

Public Document Pack

Blackpool Council

17 June 2014

To: Councillors Green, Hutton and O'Hara and Brown (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Wednesday, 25 June 2014 at 10.30 am
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 DECLARATIONS OF INTEREST

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 Services 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- UNDERBAR (Pages 1 - 122)

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

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
Decision or Item number	4
Relevant Officer:	Sharon Davies, Principal Solicitor Licensing
Date of Meeting :	25 th June 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- UNDERBAR

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Underbar submitted by Licensing Authority and the relevant representations.

2.0 Recommendation(s):

2.1 Members will be requested to determine the application.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered 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, the application and the representations must be considered.

4.0 Background Information

4.1 Application

Underbar, Bank Hey Street Blackpool has the benefit of premises licence PL 1878 issued in March 2012 authorising regulated entertainment and the sale of alcohol 10.00 - 03.00 hours daily and the provision of late night refreshment 23.00 - 04.00 hours daily. The premises may open to the public 10.00 - 04.00 hours.

The venue was previously licensed under PL1371 between 2005 and February 2012 when the licensed was found to have lapsed as the company holding the licence had been dissolved.

On 25th April 2014, the licensing service received an application to review this premises licence on the grounds of crime & disorder, public safety and public nuisance. A copy of the application is attached.

The premises licence holder is Underbar Blackpool Limited. The Designated Premises Supervisor is Steven James Lawrence.

4.2 Local policy considerations

The section on reviews (page 12 and 13) is relevant

4.3 National policy considerations

The panel should have regard to section 11 of the Secretary of States' Guidance, in particularly paragraphs 11.16 - 11.23 which deals with the licensing authority's powers when determining a review.

Where the licensing authority considers that action under its statutory powers are appropriate, it may take the following steps:

1. Modify the conditions of the premises licence
2. Exclude a licensable activity
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding three months
5. Revoke the licence.

4.4 Observations

The licence is currently subject to the following conditions:

Annex 1 - Mandatory conditions

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

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

or

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

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

3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined by section 159 of the Act);

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;

d. Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependant on -

i. The outcome of a race, competition or other event or process, or

ii. The likelihood of anything occurring or not occurring;

4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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

7 The responsible person shall ensure that -

a. Where any of the following alcoholic drink is 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: 25ml or 35ml; and

iii. Still wine in a glass: 125ml; and

b. Customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

1 Permitted hours for all licensable activities and the opening hours of the premises shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

2 All door staff employed at the entrance / exit of the licensed premises will wear a reflective jacket/tabard of a design approved by the Lancashire Constabulary.

3 At least one personal licence holder will be available on the licensed premises while the supply or sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.

4 Another member of staff shall be nominated to act for the Designated Premises Supervisor, in their absence, whose identity is known by all other staff when such absence occurs.

5 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.

6 The premises shall maintain a drinks pricing policy which complies with any Local Authority resolution made in accordance with approval from the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

7 Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.

8 The premises are operated in accordance with the principles outlined by the 'Nightsafe' Initiative, as are relevant to those premises, and indicated in the associated leaflet.

9 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes, where reasonably available.

10 The premises shall be operated in compliance with the recommendations contained in Safer Clubbing.

11 A minimum of two door supervisors will be posted at the front door of the premises on a Friday or Saturday evening from the last weekend in April to the first weekend in November from 21.00 until the terminal hour of opening at the premises, except in the case of emergency. At all other times, a minimum of one door supervisor will be posted at the front door of the premises on a Friday and Saturday evening from 21.00 until the terminal hour of opening at the premises, except in the case of emergency.

12 The premises are to be equipped with a closed circuit television system, which is appropriate to its purpose and provided and maintained to the satisfaction of the enforcement Authorities.

13 The Local Authority CCTV control room will be notified:

- a) On any occasion when the premises CCTV or radio system is operative.
- b) When the CCTV or radio system has been brought back into use

14 The Police Licensing Unit shall be notified on any occasion when the CCTV or radio system is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

15 The Radiolink equipment will be 'live' and will be monitored by the Head Doorman or another responsible person while the licensed premises are open for business, when this equipment is in operation.

16 Toughened glasses or polycarbonate drinking vessels are to be used.

17 The premises has a zero tolerance policy on drugs.

18 Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.

19 Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that 1. It is a condition of entry that customers agree to be searched and 2. Police will be informed if anyone is found in possession of controlled substances or weapons.

20 Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

21 Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.

22 Records of incidents involving the use and/or detection of drugs shall be maintained and those records shall be available for inspection.

23 Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.

24 A drugs prevention strategy for the venue shall be developed and applied. The strategy shall include arrangements for the location of posters and the distribution of other information relating to drugs risks, the dangers associated with drugs and the legal provisions relating to drug use.

25 Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises. Signs with regard to the street ban on bottles / glasses are in place.

26 During the final hour of daily trading appropriate announcements are made or images are projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.

27 The volume of amplified sounds 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.

28 A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

29 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.

30 All reasonable measures shall be taken to ensure that noise from regulated entertainment shall be contained within the premises, and any noise break out shall

not dominate the background noise environment in the streets or other public places.

31 Regular assessments of the noise coming from the premises during regulated entertainment shall be made and the noise level adjusted accordingly.

32 All staff who are involved in the sales of alcohol will have achieved a minimum qualification of BII Level 1 or the equivalent within 28 days of commencing their employment or commencing the role involving them with the sale of alcohol. Records to evidence this shall be available for inspection to a Police Officer or authorised officer on request.

33 All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

34 The Licence holder and DPS are to support and rigorously enforce a Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following forms of identification will be acceptable:

- i. Passport;
- ii. UK photo driving licence;
- iii. PASS accredited holographic Proof of Age card; or
- iv. Any other form of identification which may be agreed with Lancashire Constabulary Licensing Unit.

Does the information submitted include any exempt information? No

List of Appendices:

Appendix 4a Application for review from Licensing Authority

Appendix 4b Representations from Health and Safety

Appendix 4c Representations from Lancashire Constabulary

Appendix 4d- Representations from Enterprise Inns

6.0 Legal considerations:

6.1 Please see local and national policy in the background information.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

LICENSING SERVICE

<i>For Office use only</i>	
<i>LalPac Application No.</i>	
<i>Licence Number</i>	PL1878

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

LICENSING ACT 2003

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



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I	Mark Marshall
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[insert name of person requesting review]

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

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	Underbar								
	Bank Hey Street								
	Blackpool	Post Code	F	Y	1		4	R	U
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Underbar Blackpool Ltd									
Premises Licence or Club Premises Certificate Reference Number (if known)									

Part 2 – Applicant details

I am:

Please tick

1) an interested party (please also complete sections 2A or 2B below)	
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	

d) a body representing persons involved in business in the vicinity of the premises	
2) a responsible authority (please also complete 2C below)	✓
3) a member of a club to which this application relates (also complete section 2A below)	

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

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

(2B) Other Applicant or Representing Body

Name								
Address								
							Post Code	
Telephone Number								
E-Mail Address								

(2C) Responsible Authority applicant

Name	Mark Marshall								
Address	Progress House								
	Clifton Road								
	Blackpool	Post Code	F	Y	4		4	U	S
Telephone Number	01253 478349								
E-Mail Address	mark.marshall@blackpool.gov.uk								

Part 3 – Reason for Review

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

Please tick

1) the prevention of crime and disorder	✓
2) public safety	✓
3) the prevention of public nuisance	✓
4) the protection of children from harm	

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

The Underbar is located in the centre of the town centre and for some time its trading style has been a cause of concern for the Authorities as well as neighbouring businesses. The synergy between the shopping area and a lively alcohol premises is something that will always need careful management and in summary the Underbars management is quite the opposite of careful.

A programme of intervention and visits to the premises has been undertaken along with a formal meeting with the Licence Holder, after a period of notice; improvement has been minimal and in some areas has got worse.

The Underbar has a chequered history in that it has been subject to a Review of the Licence previously in 2010, initiated by Weights and Measures for issues in relation to the Protection of Children from Harm but more notably supported by Health and Safety for internal conditions that were poor in the extreme.

Issues of poor internal conditions were noted on a visit on the;

16th August 2014 The Premises was visited by Mark Marshall and Gareth Shaw a number of issues were raised mainly with the lack of cleanliness, lack of organisation, electrical problems and the excessive storage of combustible materials.

The concerns were followed up in writing and Health and Safety have been consulted and will be providing photographic evidence and a more detailed explanation of the issues in their representation.

A copy of this letter is attached as **Document 1**

16th November 2014 The premises had to be visited following the call from a Police colleague Sgt Richard Hurt who will be providing a statement describing the extreme noise nuisance spilling from the premises and the subsequent refusal from the management to do anything about it.

Mark Marshall arrived at 12.40 hrs; the noise was bellowing from the vestibule area and was causing a significant nuisance.

This incident was followed up in writing, another matter raised was the dishevelled and generally annoying behaviour from the promotional staff, a female whose details were obtained as Francesca Graham was spoken too at the time. This female has gone onto be a cause of significant concern, details of her behaviour will follow.

LS/F/005/12/1

A copy of the letter highlighting concerns is attached as **Document 2**

14th November 2014

A meeting was conducted at the police station with Chief Inspector Mills, Sgt Richard Hurt, Mark Marshall and [REDACTED] the [REDACTED] in Bank Hey Street.

The purpose of the meeting was to listen to the impact the Underbar was having [REDACTED] described in general terms.

1. Intimation from the customers of Underbar, who are loud, boisterous and disorderly.
2. The general ambivalence of the security staff who seem to ignore bad behaviour.
3. The nuisance from the loud music blaring out from the Underbar
4. The nuisance from the promotional staff.

On 21st November 2014 a meeting took place with [REDACTED] Underbar to see what could be done jointly to address the concerns.

During the winter months as the tourist season tailed off Underbars impact reduced and no further feedback was received, one or two concerning Police comments were disclosed to the licence holder which resulted in us convening a meeting with the Licence Holder on the 29th March 2014.

Action Plan Meeting 29th March 2014

The meeting was convened with Sgt Caroline Hannon, Mark Marshall and Steven Lawrence, the Director of the Ltd Company who holds the Premises Licence.

The issues of concern were discussed and a very short and simple improvement plan was put together. Whilst not directly a licensing problem the external appearance of the building and the promotion staff were discussed, the external doors have lots of broken panels and this issue has been raised by the Planning Department on the 27th June 2013 a photograph of the doors was attached to this letter. A copy of this letter and photo are attached as **Document 3**.

Since then the regulatory request for improvement has been ignored and the condition of the doors has deteriorated further. The photograph below was taken on the 28th March 2014 at 15.54 hrs demonstrates the condition;



An undertaking was given by Mr Lawrence that the smashed glass would be repaired, this was confirmed in the letter which is attached as **Document 4** and 4 weeks later, precisely nothing has changed, the photo below was taken on the 22nd April at 13.13hrs



In addition to the very simple request to improve the external appearance the activity of the promotions staff has been observed and reported to be a nuisance.

Mr Lawrence asked for specific advice on what he could and couldn't do in relation to promotions or importuning, He was given verbal advice at the meeting which was followed up in writing along with the other agreed actions.

The law in relation to importuning is found at Section 29 of the County of Lancashire Act 1984, which is adoptive, In October 2001 Blackpool Council adopted this part of the Act and the council has actively enforced the legislation issuing warnings and taking prosecutions where necessary.

Section 29 County of Lancashire Act 1984

29-)1) A District Council may designate, in accordance with subsection (5) below, any of the following places, or any part of such places, in the district as places to which this section applies for any of the purposes of subsection (2) below:

- (a) a public off street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
- (b) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right;
- (c) the seashore;

Provided that the district council shall not designate –

(i) for the purpose of subsection (2)(b) below, any highway specified in a control order under section 7 of the Act of 1976; or

(ii) for the purpose of subsection (2) (c) (ii) below, any street.

(2) Any person who, in a place designated under this section –

(a) importunes any person by **touting** for a hotel, lodging house, restaurant or other place of refreshment, for a shop, for a pier, garden, theatre or other place of amusement or recreation, for a hackney carriage or other conveyance (other than a public service vehicle), or for a ship or boat; or

(b) without the consent of the district council, or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale anything; or

(c) without the consent of the district council, or in breach of any condition subject to which the council's consent is given –

i) photographs any person by way of trade or business; or

(ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(7) This section shall not prohibit -

(a) the doing of anything on land by the owner or occupier of the land, or by an person with the consent of the owner or occupier of the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;

(b) the selling or offering or exposing for sale of anything to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;

(c) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publishers of a newspaper or periodical, or carries on a business which consists of, or includes selling or supplying photographs for, such publication;

And the district council shall not withhold their consent under subsection (2) (b) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the grounds that their consent has already been given to a sufficient number of other persons.

(8) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything in a highway, the district council shall consult the highway authority.

Complaints and Observations re Nuisance Promotional Activity

14th April 2014 I received an e mail from [REDACTED] who was attaching pictures of the promotions female, Francesca Graham who was straying a considerable distance away from the Underbar, she was also seen to be approaching people who were queuing for the Tower attraction (not the Tower Lounge).

From my own observations this female is poorly presented has no awareness of who she is approaching she seems to prefer the scatter gun approach and just invites anyone in for a drink and her approach is not only a nuisance to the public and businesses in the vicinity it is an offence under Section 29 of the County of Lancashire Act 1984, this is the position not only after the Licence Holder received verbal advice but well after the receipt of the written advice dated the 3rd April 2014







8th April 2014 Whilst dealing with a hotelier who lives on Coronation Street comments were passed about the state of the town centre on a Saturday afternoon in particular the issues around promotions staff and the state of the drunken customers preventing anyone decent from sitting on the benches outside the Underbar.

