to paragraph 11:10 of the Home Office Guidance that where authorised persons and responsible authorities have concerns about problems identified at a premises it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Please ensure that these issues are resolved as soon as possible and if you have any queries please don't hesitate to contact me.

A copy of this letter will be retained on your premises file and maybe used against you in subsequent hearings.

Yours sincerely,

A handwritten signature in black ink, appearing to read "E. Pritchard". The signature is written in a cursive style with a vertical line to its right.

PC 4107 Emma Pritchard
West Licensing Department
Tel: 01253 604073,
07815 448093