Agnes Ashe has provided a witness statement of her observations- **To be submitted before the hearing**

On about the same date an employee of the Council, Claire White also passed comment on a recent social visit she made to the Underbar with her partner in August 2013- **To be submitted before the hearing**

19th April 2014 Officers were on duty in Bank Hey Street supported by the Police looking at putting general improvement responses in place to issues impacting on residents and shoppers.

It was noted that Francesca Graham was straying away from the Underbar and approaching anyone, she then approached the 2 council officers and the 2 police officers who were in partial uniform and asked if they were coming in the Underbar for a drink, this was done close to the Tower entrance a considerable distance from the Underbar.

Sgt Hannon gave her advice and disclosed who we were which was obvious as the police uniforms were clearly visible; this again just demonstrates her complete unawareness of her surroundings in the relentless pursuit to get people into the Underbar.

She was told to confine her activities to the Highway affronting the Underbar and not to stray past the benches; this instruction was previously given in writing to the Licence Holder, Steven Lawrence.

We returned to the area of Bank Hey Street about 20 minutes later to find once again the warning had been completely ignored and Ms Graham was resuming her usual nuisance activities.

A number of Photos were obtained which are shown below.









The next issue of concern was the male member of promotions, whose details were not obtained, but the officers took the view that his appearance, dress and locality fell under the definition of Manned Guarding in that he was providing a physical presence on the door at Under Bar.

Schedule 2 of the Private Security Industry Act 2001

Manned guarding

2.

(1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities:

- (a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage.
- (b) guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained.
- (c) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

(2) in the paragraph references to guarding premises against unauthorised access include references to being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission.

(3) in the paragraph references to guarding against something happening include references to so providing a physical presence, or carrying out any form of patrol or surveillances, as –

- (a) to deter or otherwise discourage it from happening, or
- (b) to provide information, if it happens, about what has happened.

(4) This paragraph does not apply to the activities of an individual who exercises control over the persons allowed access to any premises to the extent only of securing, or checking that persons allowed access –

- (a) have paid for admission or;
- (b) have invitations or passes allowing admission.

(5) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of any activities in relation to a group of individuals which (disregarding this sub-paragraph) are neither –

- (a) the activities of a security operative, nor
- (b) activities comprising the exercise of any such control as is mentioned in sub-paragraph (4) maintains order or discipline amongst those individuals.

(6) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of activities which (disregarding the sub-paragraph) are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence.

Moments later Mr Lawrence approached us, he was told that the practice of his promotions staff were unacceptable and also that the male promoter was dressed as a member of door staff and as such needed an SIA licence, Mr Lawrence confirmed the male promoter was not licensed.



In addition to the promoters and the unregistered doorman Mr Lawrence was advised that a recent sample of his alcohol had come back as not genuine.

The sample was taken by Lee Wojarski on the **21st March 2014**; the certificate of Analysis is attached as **Document 6**.

This is not the 1st time suspicious sample results have been found and in June 2009 Mr Lawrence was formally Cautioned for a similar offence. A copy of the caution is attached as **Document 7**

Conclusion

The Underbar is a decaying premises with poor management that at its best simply fire fights issues, the management have to be constantly reminded of the basic requirements, Health and Safety and the Police will provide a multitude of example to support this.

Issues tend to constantly repeat themselves, again Health and Safety, noise nuisance and substituted alcohol are again examples of this, to qualify the position on the substitution the premise has only ever been subject to 2 sampling exercises both of which have transpired to be substituted.

The action plan demonstrates that even very basic and simple instructions which affect the amenity of the area are ignored; examples include the smashed glass in the front doors and the nuisance promotions.

It is the view of the Licensing Authority that if this premise is not pulled into line the poor practice that is evidenced will only increase the agitation of neighbouring businesses and residents. Many attempts to address the issues have been made by a number of Authorities and still the Underbar causes huge concern.

The day time trading is the root cause of many of the problems and the Committee is asked to target its action here. The Licensing Authority advises that the premises hours should be curtailed and all Licensable Activity should be prohibited until at least 7pm.

The issue of irresponsible trading should be looked at also, whilst the DPS does not have the confidence of the Authorities, the removal of him would serve little or no purpose, the issues stem from poor company practice, and we find our selves back at "square 1 " repeatedly.

Further evidence will be provided before the hearing.

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

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Part 4 – Other relevant information

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

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

Representation made 8th January 2008 to support a Police review of the licence.

Please

tick

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.	✓
I understand that if I do not comply with the above requirements my application will be rejected	✓

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

Part 5 – Signatures (please read guidance note 3)

LS/F/005/12/1

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

Signed	
Print Name	Mark Marshall
Capacity	Licensing & Health & Safety Manager
Date	26 th June 2013

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

Notes for Guidance

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

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Agnes Ashe

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Hotelier

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark 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 Dated

I am Agnes Ashe and I currently reside at the address overleaf. I reside and operate a hotel in Coronation Street. I have lived and operated this hotel for two years. Quite often on Saturday I walk through Bank Hey Street as I do my shopping. My attention is always drawn to the Underbar, the scruffy appearance of this premises with all its smashed windows and the loud music blaring out is an embarrassment. Whenever I walk through a number of things concern me;

1. The loud music can be heard from the bottom end of Bank Hey Street.
2. The promotions staff cause obstructions as they hold groups of males in conversation for extended periods.
3. I notice that the benches outside the Underbar can never be used by shoppers as the customers and groups from the Underbar are either smoking or being boisterous outside the premises. One particular example of this was about twelve months ago, I was in town with my Granddaughter who was one year old. She was being bottle fed at the time so I wanted to sit down and feed her. As I did a drunken male from the Underbar started to leer at my Granddaughter and requested to hold her, I was disgusted and intimidated and had to move away. There were no doormen on at the time to intervene in this incident.

Signature Dated

4. The final observations I have made is the scantily clad promoters who haven't been t here this year but they were definitely here a lot last year and caused a negative impact.

Signature Dated

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, s.102, MC Rules 1981, r.70)

Statement of: * Agnes Ashe.

Age if under 18: Over 18

Occupation: *

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

Dated the * 29th day of * April 2014

Signature: Agnes Ashe (ms)

I am Agnes Ashe and I currently reside at the address overleaf. I reside and operate a hotel in Coronado Street.

I have lived and operated this hotel for 2 years. Quite often on Saturday I walk through Bankley Street as I do my shopping. My attention is always drawn to the Underbar, the scruffy appearance of this premises with all its smashed windows and the loud music blaring out is an embarrassment.

When I ever I walk through a number of things concern me;

① The loud music can be heard from the bottom end of Bankley Street.

② The promotions staff cause obstructions as they hold groups

of males in conversation for extended periods.

③ I notice that the benches outside the Underbar can never be used by shoppers as the customers and groups from the Underbar are either smoking or being boisterous outside the premises. One particular example of this was about 12 months ago I was in town with my Granddaughter who was 1 year old. She was being bottle fed at the time so wanted to sit down and feed her. As I did a drunken male from the Underbar started to leer at my Granddaughter and requested to hold her, I was disgusted and intimidated and had to move away. There were no doorman on at the time to intervene in this incident.

④ The final observations I have made is the scantily clad promoters who haven't been here this year but they were ~~they~~ definitely here a lot last year and caused a negative impact.

Jones

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Kate Shane

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Manager of Blackpool Tower

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark 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 Dated

I am Kate Shane and I am currently employed as the Manager of Blackpool Tower. I have been in this job role for approximately three years. The Tower offers numerous attractions including the Circus, the Ballroom, the Tower Eye, the Tower Dungeons and Jungle Jims. In addition to these we also have the Tower Lounge which is a large capacity (1200) venue operating between the hours of 11am and 1am. My priority as the Manager is to offer a safe environment for families, for leisure visitors to choose Blackpool and Blackpool Tower as a destination and venue for their leisure time. The experience for our visitors is crucial and we must encourage this for repeatability and future sustainability. In order to minimise the impact of the Tower Lounge, we have operated a voluntary system of keeping our doors to Bank Hey Street closed, this occurs from 11am till at least 6pm. We have also had the speakers removed from the vestibule area. We are located thirty meters from the Underbar. This premises has stood out to me in a negative way, it detracts from the family ambience and externally it again has a negative visual impact, poor maintenance, shoddy dress standards of employees and general poor presentation. The music also blares out loudly from the premises and is an obvious nuisance to all users of Bank Hey Street. Many times I see passers by give the premises a wide

Signature Dated

berth as the offensive noise levels clearly cause people to steer clear. My own staff have difficulties when engaging with the Tower customers as people are deterred from stopping and hearing or reading about offers because of the noise from the Underbar. In October 2013, my attention was drawn to a very scruffy, dirty, unkempt female who was apparently the promotions staff for Underbar. This female is aged between fifty and fifty five years old, thin build, medium height, straw like brown hair and usually wears dark, oversized clothing. She was unprofessional, disorganised and approaching everyone without any thought or decorum. She was annoying our customers and deterring our customers from entering all the attractions. I spoke to her the same day and asked her to confine her activities to the immediate frontage of her own premises. Over the Winter the problems tailed off but in late March 2014 this female resumed her activities and it was reported to me that she was touting customers who were queuing for the Tower attraction, at this point I became very frustrated with the actions of this female and the Underbar. The knock on effect for visitors who are exposed to such unprofessionalism while they are in the decision making process to come into the Tower makes me as I say frustrated.

Signature Dated

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, s.102, MC Rules 1981, r.70)

Statement of: * *Kate Shune*
 Age if under 18: Over 18
 Occupation: * *Manager of Blackpool Tower*

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

Dated the * *29th April* ~~day of~~ * *April* 2014

Signature: *[Handwritten Signature]*

I am Kate Shune and I am currently employed as the Manager for Blackpool Tower. I have been in this role for approximately 3 years.

The Tower offers numerous attractions including the circus, the Ballroom, Tower Eye, the Tower Dungeon and Jungle Jim's. In addition to these we also have the Tower lounge which is a large capacity (1200) venue operating between the hours of 11am and 01:00am.

My priority as the manager is to offer a safe environment for families, likewise visitors to choose Blackpool and Blackpool Tower as a destination and venue for their leisure time. The experience for our visitors is crucial and we must encourage this for repeatability and future sustainability. In order to minimise the impact of the Tower lounge we have operated a voluntary system of keeping our doors to Bankney Street closed, this occurs from 11am till at

[Handwritten Signature]

least 6pm. We have also had the speakers removed from the vestibule area.

We are located about 30 metres from the Underbar, this premises has stood out to me in a negative way, it detracts from the family ambience and externally it again has a negative visual impact, poor maintenance, shoddy dress standards of employees and general poor presentation.

The music also blares very loudly from the premises and is an obvious nuisance to all users of Bankney Street. Many times I see passers by give the premises a wide berth as the offensive noise levels clearly cause people to steer clear.

My own staff have difficulties when engaging with the Toner customers as people are deterred from stopping and hearing or reading about our offers because of the noise from the Underbar.

In October 2013 my attention was drawn to a very scruffy, dirty, unkempt female who was apparently the promotional staff for Underbar.


This female is aged about 50-55 yrs, thin build, medium height, straw like brown hair and usually wears dark oversized clothing.

She was unprofessional, disorganised and approaching everyone without any thought or decorum.

She was angaging our customers and detouring our customers from entering all the attractions.

I spoke to her the same day and asked her to confine her activities to the immediate frorage of her own premises.

Over the winter, the problems faded off but in late March 2014, this female resumed her activities and it was reported to me that she was taking customers who queuing for the Tower attraction and this point

I became very frustrated with the actions of this female and the Underbar. The knock on effect for visitors who are exposed to such unprofessionalism while they are in the decision making process to come into the Tower makes me as I say frustrated. 

RESTRICTED (when complete)

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Richard Bruse Hurt

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Sergeant

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness) Date: 25/04/14

I am Police Sergeant 1102 Richard Bruce Hurt of the Lancashire Constabulary currently stationed at Blackpool Central Police Station where I hold the post of Blackpool Town Centre Neighbourhood Policing Sergeant.

Prior to this role, I have worked as the licensing sergeant at Blackpool where I have developed an in-depth knowledge of the Licensing Act 2003.

At the beginning of November 2013, I had cause to visit Boots store at the junction of Bank Hey Street and Victoria Street, Blackpool, to conduct an enquiry. Whilst at the premises, I spoke with the duty manager who gave me her name as Mandy Hedley, who made reference to a number of issues caused by and originating from a premises adjoining to Boots trading under the name of 'Underbar'. During the conversation, Hedley indicated that the premises formed part of the Boots building and were actually owned by them although leased to the current tenants.

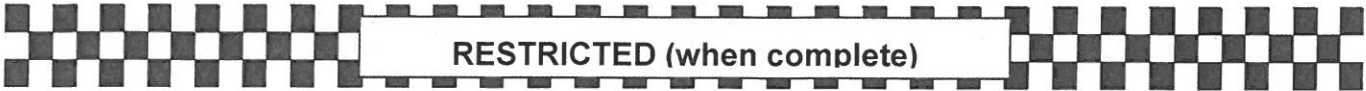
The issues highlighted to me by Hedley included intoxicated people from both the 'Underbar' and the Tower Lounge using the entrance to her premises as a seat when the public needed access, Boots shop doorway being used as a toilet to urinate and vomit in, Boots security staff having to intervene in disturbances on Bank Hey Street outside the bars after revellers had left, Boots security and shop staff having to give medical assistance to injured parties outside the store after either collapsing or being assaulted outside the 'Underbar'. As a result of these concerns, I returned to the station and subsequently arranged to meet with Hedley again in the presence of other Police officers and representatives of Blackpool Council Licensing team.

On Thursday 14th November 2013, along with Ch.Insp Ian Mills, Police Sergeant Caroline Hannon and Mark Marshall from Blackpool Council, I spoke with Mandy Hedley at Blackpool Central Police Station. During this meeting it was ascertained that both her business and the reputation of other shop keepers in the vicinity was suffering as a result of the drunken behaviour emitting from the 'Underbar'. To rectify this and to ensure safety of

Signature:  Signature Witnessed by

Page 1

RESTRICTED (when complete)



RESTRICTED (when complete)

her staff and to reduce any potential conflict, Boots were in the process of changing the final exit doors for all her staff so they no longer had to leave via the doors next to the 'Underbar'. Hedley also indicated that the doorways to Boots were often used as a public toilet or place for drunken people to collapse in. Hedley indicated that this had a cost implication for Boots.

In addition, Hedley stated that the situation involving drunken behaviour outside on Bank Hey Street emitting from the 'Underbar' increased from 5pm at the weekend. She also indicated that the 'Underbar' was a honey pot for issues including the intimidation of customers, loud music coming from the entrance to the 'Underbar' and general nuisance caused by the staff of the premises and the clientele it attracted.

As a result of this meeting and with a view to resolving some of the issues raised, a meeting with Boots National management team took place on Thursday 21st November 2013 at Boots on Bank Hey Street Blackpool, where the above issues were discussed.

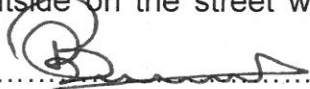
On Saturday 16th November 2013, Blackpool Tower Ballroom was hosting BBC televisions 'Strictly Come Dancing' and as a result, large numbers of people were expected to queue for tickets on Bank Hey Street Blackpool. At approx. 12:15pm on the same day, along with PS Steve Hardman, I walked onto Bank Hey Street to monitor and assess any problems. At this time I was in Police uniform with a black civilian jacket on the top.

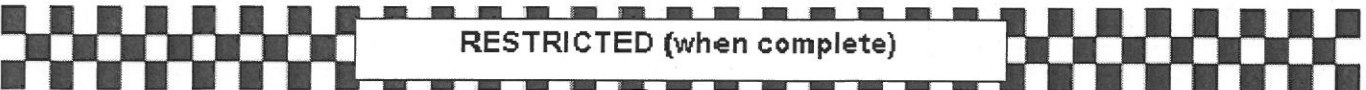
I observed, the queue for entry into the Tower ticket office on Bank Hey Street, Blackpool consisted of approx. 2000 people, which snaked its way back and forth along Bank Hey Street towards Church Street. I would estimate that the majority of the people in the queue were more mature although some children were present and the majority being smartly dressed. At this time the queue to the Tower was being marshalled very well by staffs from the Tower who were engaging with the public in an appropriate manner.

As I walked towards Blackpool Tower ticket office I became aware of loud music emitting from a speaker located in the doorway to the 'Underbar'. This music could be clearly heard by the majority of the people in the queue and whilst some appeared unconcerned, others put their fingers in their ears as I walked past and complained about the noise. In addition, it was my view that other premises and people within the immediate area were being adversely affected by the noisy music from the 'Underbar' and in my opinion it constituted a public nuisance.

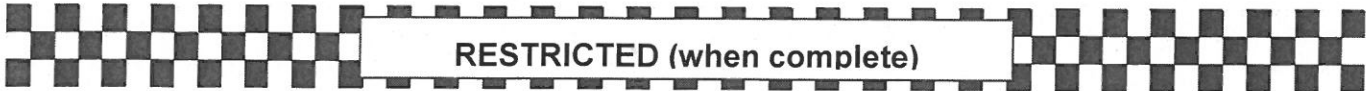
To resolve the issue, along with PS Hardman, I made my way into the 'Underbar' foyer and downstairs where I observed that the premises appeared to be open for trading although I did not see any customer's public downstairs. Once in the bar, I asked to speak with the manager and was soon joined by a male who I subsequently identified as Ben McCarthy who introduced himself as the assistant manager. As I was in a civilian jacket, I introduced both PS Hardman and myself to McCarthy and showed him my Police warrant card. I asked to speak with the DPS but was informed that he had just left to go to the bank but would be back shortly.

In order to resolve the issue of the music, I outlined to McCarthy that it was possibly one of the busiest days in Blackpool as a result of the event at the Tower and not all the people outside on the street wanted to listen to dance music at its current volume whilst

Signature.......... Signature Witnessed by



RESTRICTED (when complete)



RESTRICTED (when complete)

queuing. I asked if he could resolve the issue by turning the music down so people would not be adversely affected by the noise out on the street. With this McCarthy, informed me that he had no intention in turning the music down despite being requested to do so. As a result of this, I was astonished that my polite and simple request was being refused, so I reiterated my request again but again this was refused.

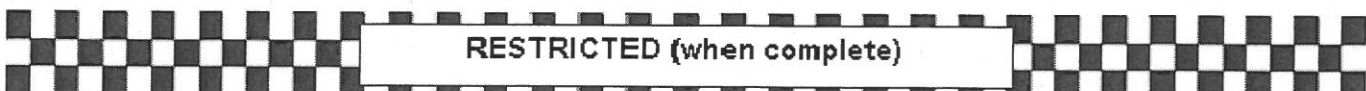
Along with PS Hardman, I made my way outside the premises with a view to waiting for the DPS to return in order that I could make a similar request to him. Whilst waiting outside on Bank Hey Street, Blackpool, I made a telephone call to Mark Marshall from Blackpool Licensing Dept. to ascertain who was on duty from the council to attend the 'Underbar' and resolve the noise issue. I was informed by Mark Marshall that he was in Blackpool and would attend the premises himself.

At approx. 12:40pm on the same day, I was joined on Bank Hey Street by Mark Marshall from Blackpool Council and we both heard the extent of the music and the impact it was having on the businesses and people in the locality. I entered the 'Underbar' and requested to speak with Ben McCarthy outside. I was present when Mark Marshall again McCarthy to turn down the music emitting from the premises which he eventually did. McCarthy was given suitable words of advice from Mark Marshall and informed that a letter would be sent to the DPS outlining the concerns of the council.

At 3:50pm on Saturday 12th April 2014, along with PC 418 Hill, I entered the 'Underbar' on Bank Hey Street Blackpool after again observing that the noise emitting from the speaker in the foyer was extremely loud and was causing a public nuisance to the pedestrians using Bank Hey Street. When in the premises which were open for the sale of alcohol, I spoke with Ben McCarthy and requested that the noise be turned down which he did straight away.

At 10:15am on Tuesday 13th May 2014, I spoke with the manager from Boots, Mandy Headley, who informed me that since a couple of weeks prior to Easter, the situation with the management of the 'Underbar' had improved. She informed me that she had spoken with the DPS and prior to weekends she is provided with a radio from the premises so her security are made aware of issues within the bar and what is happening. She also indicated that the staffs from the 'Underbar' now cleans the door step at the end of the night and she now feels that she can approach the management should any issues arise.

Signature..... Signature Witnessed by



RESTRICTED (when complete)

RESTRICTED (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Steven Hardman

Age if under 18: (if over 18 insert 'over 18') Occupation:

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 in it anything which I know to be false, or do not believe to be true.

Signature: (witness) Date: 09/06/2014

I am Steven Hardman Police Sergeant 2385 of the Lancashire Constabulary where I currently hold the post of the divisional risk and threat manager.

Prior to my current role I was the divisional licensing officer for Blackpool and the Fylde areas where I developed a good working knowledge of the Licensing Act 2003.

About 12:15 hours on Saturday 16th November 2013, I was on duty and in company with PS 1102 Hurt when we had cause to attend Bank Hey street, to monitor crowds that had formed as members of the public queued to obtain tickets for the BBC strictly come dancing show that was taking place within the tower complex that weekend.

PS Hurt and myself monitored the crowds which I would estimate consisted of about 2000 people, starting at the main ticket office to Blackpool Tower on bank hey street and extended the length up to the junction with Church Street.

The queue of people consisted of a wide variety of the public from the elderly to young families.

As I walked towards the main ticket office, I could hear loud music coming from the direction of the Underbar licensed premises on Bank Hey Street, music that could be heard several hundred meters away.

As we walked closer to the venue, a number of members of the public were clearly concerned due to the volume of the music omitting from the premises, and were placing hands / fingers in their ears.

The music was so loud I was unable to hold a conversation with PS Hurt or indeed any members of the public that were stood within a 20 meter radius of the front entrance of the venue.

As we approached the front of Underbar, it was evident a large commercial type speaker had been placed in the opening to the venue, something which I had advised management of the venue prior to this must be monitored to ensure was not causing public nuisance.

Having not had any dealings at the venue for some time I was unaware of the current management structure, but as we approached I saw the owner of the bar, a male I know to be Steven Lawrence walk out of the venue, and would have been clearly aware of the volume of music the speaker was omitting, having discussed this personally with him on more than one occasion.

Signature..... Signature Witnessed by

RESTRICTED (when complete)



RESTRICTED (when complete)

Myself and PS Hurt entered Underbar with a view to resolving the nuisance the speaker was clearly causing, and once within the main bar area it was evident there were no customers and the only persons present were members of staff.

PS Hurt approached on of the bar staff where we both identified ourselves and produced warrant cards, and asked to speak to the manager on duty.

We were shortly approached by a male who came from the office area situated towards the back of the premises, who identified himself to us as Ben McCarthy the assistant manager, and informed us that the DPS had just left prior to our arrival.

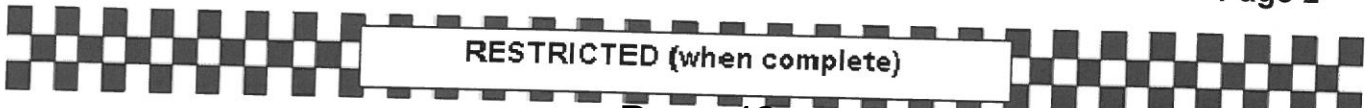
PS Hurt informed McCarthy of the nuisance the speaker was causing on probably one of Blackpool's busiest days, and informed him the volume was excessive to the point it was causing a nuisance and asked if he could turn the volume down.

McCarthy point blank refused to turn the music down, which I was completely astounded by. It was clear the volume of music was excessive to say the least and causing a nuisance to those members of the public outside the venue, which was again reiterated to McCarthy, and again PS Hurt politely requested him to turn the volume down, however he again refused.

We then left the venue and decided to wait for the DPS to return outside, whilst PS Hurt contacted Mark Marshall, local licensing enforcement officer and asked if it would be possible for him to also attend the venue.

I then left the area due to a prior commitment and left PS Hurt to deal with the nuisance with the local authority enforcement officer.

Signature..... Signature Witnessed by



RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Claire White

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Admin Assistant

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark 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 *clwhite* Dated *12/05/14*

I am Claire White and currently reside at the address overleaf. I am currently employed by Blackpool Council within the Public Protection Department. In early August 2013 I was out with my partner Ryan visiting some of the pubs in Blackpool celebrating his birthday. At approximately 10pm we entered the Underbar, at this point we had been out for about two hours. I noticed as we entered that the premises was packed full of Polish men, had I been able to see the type of people inside before entering I would definitely not have gone in. As the Underbar is a basement premises you don't discover what your walking into until you are inside. The atmosphere was intimidating, boisterous, loud and very off putting, the overall appearance of the premises was very dark and unmanaged and there was no evidence of security staff on the basement floor. Reluctantly we decided to get a drink. Ryan went to the bar whilst I went to the toilet. As I came out of the toilet the bar was facing me and Ryan was waiting at the end of the bar with the drinks, he was at the end nearest the toilets and was about 20 feet away. As I walked across to Ryan I noticed to my left a group of about 10 males who were arguing in Polish. I didn't take too much notice at first as I thought they were just in high spirits. I was then surprised as one of the males head butted another, the male who was

Signature *clwhite* Dated *12/05/14*

assaulted fell into my path making contact with me, albeit I was not injured by the contact. Ryan stepped in and pulled me out of the way and we agreed to leave. We left our drinks and hurried out of the premises, as I turned around I saw that the male had fallen back on the floor and had blood pouring from his nose. As we made our way out and across to the staircase exit, I did not notice any security staff going over to intervene with the incident. As we left the building I noticed security staff were stood on the front door but they did not leave their post to deal with the disorder that was happening down stairs. I have never been back to the premises since then and it is highly likely that I will never go again.

Signature *clwhite* Dated *12/05/14*

Blackpool Council**STATEMENT OF WITNESS**

(Criminal Procedure Rules 2005, r27.1 (1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5A (3)(a) and s.5B)

STATEMENT OF: LEE WOJARSKI

Age if under 18: Over 18

Occupation of Witness: PUBLIC PROTECTION OFFICER

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 in it anything which I know to be false or do not believe to be true.

Signature.......... **Dated**.....13/6/14.....

I am Lee Wojarski, a Public Protection Officer – Food Control for Blackpool Councils Public Protection Division. On the 21st March 2014, at approximately 21:25, I visited Underbar, Bank Hey Street, Blackpool accompanied by my colleagues Miss Jacqui Harrison, Public Protection Officer, Health and Safety and Mr David Verity, Public Protection Officer, Licensing Enforcement. My colleagues and I entered the premises and introduced ourselves to a member of door staff and informed him of the reason for our visit. He informed us the manager was in his office and showed us downstairs. As we walked to the office through the bar I noticed it was very quiet with less than 20 customers in the premises.

Within the office we were introduced to the manager, Mr Ben McCarthy. I informed Mr McCarthy that I was going to do a check of the bar which would involve testing the authenticity of some of the spirits. This involves the use of 'dip sticks' that change colour to indicate authenticity of some spirits.

Behind the bar I observed a 1.5 litre bottle labelled as Bacardi White Rum on display for sale on a 25ml optic. I took the bottle down from the wall and placed a small drop of the spirit on one of the dip sticks. The indicator should turn from yellow to green if the product is genuine Bacardi rum. There was little change in the colour of the indicator so I performed the test again with another stick and this time there was no change in colour. This then led me to suspect that the bottle labelled as Bacardi White Rum may not have contained genuine Bacardi Rum.

I informed Mr McCarthy of my concerns and told him I was going to take a formal sample of the product to be sent off for analysis. The sample was broken in to three parts, consisting of three bottles of approximately 50ml each. Each was labelled, bagged and securely tagged. A receipt was left indicating what had been taken.

One of the three bottles was left with Mr McCarthy, one retained by the Local Authority and one sent for analysis at the Public Analyst Laboratory, Pedders Way, Preston on 25th March 2014.

On 9th April 2014 I received a Certificate of Analysis from the Public Analyst which indicted that the sample I had taken from the Underbar on 21st March 2014 was not genuine Bacardi. I exhibit a copy of this certificate as LW01.

On 14th April 2014 I wrote to Steven Lawrence, the director of Underbar Blackpool Ltd, advising him of the results from the analysis of the Bacardi rum. The letter also informed Mr Lawrence that offences may have committed under the Food Safety Act 1990 and that I wished to formally interview him on 30th April 2014 at 14:00. A copy of this letter is exhibited as LW02.

On 25th April 2014 I received a telephone call from Mr Lawrence confirming he was in receipt of my letter and asked to rearrange the date of interview as he was unable to attend on the 30th April. A new date of 2nd May at 12.00 was agreed. On 30th April Mr Lawrence called the office and left a message to say he wanted to cancel the meeting on 2nd May until he had arranged legal representation and would be in touch when this happened.

On 3rd May 2014 at approximately 13:00 I visited the Underbar, Bank Hey St, with colleagues from the Police, Health and Safety and Licensing departments. This was part of a wider multiagency operation occurring around the town centre. During the visit further tests were performed on spirits behind the bar. On this occasion the tests indicated they were genuine. During this visit I spoke with Mr Lawrence and he informed me he would get back in touch about the interview after speaking with his legal representative.

On 8th May 2014 I received an email from Mr Trevor Colebourne of Colebournes Solicitors and Advocates Ltd, advising me that he had been asked to represent Mr Lawrence. Mr Colebourne stated that before rearranging the interview he would like me to confirm continuity of evidence in respect of the sample. I responded within 40 minutes to clarify the issue. I have not heard from either Mr Lawrence or Mr Colebourne since. A copy of Mr Colebournes email and my response are submitted as Exhibit LW03.

Ample opportunity has been given to Mr Lawrence to obtain his formal account. I now consider that from his refusal to rearrange that he does not wish to be interviewed and therefore a formal report for the consideration of prosecution will be submitted for the offence of falsely describing or presenting food under section 15 of the Food Safety Act 1990. A person guilty of this offence under this Act shall be liable—

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;

(b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding six months or to both.



LW01

Certificate of Analysis

To: L. Wojarski
Public Protection Division
Blackpool Council
Progress House
Clifton Road
Blackpool
FY4 4US

I, the undersigned Public Analyst for Lancashire County Council certify that 17.00 on 25th March 2014 the sample marked as follows:

Date sample taken: 21.03.2014
Reference number, description etc: BL 1107, Bacardi rum
Weight or measure: 50 ml

was received by me from the person named above.

I certify that the sample was analysed by me or under my direction and the results are as follows:

Alcohol	37.2 per cent v/v
Glucose	<1 mg/l
Fructose	<1 mg/l
Sucrose	10 mg/l

My opinion and observations are:

Genuine Bacardi rum has the following typical composition:-

Alcohol	37.5 per cent v/v
Glucose	90 – 150 mg/L
Fructose	80 – 130 mg/L
Sucrose	50 – 180 mg/L

I am of the opinion that the sample was not genuine Bacardi rum.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of April 2014 at Preston.

Signature: *AC* Status: Public Analyst

Name: ANDREW CHRISTOPHER SMITH

Official Address: Lancashire County Council County Laboratory, Pedders Way, Riversway Docklands, Ashton, Preston PR2 2TX.

Tel: 01772 721660.

e.mail: andrewc.smith@lancashire.gov.uk

Date: 14 April 2014

Steven Lawrence
Underbar Blackpool Ltd
Underbar
Bank Hey Street
Blackpool
Lancs
FY1 4RU

Our Ref: BL No. 1107
Your Ref:
Direct Line: 01253 478325
Email: lee.wojarski@blackpool.gov.uk

Dear Mr Lawrence

Food safety Act 1990

Underbar, Bank Hey St, Blackpool, FY1 4RU

On 21st March 2014, during a routine visit to the above premises, I obtained a formal sample from a 1.5 litre bottle labelled Bacardi White Rum 37.5% vol. The sample was given reference number BL No. 1107, a portion of which was retained by your manager Ben McCarthy.

The public analysis report (a copy of which has been attached to this letter) on this sample has recently been received at this office and confirms the sample is not genuine Bacardi Rum.

As such offences under the above legislation may have been committed by you, and your company.

I wish to interview with you under the rules laid down by the Police and Criminal Evidence Act 1984. The interview will be tape recorded and will take place at the offices of Blackpool Council, Public Protection Division, Progress House, Blackpool, FY4 4US at 14:00 on 30th April 2014.

If you are unable to attend or wish to rearrange please contact me via the details at the top of this letter. In addition if you require any further information please do not hesitate to contact me.

You may wish to show this letter to your legal representative.

Yours sincerely

Lee Wojarski
Public Protection Officer (Food Control)



Built Environment
Public Protection Division
Progress House
Blackpool, FY4 4US

Contact
T: (01253) 478 375
F: (01253) 478 393

www.blackpool.gov.uk

Lee Wojarski

LW03

From: Lee Wojarski
Sent: 08 May 2014 14:14
To: 'Trevor Colebourne'
Subject: RE: UNDERBAR Bank Hey Street Blackpool FY1 4RU

Hi Trevor

To clarify, the reference number of the sample is BL 1107. This is detailed on the slip of paper provided with the sample which was left with Ben McCarthy. The number 00539121 is the number of the tag used to seal the bag containing the bottle and paper slip handed to Ben.

Kind Regards

Lee

From: Trevor Colebourne [mailto:trevor@colebournes.co.uk]
Sent: 08 May 2014 13:41
To: Lee Wojarski
Subject: UNDERBAR Bank Hey Street Blackpool FY1 4RU

Hi Lee

I've been asked by Steven Lawrence to represent him in connection with your investigations under Food Safety Act 1990. I understand a provisional interview date had been set for 30th April but this has been delayed for Steven to seek legal advice. Before we re-arrange can I ask for your comments on the following :-

Steven has passed to me a copy of the document confirming the formal sample taken of Bacardi Rum. Of the 3 samples number 2 (00539121) is ticked "underbar" and indicates that sample was handed over to Ban McCarthy. When we check the sample it is not 00539121. The forensic refers to "BL 1107 Bacardi Rum." Can you please confirm the continuity evidence in respect of the sample analysed.

Kind regards

Trevor
TREVOR COLEBOURNE

Colebournes Solicitors & Advocates Ltd

Authorised & Regulated by The Solicitors Regulation
Authority number 562478

Mark Marshall

From: Steve [REDACTED]
Sent: 10 June 2014 13:40
To: Mark Marshall
Cc: Philip Welsh
Subject: Re: Freedom of information act 2000

Please make this request for disciplines 5 & 6 .

Kind Regards ,
Steve @ [REDACTED]

[REDACTED]

[REDACTED]

> On 10 Jun 2014, at 12:34, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:
>
> Officers work every day Mon to Fri but are not tasked to specific
> areas but will usually attend reactively to an area if there is a complaint.
>
> I can request movements of all officers for the month of May into the
> Bankhey Street area but this will take slightly longer and may not be
> fully complaint in time for the hearing as some may be on leave etc.
>
> Please confirm if you want me to make this request or is this answer
> sufficient.
>
>
> The Department known as Public Protection covers the following
> disciplines.
>
> 1. Food Control
> 2. Housing Enforcement
> 3. Planning Enforcement.
> 4. Health and safety
> 5. Licensing Enforcement
> 6. Trading Standards Enforcement
> 7. Trading Standards advice.
>
> Some of this service areas may not be relevant so I would be grateful
> if you could refine your request as in its current format it I may be
> running dangerously close to exceeding the prescribed limit (18 hours
>) to carry out the search
>
> Kind Regards
>
> Mark Marshall
> Licensing & Health & Safety Manager
> 01253-478493
>
> -----Original Message-----
> From: Steve [REDACTED]
> Sent: 10 June 2014 11:23
> To: Mark Marshall
> Cc: Philip Welsh
> Subject: Re: Freedom of information act 2000
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> Thanks for this . Think you have slightly miss read the original
> message . It's for every day in May not just the weekends .
>
> Kind Regards ,
> Steve @ [REDACTED]

[REDACTED]

>
> [REDACTED]
>
>
>
>
>>> On 10 Jun 2014, at 09:44, "Mark Marshall"
>> <mark.marshall@blackpool.gov.uk> wrote:
>>
>> Dear Steve
>>
>> I have checked and double checked my e mail, for the 31st May and no
>> message/ request has been received by you.
>>
>> For the purposes of this request the working day of the 10th June
>> will
>
>> be be when this message was received.
>>
>> I will get the information requested to you as soon as practicable,
>> for the purposes of FOI an Authority must comply with a request for
>> information no later than 20 working days from the rquest being made.
>>
>> Therefore a reply will be submitted to you no later than the 7th July
>> 2014.
>>
>> You will no doubt be hoping to use the information at the pending
>> hearing, listed for the 25th June 2014, therefore I will endeavour to
>> have it with you way in adavance of the 25th June 2014.
>>
>> Kind Regards
>>
>> Mark Marshall
>> Licensing & Health & Safety Manager
>>
>> 01253-478493
>>
>> -----Original Message-----
>> From: Steve [REDACTED]
>> Sent: 09 June 2014 15:47
>> To: Mark Marshall
>> Subject: Re: Freedom of information act 2000
>>
>> Hello is anybody there ???
>>
>> Kind Regards ,
>> Steve @ [REDACTED]
>> [REDACTED]
>> [REDACTED]
>>
>>
>>>> On 6 Jun 2014, at 08:34, Steve [REDACTED] wrote:
>>>>
>>>> Hi Mark ,
>>>> It's been a week now . Have you at least, had chance read the
>>>> Emails below ???
>>>>
>>>>
>>>>
>>>> Anything for me yet Mark as you have had this for 4 days now ?
>>>>
>>>> Kind Regards ,
>>>> Steve @ Underbar
>>>>
>>>> [REDACTED]
>>>> [REDACTED]
>>>> [REDACTED]
>>>>

>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]

>>>> On 31 May 2014, at 18:38, Steve <[REDACTED]> wrote:

>>>> Hi Mark ,
>>>> Hope you are well . Please can I make a formal request using the
>> freedom of information act 2000 for the following .

>>>> For the month of May 2014 please could you give me the number of
>>>> your
>> protection officers on duty in the Bank hey street area .

>>>> On each individual day between the hours of 11am & 6pm

>>>> Kind Regards ,
>>>> Steve @ [REDACTED]

>>>> [REDACTED]
>>>> [REDACTED]
>>>> [REDACTED]

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Council's e-mail and Internet policies.

Mark Marshall

From: Steve @ [REDACTED]
Sent: 02 May 2014 15:08
To: Mark Marshall
Subject: Re: Underbar

Hi Mark ,

Thanks for the reply , but that was not the specific question I asked .

I asked " please could you ask Mark if it is ok for me to put my internal speaker outside with a cover over it "

This way we will be able to have the volume lower but still attract potential customers .

Re Mr Cullen , ok

Kind Regards

Steve ([REDACTED])

[REDACTED]

[REDACTED]

On 2 May 2014, at 14:23, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:

Dear Steve

I have received the message below to make contact with you.

Re your queries;

I have not notified anyone from enterprise- The Regulations only require to notify the Licence Holder and all Responsible Authorities, this has been done.

The relocation of a speaker- I would not advise on this issue as the music emanating from the premises is the source of many of the concerns, the preferred position would be that no audio equipment being used at the premises can be heard from the street.

Kind Regards

Mark Marshall
Licensing & Health & Safety Manager
01253-478493

From: Steve Charnock
Sent: 02 May 2014 13:14
To: Mark Marshall
Subject: RE: Underbar

Whoops, his email address - [REDACTED]

From: Mark Marshall
Sent: 02 May 2014 13:04
To: Steve Charnock
Subject: RE: Underbar

Thanks

From: Steve Charnock
Sent: 02 May 2014 13:02
To: Mark Marshall
Subject: Underbar

A notice was in place when visited at 11.20 in the door reveal. Lawrence is putting up another notice so they can be seen by north and south foot traffic. He also wanted to speak to you about re-locating the speaker at the front reception area. He also asked if Mark Cullen at Enterprise had been informed about the review.

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Mark Marshall

From: Steve Charnock
Sent: 02 June 2014 11:57
To: Mark Marshall
Subject: RE: Underbar

Yes, quoted chapter and verse and directed him to the government website.

From: Mark Marshall
Sent: 02 June 2014 10:39
To: Steve Charnock
Subject: FW: Underbar

this was it ? did you reply

From: steve@
Sent: 27 May 2014 09:21
To: Mark Marshall
Subject: Re: Underbar

Please could you have the decency to reply to the specific question below .
Kind Regards

steve

Hi Mark ,

Thanks for the reply , but that was not the specific question I asked .

I asked " please could you ask Mark if it is ok for me to put my internal speaker outside with a cover over it "
This way we will be able to have the volume lower but still attract potential customers .

Re Mr Cullen , ok

Kind Regards

Steve

[Redacted]

[Redacted]

[Redacted]

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Re your queries;

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Kind Regards

Mark Marshall
Licensing & Health & Safety Manager
01253-478493

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Subject: RE: Underbar
Whoops, his email address – [REDACTED]

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Sent: 02 May 2014 13:04
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Subject: RE: Underbar
Thanks

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Mark Marshall

From: Steve Charnock
Sent: 02 June 2014 12:45
To: Mark Marshall
Subject: FW: Outside speakers.

From: Steve Charnock
Sent: 27 May 2014 15:24
To: 'steve'; [REDACTED]
Subject: Outside speakers.

Dear Mr Cullen,

In response to your email enquiry regarding speakers, the Control of Pollution Act 1974 Part 3 section 62 (Noise in Streets) states:-

62 Noise in streets.E+W

(1)Subject to the provisions of this section, a loudspeaker in a street shall not be operated—

(a)between the hours of nine in the evening and eight in the following morning, for any purpose;

(b)At any other time, for the purpose of advertising any entertainment, trade or business;

and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

Should you require any further information or assistance please do not hesitate to contact me. You may also wish to take a more detailed look at this legislation, the web site is – legislation.gov.uk

Yours Sincerely

Steve Charnock
Public Protection Officer
(Licensing Enforcement)
Telephone: 01253 478378.

Mark Marshall

From: Jess Hall
Sent: 11 June 2014 11:33
To: Ian Taylor; Steve Charnock; Dave Verity; Steven Ash; Shaun McKinney; Paul Crook; Karl Bischoff; Lois Peers
Cc: Glen Phoenix; Mark Marshall
Subject: FW: Freedom of information act 2000
Importance: High

Hi All,

Below is an FOI request that Mark has asked me to send to you for a response.

Please can you provide me with information regarding any jobs you have carried out between 01/05/2014 - 31/05/2014 in the Bank Hey Street Area.

If you send the information to me, I will collate either today or on Monday next week.

Thanks very much,

Jess

-----Original Message-----

From: Mark Marshall
Sent: 11 June 2014 11:12
To: Jess Hall
Subject: FW: Freedom of information act 2000

-----Original Message-----

From: Steve [REDACTED]
Sent: 10 June 2014 13:40
To: Mark Marshall
Cc: Philip Welsh
Subject: Re: Freedom of information act 2000

Please make this request for disciplines 5 & 6 .

Kind Regards ,
Steve [REDACTED]

- [REDACTED]
- [REDACTED]
- > On 10 Jun 2014, at 12:34, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:
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 - > 2. Housing Enforcement

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> Some of this service areas may not be relevant so I would be grateful
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> Kind Regards

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> Licensing & Health & Safety Manager
> 01253-478493

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>> will

>> be be when this message was received.

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>> for the purposes of FOI an Authority must comply with a request for
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>> Therefore a reply will be submitted to you no later than the 7th July
>> 2014.

>> You will no doubt be hoping to use the information at the pending
>> hearing, listed for the 25th June 2014, therefore I will endeavour to
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>> Kind Regards

>> Mark Marshall
>> Licensing & Health & Safety Manager
>> 01253-478493

>> -----Original Message-----

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>> To: Mark Marshall

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>> protection officers on duty in the Bank hey street area .
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>>>> Kind Regards ,
>>>> Steve [REDACTED]
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>>>> [REDACTED]
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>>>> [REDACTED]
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Date: 22nd August 2013

Underbar Blackpool Ltd
Underbar, Bankley Street
Blackpool
FY1 4RU

Our Ref: MM/CLF
Direct Line: (01253) 478483
Email: mark.marshall@blackpool.gov.uk

Dear Sir

Re: Licensing and Health and Safety Visit – 16th August 2013

Further to our visit at 20.40 hours on the 16th August 2013, I write to follow up some concerns that were raised with Ben Mcarthy on the night.

Licensing wise, the premises was being run satisfactorily, albeit only a handful of customers were in the venue at the time and detailed examination of the conditions was not carried out.

However, with regards to the general organisation and management of the premises it was found to be in a poor state. Some of the issues would directly compromise Public Safety and some may fall within the scope of the Health and Safety at Work Act and other management regulations.

The purpose of this letter is simply to notify you of the need for improvement.

The issues fall into 2 categories:

1. Electrical Safety
2. General maintenance/repair/organisation and cleanliness.

1. Electrical Safety

Firstly the Portable Appliance Tasking was unsatisfactory with many items particularly in the kitchen being at risk of over heating as the sockets they were connected to were over loaded or inadequate.

The date of the last test was February 2012 meaning many of the appliances are well overdue for re-test.

Ventilation particularly in the toilets was inadequate with air ducts being clogged up with dirt.

Public Protection Division
Licensing Enforcement
Progress House
Clifton Road
Blackpool FY4 4US

Contact
T: (01253) 478375

www.blackpool.gov.uk

2. General Maintenance

The condition of the premises was scruffy and dirty throughout. The public toilets were unmaintained and dirty and because of the type of cleaning fluid used on the floor (Bleach) this created a slipping hazard in both the gents and female toilets.

The staff toilet was simply disgusting with complete overhaul urgently required.

Cleaning equipment such as brushes and mops next to the bar in the public area looks poor, not to mention that these items could easily be used as weapons should incidents of disorder break out nearby.

Rear of House was poorly organised and again required a deep clean in certain areas. Many items stored in the kitchen and cellar area were combustibles and should be minimised if not essential to the business.

I have attached a series of photographs cataloguing the concerns that were found on the evening

I do not intend to go through in detail each issue as the photographs I believe spell out the concerns.

If however, you need to clarify any of the matters discussed, do not hesitate to contact me.

Yours faithfully

Mark Marshall
**Licensing/Health and Safety
Enforcement Manager**

Date: 21st November 2013

Underbar Blackpool Ltd
Bank Hey Street
Blackpool
FY1 4RU

Our Ref: MM/CLF
Direct Line: (01253) 478483
Email: mark.marshall@blackpool.gov.uk

Dear Sir

Re: Noise Nuisance for Underbar

I write further to my attendance at your premises on Saturday 16th November 2013 where I had cause to speak with Ben Mcarthy who said he was the managing the premises in your absence.

The reason for my attendance was due to loud music blaring out from the entrance area, the issue had caused the police some concern as they had clearly noted the impact it was having on the retail environment and businesses close by,

Sgt Hurt did attempt to enter into dialogue with the management over the noise levels but in his view his requests were met with some resistance. I was asked to attend to assist.

I arrived at approximately 12.40hrs on the 16th November 2013 I stood on the front step of the Underbar and could not hold a conversation with the colleague directly next to me, from experience I would estimate the noise emanating from the premises was in excess of 90db but levels aside the level was so loud that it would likely be a public nuisance if left unchallenged.

Ben rectified the situation on request, but I indicated that I would write to give an overview of the concerns the music levels are causing.

Retail businesses in the vicinity are now openly criticising the Underbar in relation to the appearance of promotional staff on the front door and of noise levels.

The police are raising concerns about the same issues and this year I have had a couple of complaints submitted by email from the public. In response to the public complaints I have spent some time on Bank Hey Street but was not duly concerned with what I saw, however this was earlier this year in May or June and my visit on Saturday 16th November was not so satisfactory.

Public Protection Division
Licensing Enforcement
Progress House
Clifton Road
Blackpool FY4 4US

Contact
T: (01253) 478375
www.blackpool.gov.uk

You are well aware of the sensitivity of your location, especially during the day with shoppers and visitors, and a re-occurrence of the circumstances on Saturday could lead Authorities to take further action.

You need to be mindful of Para 2.19 of the Sec 182 Guidance which states;

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust odour and insects or where its effect is prejudicial to health.

In addition to the powers open to responsible Authorities to review the Premises Licence, the police also have meaningful powers under Section 161 of the Licensing Act 2003 which states;

1. A senior police officer may make a closure order in relation to any relevant premises if he reasonably believes that-
 - a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety, or
 - b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent the nuisance.

Saturday's example saw a police officer (Sgt 1102 Hurt) request for the music in the entrance to be turned down, the request was largely ignored, on this occasion he called upon me to assist but a re-occurrence may initiate other forms of action. Finally I need to point out why I am writing to you, in short both the local authority and the police have concerns about the level of noise coming from the premises during the day (up to 6.00pm) and the conduct of the promotional staff on the front door.

Steps you should take to rectify these concerns are

1. Ensure levels of noise from the premises are eradicated up to 6.00pm.
2. Ensure the conduct of promotional teams is in line with Section 29 of the County of Lancashire Act 184, Schedule 3 of the EPA 1986 and in general do not intimidate or cause a nuisance to members of the public in the vicinity.

Yours faithfully

Mark Marshall
Licensing/Health and Safety
Enforcement Manager

UNITED PUB PROPERTIES LTD
3 MONKSPATH HALL ROAD
SHIRLEY
WEST MIDLANDS SOLIHULL
B90 4SJ

Our Ref: 13/8210

Your Ref:

Enquiries To:

Direct Line:

E-Mail:

27 June 2013

Dear Sir/Madam

Poor Condition of Property

UNDER BAR, BANK HEY STREET, BLACKPOOL, FY1 4TE

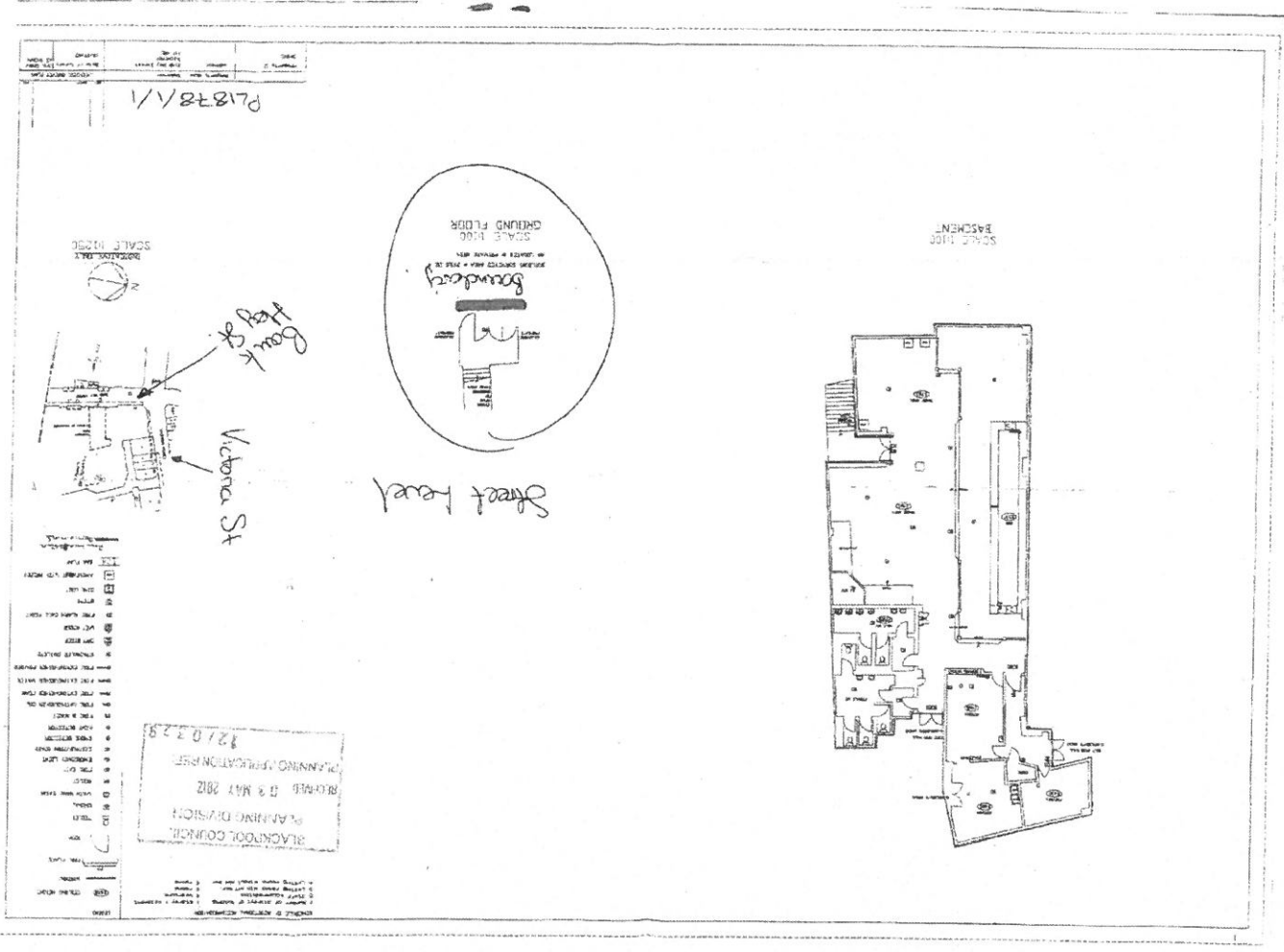
I am writing to advise you that the Council is aiming to achieve a good standard of domestic and commercial properties within the Borough and a recent inspection has been made of the town centre, in general, by the Local Neighbourhood Team who have raised concerns about the poor condition and general appearance of the above property.

I am concerned that the property appears to have been neglected for some time and as I am sure you are aware, it now requires some cosmetic maintenance work. In particular the front entrance has 3 damaged window panes in the entrance doors and a rusty cigarette bin. I must advise you that the does have a discretionary power under Section 215 of the Town and Country Planning Act 1990, which allows for the service of a formal notice that would require the necessary works to be completed. If the work is not undertaken the Council can enter the land and carry out the repairs. The cost of which is then placed as a charge against the property.

Although I am anxious to resolve the problems with this vacant unit I understand that there may be circumstances which may not permit you to undertake all the necessary works. I would be happy to meet with you, or your representative to discuss an appropriate solution or a time frame for the works to progress and avoid the need for more formal action. I would therefore ask that you contact me on the above direct line number to arrange a mutually convenient time to meet at the premises and discuss these issues.

I must stress that if I do not hear from you within 14 days from the date of this letter more formal planning enforcement action will be considered. I look forward to hearing from you and hope that we can resolve this matter in the near future.





P1878/1

SCALE 1:250

SCALE 1:100

SCALE 1:100

Street Level

STANBOL COUNCIL
PLANNING DIVISION
RECEIVED 13 MAY 2012
PLANNING APPLICATION PERMIT
1210329

Blackpool Council

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENTS

PART 1 : PARTICULARS OF DEVELOPMENT

PROPOSAL: Display intermittent LED illuminated fascia sign.

LOCATION: UNDERBAR, 40 BANK HEY STREET, BLACKPOOL, FY1 4RY

DATE OF APPLICATION: 15/05/12

APPLICATION NUMBER: 12/0329

PART 2 : PARTICULARS OF DECISION

Blackpool Borough Council as Local Planning Authority gives notice that CONSENT HAS BEEN REFUSED for the display of the advertisements referred to in Part 1 for the following reasons :

- 1 The proposed advertisement would form an incongruous feature and be significantly detrimental to the visual amenities and character of the area and detrimental to the setting of the Grade I Listed Blackpool Tower Building opposite by virtue of its visibility, design, method and level of illumination. It would therefore be contrary to Policy LQ13 of the Blackpool Local Plan 2001-2016.

THE PLANS TO WHICH THIS DECISION RELATES

This decision relates to the following plans:

Location Plan stamped as received by the Council on 3rd May 2012.

Signage plans stamped as received by the Council on 3rd and 15th May 2012.

DATE OF DECISION : 16/08/2012

Signed:

G. Johnston

for HEAD OF DEVELOPMENT MANAGEMENT

PLANNING DIVISION
P.O. BOX 17, CORPORATION STREET, BLACKPOOL, FY1 1LZ
TEL: (01253) 476206 FAX: (01253) 476201
Email: planning@blackpool.gov.uk

Blackpool Council

Date: 3rd April 2014

Mr Lawrence
Underbar Blackpool Ltd
Underbar
Bank Hey Street
Blackpool
FY1 4RU

Our Ref: MM/CW
Direct Line: (01253) 478493
Email: mark.marshall@blackpool.gov.uk

Dear Mr Lawrence

Re: Action Plan Meeting – 29th March 2014

Further to our meeting on Friday 29th March, which was held at Progress House with myself and Sgt Caroline Hannan. I write to confirm the agreements we entered into during the discussion.

The background was outlined by me in relation to the plan to create a safer, quieter retail space around Bank Hey Street and to that end your premises had been highlighted through officer's observations and reports from businesses in the vicinity.

Specific Issues:

1. Noise from the front of the premises.

An area of concern was raised about the volume levels coming from the vestibule area of the premises. An example was given where I visited the premises on the 16th November 2013 and the noise levels were intolerably high, this matter was followed up in writing on the 21st November 2013.

Action

To ensure that noise levels coming from the premises are minimal, do not draw unnecessary attention to the building and does not have an adverse effect on the environment or people visiting and working in the locality.

Agreed

We did take a view that some music levels may be necessary to assist with marketing but you were reminded about the sensitivity of the locality up till 6pm. I used the metaphor that up till 6pm your collar and tie needed to be buttoned up but after 6pm there is an understanding that you could loosen things off. This is not a green light to cause a public nuisance after 6pm but you need to recognise the importance of the time frame 12pm-6pm and the need for strict controls of noise between these times.



2. Communication with neighbouring businesses.

Some businesses in the vicinity will be more affected than others, the proximity of Boots puts them at the top of the list.

Action

To communicate with the management at Boots on a weekly basis to ensure that they have an opportunity to raise any concerns with you. These communications should be documented and any actions of concern noted and acted upon.

3. Licensing Conditions

It has been noted that incident reports and drug searches are some what lean. A police visit on the 22nd March flagged up concerns with drug search records going missing and incident reports being taken off site by security operations, this has happened on a number of occasions.

Actions

All records are to be kept comprehensively and available for inspection. Paginated books or diary's should be used rather than scrappy pieces of paper.

This concludes the actions which are not onerous, a number of warning letters exist for all the issues described above so there is without doubt a need for improvement, I have enclosed copies of all previous warning letters and file notes which are beginning to build a poor picture of the management of the premises.

Further Agreements

Planning Consent and General Condition of the front of the Premises.

As highlighted below, the front doors are in a very poor state. On the 27th June 2013 you were sent a letter by the Planning Authority (a copy of which is enclosed).



You relayed an unfortunate story of your plans for improvement being rejected on what you believe to be tenuous grounds. I have found the decision notice dated 16th August 2012 which confirms that the application for an LED Advertisement was refused. There is nothing to prevent you from re-applying, especially if the position has been changed, ie other premises have been granted permission for similar signs. I have made enquiries with Planning regarding the waiving of the fee which is currently £110.00, so far my request has fallen on deaf ears I am afraid so should you wish to go down this road again a resubmission of the forms with the appropriate fee will be necessary.

Agreement

You agreed to fix the glass on the doors regardless of the Planning position.

Promotions

Promotions are permitted either on the premises or on the highway immediately affronting the premises, the controlling legislation is the County of Lancashire Act 1984. If you wish to hand out promotional material such as flyers or wristbands you require a permit for this, however, verbal promotions are permitted. You asked me to clarify where exactly the Highway fronting your land was. I have inserted a photograph but in my view it would be no further then the bench shown below. Finally, the pile of block paves outside your building. This is a disgraceful situation, one I'm embarrassed to discover is down to a Council Department, Illuminations are apparently responsible, photos and an e-mail were sent yesterday to get this situation rectified immediately.



Yours sincerely

Mark Marshall
Licensing/Health and Safety
Enforcement Manager

Document 5**Mark Marshall**

From: [REDACTED]**Sent:** 15 April 2014 16:13**To:** Mark Marshall**Cc:** [REDACTED]**Subject:** RE: Underbar

Good Afternoon Mark

I have finished putting Friday 4-4-14, Saturday 5-04-2014, Friday 11-04-2014 and Saturday 12-04-2014 on disc on the Fridays the times are from 1400 till 200 and on the Saturday 1100 till 2000.

Hope this help I will leave the disks in staff entrance for you

Many Thanks

[REDACTED]

[REDACTED]

■

From: Mark Marshall [mailto:mark.marshall@blackpool.gov.uk]**Sent:** 14 April 2014 13:09**To:** [REDACTED]**Subject:** RE: Underbar

Yes these are better, could do with confirming the time and date of each picture and the jpeg number

From: [REDACTED]**Sent:** 14 April 2014 11:08**To:** Mark Marshall; [REDACTED]**Subject:** FW: Underbar

Good Morning Mark

I have tried sending more pictures but only lets me send so many, so I have more if need

Many Thanks

[REDACTED]

From: [REDACTED]**Sent:** 14 April 2014 10:45**To:** 'mark.marshall@blackpool.gov.uk'; [REDACTED]**Subject:** FW: Underbar**From:** [REDACTED]**Sent:** 14 April 2014 10:16

To: 'mark.marshall@blackpool.gov.uk'; [REDACTED]
Subject: FW: Underbar

Good Morning Mark

Here are some more pictures of the promo team from under bar, hope these are better for you.

If you need anything please don't hesitate to ask

Many Thanks

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 14 April 2014 10:04
To: [REDACTED]
Subject:

Sem from Samsung Mobile

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<http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been scanned for
inappropriate or malicious content as part of the Council's e-mail and Internet policies.

Mark Marshall

From: [REDACTED]
Sent: 14 April 2014 15:01
To: [REDACTED] Mark Marshall
Cc: [REDACTED]
Subject: RE: Underbar
Attachments: ATT1841852.txt

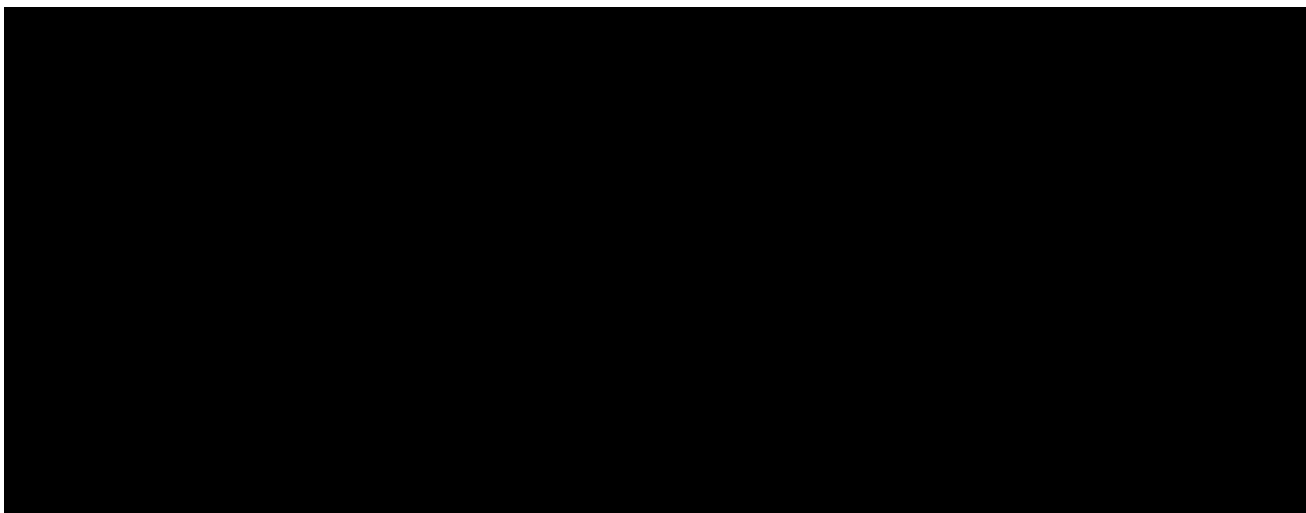
Hi Mark

Hope you well

We should be able to provide you with CCTV from Bank Hey Street as well if you want it.

I've asked [REDACTED] to check it as it covers most of the street outside the Tower Lounge

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: [REDACTED]
Sent: 14 April 2014 14:09
To: Mark Marshall
Cc: [REDACTED]
Subject: RE: Underbar

Hi Mark

To: 'mark.marshall@blackpool.gov.uk'; [REDACTED]
Subject: FW: Underbar

Good Morning Mark

Here are some more pictures of the promo team from under bar, hope these are better for you.

If you need anything please don't hesitate to ask

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 14 April 2014 10:04
To: [REDACTED]
Subject:

Sent from Samsung Mobile

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Mark Marshall

From: [REDACTED]
Sent: 14 April 2014 14:09
To: Mark Marshall
Cc: [REDACTED]
Subject: RE: Underbar

Hi Mark

Here are the details of the Photos they are all from this weekend 11-04-2014

Number 183320 time 18.33

Number 182423 time 18.24

Number 182420 time 18.24

Number 173458 time 17.34

Number 173737 time 17.37

Hope this helps if you need anything let me know and I will do anything I can

Many Thanks

[REDACTED]

[REDACTED]

[REDACTED]

From: Mark Marshall [mailto:mark.marshall@blackpool.gov.uk]
Sent: 14 April 2014 13:09
To: [REDACTED]
Subject: RE: Underbar

Yes these are better, could do with confirming the time and date of each picture and the j peg number

From: [REDACTED]
Sent: 14 April 2014 11:08
To: Mark Marshall; [REDACTED]
Subject: FW: Underbar

Good Morning Mark

I have tried sending more pictures but only lets me send so many, so I have more if need

Many Thanks

[REDACTED]

From: [REDACTED]
Sent: 14 April 2014 10:45
To: 'mark.marshall@blackpool.gov.uk'; [REDACTED]
Subject: FW: Underbar

From: [REDACTED]
Sent: 14 April 2014 10:16
To: 'mark.marshall@blackpool.gov.uk';
Subject: FW: Underbar

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Many Thanks

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 14 April 2014 10:04
To: [REDACTED]
Subject:

Sent from Samsung Mobile

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<http://www.blackpool.gov.uk/EmailDisclaimer/>This message has been scanned for
inappropriate or malicious content as part of the Council's e-mail and Internet policies.

Mark Marshall

From: [REDACTED]
Sent: 14 April 2014 11:08
To: Mark Marshall; [REDACTED]
Subject: FW: Underbar
Attachments: 20140411_183320.jpg; 20140411_182423.jpg; 20140411_182420.jpg; 20140411_173458Jpg; 20140411_173737Jpg

Good Morning Mark

I have tried sending more pictures but only lets me send so many, so I have more if need

Many Thanks

[REDACTED]

From: [REDACTED]
Sent: 14 April 2014 10:45
To: 'mark.marshall@blackpool.gov.uk'; [REDACTED]
Subject: FW: Underbar

From: [REDACTED]
Sent: 14 April 2014 10:16
To: 'mark.marshall@blackpool.gov.uk'; [REDACTED]
Subject: FW: Underbar

Good Morning Mark

Here are some more pictures of the promo team from under bar, hope these are better for you.

If you need anything please don't hesitate to ask

Many Thanks

[REDACTED]

[REDACTED]

[REDACTED]

■

From: [REDACTED]
Sent: 14 April 2014 10:04
To: [REDACTED]
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Sent from Samsung Mobile

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Document 6

Certificate of Analysis

To: L. Wojarski
Public Protection Division
Blackpool Council
Progress House
Clifton Road
Blackpool
FY4 4US

I, the undersigned Public Analyst for Lancashire County Council certify that 17.00 on 25th March 2014 the sample marked as follows:

Date sample taken: 21.03.2014
Reference number, description etc: BL 1107, Bacardi rum
Weight or measure: 50 ml

was received by me from the person named above.

I certify that the sample was analysed by me or under my direction and the results are as follows:

Alcohol	37.2 per cent v/v
Glucose	<1 mg/l
Fructose	<1 mg/l
Sucrose	10 mg/l

My opinion and observations are:

Genuine Bacardi rum has the following typical composition:-

Alcohol	37.5 per cent v/v
Glucose	90 – 150 mg/L
Fructose	80 – 130 mg/L
Sucrose	50 – 180 mg/L

I am of the opinion that the sample was not genuine Bacardi rum.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of April 2014 at Preston.

Signature: *ACS* Status: Public Analyst

Name: ANDREW CHRISTOPHER SMITH

Official Address: Lancashire County Council County Laboratory, Pedders Way, Riversway Docklands, Ashton, Preston PR2 2TX.
Tel: 01772 721660.
e.mail: andrewc.smith@lancashire.gov.uk

01253477429

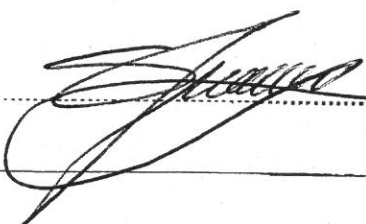
CAUTION

OFFENDER'S SURNAME: Lawrence
 FORNAME(S): Steven James
 ADDRESS: 3 Garstang Terrace, Tockholes, Darwen, BB3 0NZ
 DATE OF BIRTH: 07 August 1966
 NI NO:

Date of Offence: On 29 March 2008

Nature of Offence. At Underbar, Bank Hey Street, Blackpool, Underbar Blackpool Ltd did display with food exposed by them for sale, a label which falsely described the food as being "Smirnoff Vodka", contrary to s.15(1)(a) of the Food Safety Act 1990 AND the accused was then a director of the said Underbar Blackpool Ltd and the offence was attributable to neglect on the part of the accused who is thereby guilty of the said offence by virtue of s.36 of the Food Safety Act 1990.

Declaration: I hereby declare that I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law.

Signed:  Date: 5.6.09

Signed: Date:

BLACKPOOL BOROUGH COUNCIL

Return form to: Mr L Petrak, Legal and Democratic Services,
 PO Box 11, Town Hall, Blackpool
 FY1 1NB – Ref LP/080663

01253477429

Document 7.


CAUTION

OFFENDER'S COMPANY NAME: Underbar Blackpool Ltd
 COMPANY NO: 05599082
 REGISTERED OFFICE: Underbar, Bank Hey Street, Blackpool, FY1 4RU

Date of Offence: On 29 March 2008

Nature of Offence. At Underbar, Bank Hey Street, Blackpool, did display with food exposed by them for sale, a label which falsely described the food as being "Smirnoff Vodka", contrary to s.15(1)(a) of the Food Safety Act 1990.

Declaration: I hereby declare that I admit the offence described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law.

Signed:  Date: 5.6.09.
 A Company Director

Signed: _____ Date: _____
 BLACKPOOL BOROUGH COUNCIL

Return form to: Mr L Petrak, Legal and Democratic Services,
 PO Box 11, Town Hall, Blackpool
 FY1 1NB – Ref LP/080663

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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	Health and Safety Enforcement			
Name of Officer <i>(please print)</i>	Gareth Shaw			
Contact telephone number	478315			
Date representation made	11	05	14	
Do you consider mediation appropriate			YES	NO

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

Licensing Authority

Premises Details

Premises Name	Underbar
Address	Bank Hey Street
	Blackpool
Post Code	FY1 4RU

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

This Authority would like to bring to the attention of the committee the following;

The Health and Safety Enforcement section submitted support for a review by Weights and Measures in 2010 and this support document is attached as **Document 1**

16th August 2013 The Premises was visited by Mark Marshall and Myself a number of issues were raised mainly with the lack of cleanliness, lack of Organisation, electrical problems and the excessive storage of combustible materials.

The concerns were followed up in writing and Health and Safety have been consulted and will be providing photographic evidence is included below;



1) Ice machine required cleaning and cluttered cleaning storage in public area



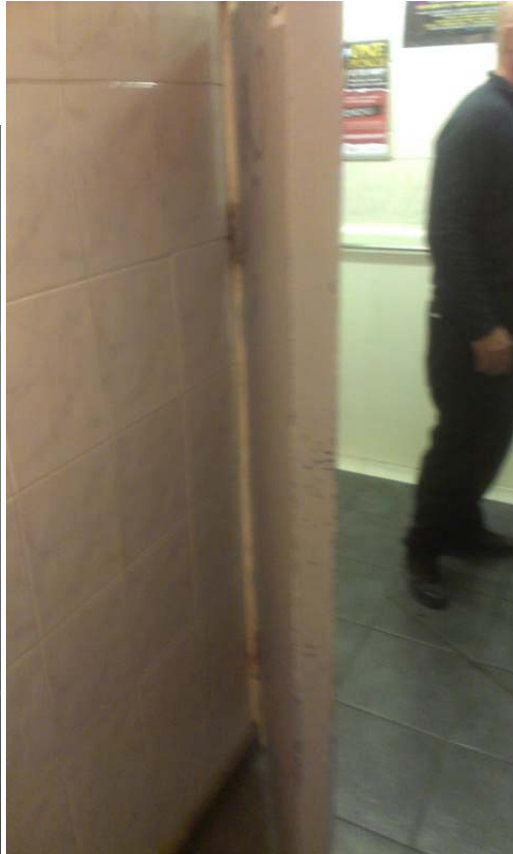
2) Damaged water pipework in toilet area.



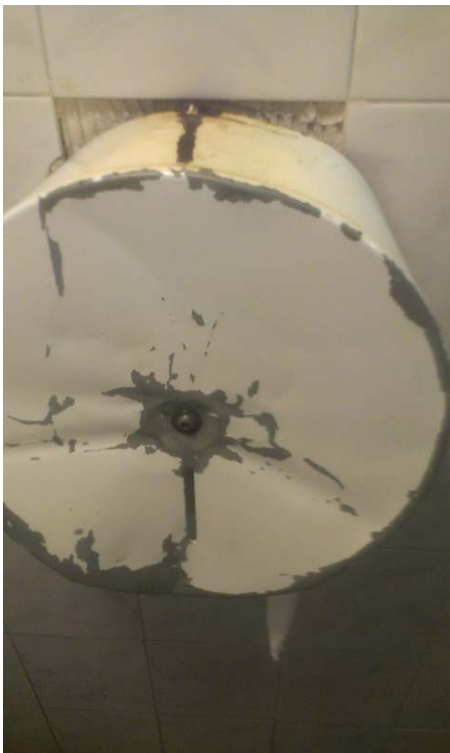
3) Poorly maintained toilet facilities-waste on floor.



4) Poorly maintained toilet facilities-unrepaired damage.



5) Poorly maintained toilet facilities- no locks or handles on doors.



6) Poorly maintained toilet facilities-unrepaired damage and dirty ventilation.



7) Damaged electrical furniture comprising IPX ratings.



8) Unclear PAT testing system



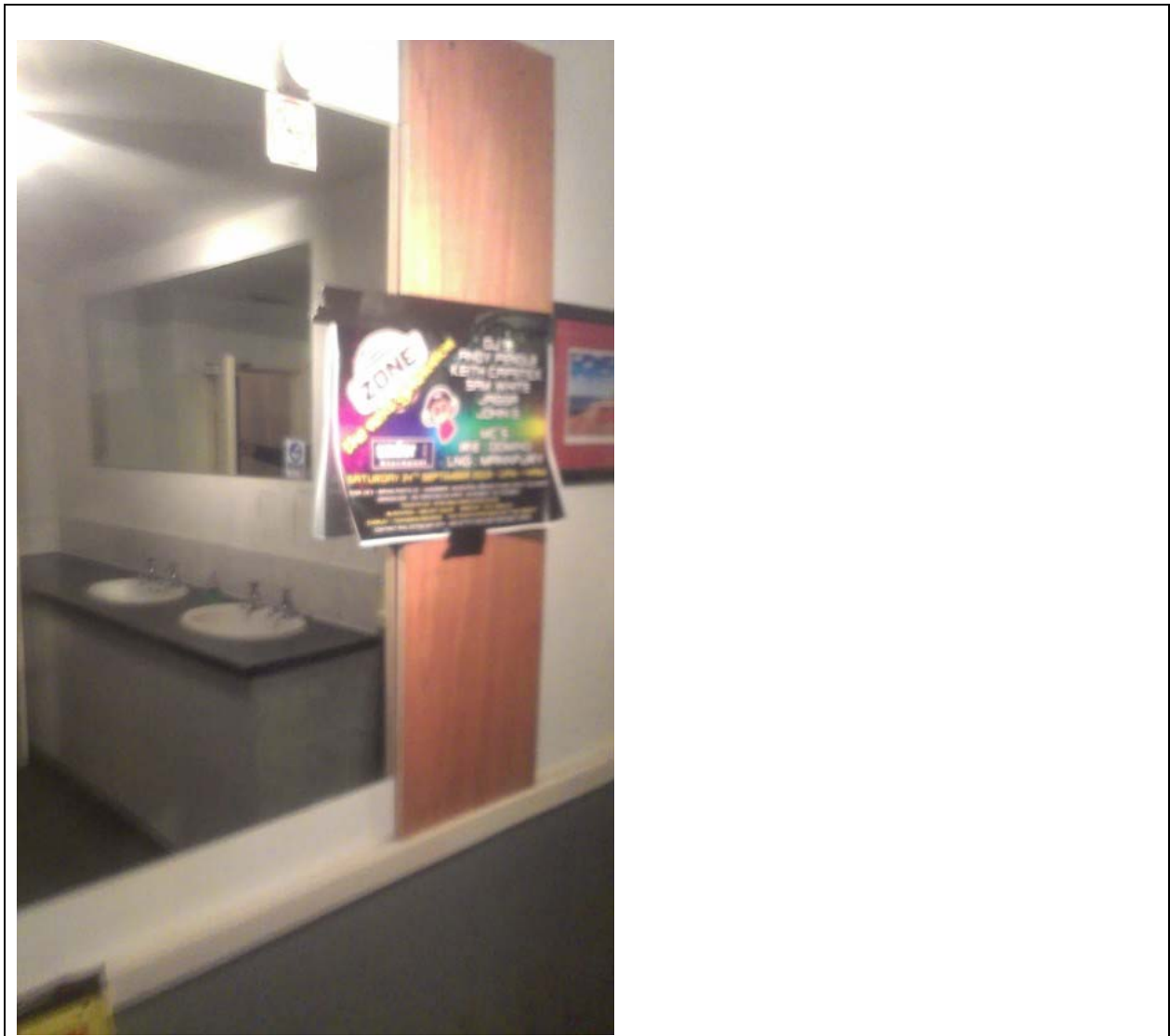
9) Redundant equipment and waste accumulating.



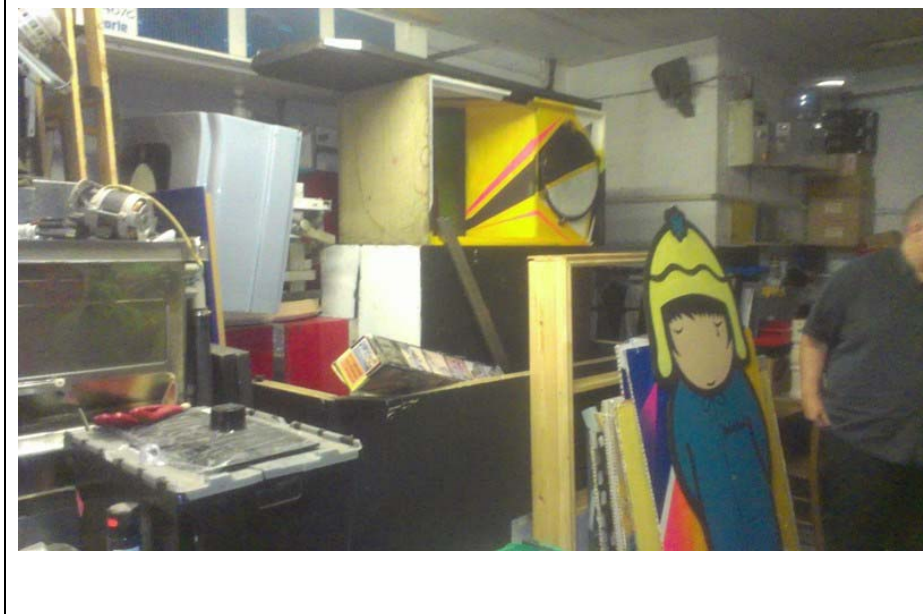
10) Water pipes loose from fixings and untreated wooden surface in toilet areas



11) Poorly maintained wash facilities.



12) Broken mirror covered with untreated wood in toilet area.



13) Clutter storage in cellar area.



14) Uncovered water storage tanks.



15) Lift machinery door left unlocked and poor cleanliness of steps.



16) Very poorly maintained toilet facilities.



17) Very poorly maintained toilet facilities.



18) Gas pipe requiring further investigation/inclusion in certification.



19) Poor cleanliness of walls and poorly maintained ashtray at the entrance.

21st of March 2014

Date: 27th March 2014

Underbar Blackpool Ltd
Bank Hey Street
Blackpool
FY1 4RU

Our Ref: JH/CW
Direct Line: (01253) 478349
Email: jacqui.harrison@blackpool.gov.uk

Dear Sir or Madam

Re: Health and Safety at Work etc Act 1974
Underbar, Bank Hey Street

Further to my visit on 21st March 2014 please find enclosed a leaflet on RIDDOR. At the time of inspection Ben McCarthy was not confident in the requirements of the legislations and looking through the historic accident reports there are some which may have been reportable at the time.

The health and safety law poster on display is the 1999 version. This has now been replaced by the 2009 version. The five year transition to the new version ends on 5th April 2014. Please update the poster on display accordingly.

It was noted there are several health and safety management systems in use at the time of inspection. A recommendation would be to use just one system making it easier to follow and update when required.

Yours faithfully

Jacqui Harrison
Public Protection Officer
(Health and Safety Enforcement)

Public Protection Division
Health and Safety Enforcement
Progress House
Clifton Road
Blackpool FY4 4US

Contact
T: (01253) 478315
www.blackpool.gov.uk

3rd of May 2014



1) Poor cleanliness of walls



2) Cracked socket.



3) Poor cleanliness of cooler ventilation.



4) Sawn cue next stored behind the bar.



5) Drug associated bag in toilet.



6) Damaged tiles left unrepaired.



7) Locks missing from toilet doors.



8) Unrepaired damage.



9) Build up of dirt on ventilations.



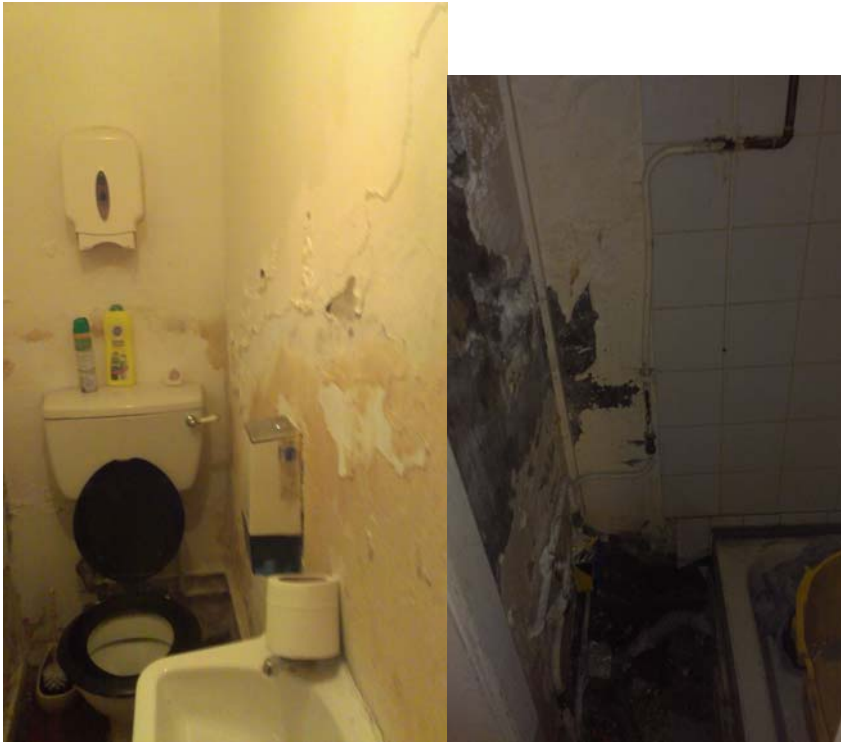
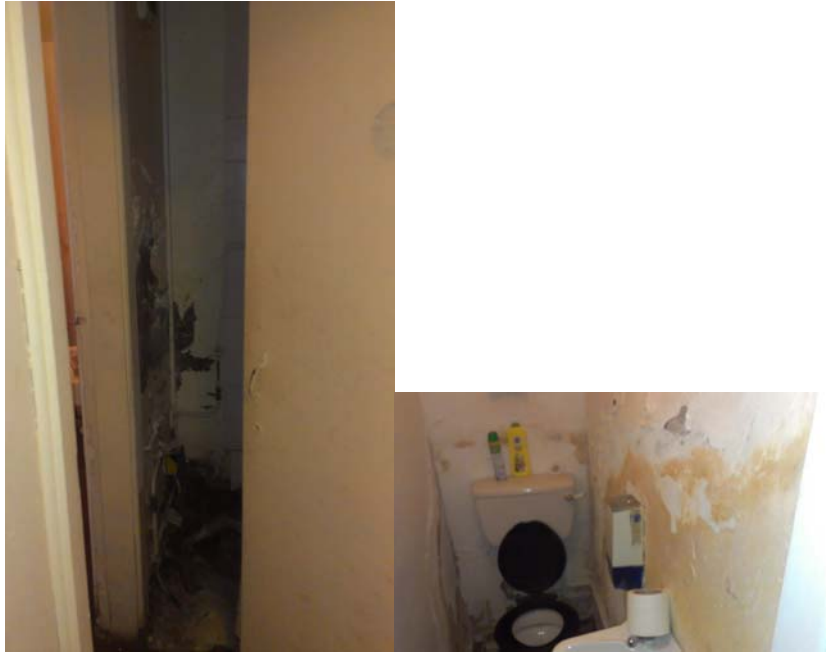
10) Fire separation door wedged open



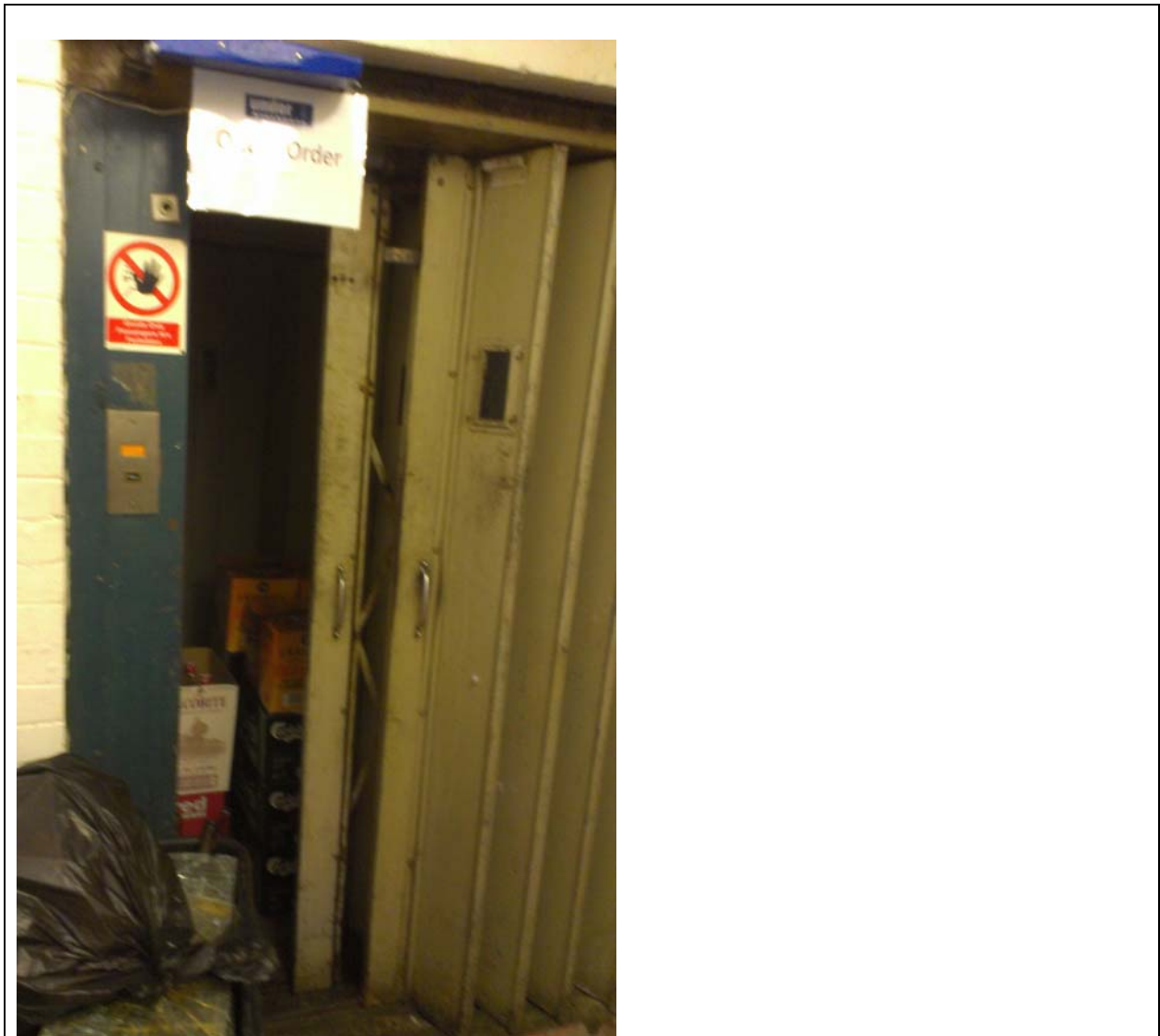
11) Temporay repair with tape not IPX rated.



12) Wet floor signs in permanent use.



13) Poorly maintained toilet facilities.



14) Lift equipment that is not tested or inspected used for storing stock.

In addition to this Mr Lawrence appeared during this inspection and became very aggitated demanding that we all wait outside of the premise and I noted that a toilet atendant present at the time left the premises in a hurry.

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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 Police			
Name of Officer <i>(please print)</i>	PS Caroline Hannon			
Contact telephone number	01253 604153			
Date representation made	22	05	14	
Do you consider mediation appropriate				NO

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

Licensing Department, Blackpool Borough Council.

Premises Details

Premises Name	Underbar
Address	Bank Hey St
	Blackpool
Post Code	FY1 4RU

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

This supporting representation is brought on behalf of the Chief Constable of Lancashire Constabulary. The issues include suspected breaches of the Licensing Act 2003 and operational practices that would appear to undermine the Prevention of Crime and Disorder and Public Safety.

The Underbar is causing great concern for the Police with lack of prevention for drugs, lack of recording for incidents and drug searches and control over the premises and allowing drunkenness.

The issues of concern are as follows

03/05/14 File note from PC 3127 Reynolds.

A multi-agency visit was conducted, the premises had only been open a short time and an empty snap bag was found in the male cubicle which is believed to have contained drugs. A sawn off snooker cue was found behind the bar which the DPS stated was to turn on electrical equipment.

18.20 Sunday 20th April 2014 Statement of PC 3459 Michael McVeigh

PC 3459 McVeigh that's he had to request the door staff to remove a heavily intoxicated female from the premises who was incapable of standing.

Crime - AX1407915 / Log - LC-20140329-1775

A verbal argument has taken place between two groups, the offender then head butts the aggrieved causing no injury.

File note from PC 3842 Evans visit 22/03/14.

The premises did not have their drug searches and incident book. A lack of drug searches causes concern for the Police as there has been a previous issue with the premises in August 2012 where incident books had been lost. (File note and warning letter attached regarding lost incident books)

Crime - AX1407220 / Log - LC-20140216-0104

A male aggrieved was subjected to an unprovoked assault in the toilets and whilst washing the blood from his face he was assaulted again.

File note and warning letter 08/02/14 from PC 3842 Evans

Whilst viewing CCTV it was noted that it wasn't working correctly and no stored data.

Saturday 1ST February 2014 Log LC-20140201-1309 / Email from PC 905 Showell / File note from PC 3842 Evans.

A large problematic group had been removed from licensed premises due to them fighting and exposing themselves. Underbar let the group into their venue as the door staff were down in the bar area and not monitoring the point of entry, the door staff were not monitoring the link radio when other venues transmitted the disorderly behaviour and requested that entry should not be allowed.

Crime - AX1406918 / Log - LC-20140101-0542


Offender has been ejected from the Underbar nightclub earlier in the evening for harassing women and told to leave the area by police. The offender has then returned. The offender has then started throwing punches at an unknown male and has been arrested for drunk and disorderly.

Crime - AX1304843 / Log - LC-20130906-1627

Female offender committed unprovoked assaulted on male partner causing a cut to right side of neck and near to left eye.

Crime - AX1302407 / Log - LC-20130519-0053

Two offenders have been in conversation with two aggrieveds and punched them causing injury.



BY EMAIL AND POST
Blackpool Council
Licensing Section
Municipal Buildings
P O Box 4
Blackpool
FY1 1NA

Our ref: RJT/MJM/98454-19821-7
Your ref:
Date: 20th May 2014
E-Mail: rjt@gosschalks.co.uk
Direct Fax: 0870 600 5958

Dear Sirs,

re: Licensing Act 2003 – Review Proceedings
Underbar, Bank Hey Street, Blackpool FY1 4RU

We act on behalf of Enterprise Inns PLC. Our client has a long lease of these premises and we have received a copy of the application for review of the premises licence issued by Mark Marshall on behalf of the Licensing Authority. We understand that the last date for representations is the 23rd May 2014.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Enterprise Inns PLC owns/has long leases on around 6000 public houses in England and Wales. Over 99% of the premises it owns/leases are the subject of lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lie with the tenant. The Underbar is the subject of a 10 year lease agreement in favour of the premises licence holder, Underbar Blackpool Limited. That company has been operating these premises under that lease since 2006.

Please note, we take a wholly neutral stance with regard to the allegations raised in the application for review. As our client has no operational responsibility for these premises, it cannot comment on the specific allegations.

We note that the cause of the review is poor management, disrepair and noise escape.

We would respectfully submit that the licensing objectives could be promoted by the imposition of enforceable conditions relating to the promotion of the venue on the street and, if the Committee believes it to be appropriate having considered the evidence, an amendment to the start time of licensable activities as suggested in Mr Marshall's application for review. Finally, if the Committee

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believes it be appropriate having considered the evidence a period of suspension could be applied during which the works required by the Council could be undertaken.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in cursive script that reads "Gosschalks".

GOSSCHALKS