

Blackpool Council

25 July 2014

To: Councillors Hunter, Hutton and P Jackson

The above members are requested to attend the:

LICENSING PANEL

Monday, 4 August 2014 at 10.00 am
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 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- BAR 137 (Pages 1 - 102)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Bar 137
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Bar 137

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 :	4 th August 2014

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BAR 137

1.0 Purpose of the report:

1.1 To consider an application for the review of the Premises Licence for Bar 137 submitted by the Lancashire Constabulary 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

Bar 137, 137 Church Street Blackpool has the benefit of a Premises Licence which authorises regulated entertainment, late night refreshment and the sale of alcohol for consumption on and off the premises.

The sale of alcohol is permitted Monday-Thursday 11.00 - 02.00, Friday - Saturday 11.00 - 04.00, Sunday 12.00 - 02.00

The premises may open to the public Sunday-Thursday 11.00 - 02.20, Friday - Saturday 11.00 - 04.20.

On 11th June 2014, the Licensing Service received an application to review this Premises Licence on the ground of crime and disorder and public safety.

At the time the review application was submitted, the licence was held by Alan Ogden (snr) and the Designated Premises Supervisor was Louise McArthur. On 25th June 2014, an application was then received to transfer the licence to Ian Lennon Walker, who was also nominated as Designated Premises Supervisor. The Police objected to these applications on 8th July 2014, the same day an application was received to transfer the licence to Swift Stock Takers Ltd and to nominate Glenn Taylor as Designated Premises Supervisor

4.2 Local policy considerations

The section of the policy on reviews is relevant, in particular the following paragraphs:

The Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves:

1. Underage purchase and consumption of alcohol
2. Continuous breaches or contraventions of licence conditions
3. Where serious risks to public safety have been identified and the management is unable or unwilling to correct those
4. Where serious risks to children have been identified
5. Not operating the premises according to the operating schedule
6. Use of licensed premises for the sale and distribution of illegal drugs/firearms
7. Where the police are frequently called to attend incidents of disorder

At a first review hearing, responsible authorities will be encouraged to propose a package of new conditions to be added to the licence designed to combat the

identified problem. This package will be supplemented where appropriate by:

- a. removal of the DPS
- b. suspension of the licence for up to 3 months
- c. restriction on trading hours
- d. a clear warning that a further review will give rise to a presumption of revocation

The Licensing Authority retain the right to revoke the licence at the first review hearing where they feel that such action is necessary to promote the licensing objectives

4.3 **National policy considerations**

Section 11 - reviews is relevant.

11.17-11.19 details the range of powers available to the panel

- a. Take no action
- b. Issue an informal warning
- c. Modify the conditions of the premises licence
- d. Exclude a licensable activity
- e. Remove the DPS
- f. Suspend the licence for up to 3 months
- g. Revoke the licence.

11.23 - It will always be important that any detrimental financial impact that may result from the decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

4.4 **Observations**

This licence was originally issued in 2005, being converted from a Magistrates' Court licence. The management of the premises appeared to be consistent until 2012. The chronology since 2012 is detailed below

07.09.12 application to transfer licence to Tracey Reeves

20.11.12 application to transfer licence and vary Designated Premises Supervisor to Emma Thackray

21.12.12 licence surrendered by Emma Thackray

21.12.12 application to transfer licence and vary Designated Premises Supervisor to Ian Roche

08.05.13 application to transfer licence to Barry Bates

10.05.13 application to transfer licence to Ian Roche (Bates had left premises)

17.05.13 application to transfer and vary Designated Premises Supervisor DPS to Erika Hindle
24.06.13 application to transfer and vary Designated Premises Supervisor to Julie Kelly
10.07.13 licence surrendered
17.07.13 application to transfer licence to Ian Roche
12.08.13 application to vary Designated Premises Supervisor to Louise McArthur
12.01.14 licence surrendered
13.01.14 application to transfer licence by Alan Ogden (snr)
11.06.14 application to review premises licence
25.06.14 application to transfer and vary Designated Premises Supervisor to Ian Lennon Walker
08.07.14 application to transfer to Swift Stock Takers Limited and name Glenn Taylor as Designated Premises Supervisor

The licence is currently issued subject to the following conditions:

Annex 1 - Mandatory conditions

1 Alcohol shall not be sold or supplied except during permitted hours. Permitted hours means:

- a) Monday to Thursday 1100 - 0200
- b) Friday and Saturday 1100 - 0400
- c) Sunday 1200 - 0200
- d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December)

The above restrictions do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The taking of alcohol from the premises by a person residing there; or
- h) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or

the consumption of alcohol by persons so supplied; or

i) The supply of alcohol for consumption on the premises to person employed there for the purposes of business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2 No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

a) He is the child of the holder of the premises licence.

b) He resides in the premises, but is not employed there.

c) He is in the bar solely for the purpose of passing to or from some part of the premises that is not a bar and to or from some part of the premises where there is no other convenient means of access or egress.

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

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

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

or

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

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

5 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;

6 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).

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

8 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.

9 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.

10 Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

11 The terms, conditions and restrictions detailed in the Blackpool Borough Council Entertainments Licences (Standard Conditions) Regulations 1985 must be adhered to at all times.

12 There must be a substantial disc jockey booth adjacent to the dance floor.

13 At least 20% of the floor area must be designated as a dance floor.

14 The dance floor area is to be clearly delineated from the remaining floor area.

15 Adequate provision will be made to convey the food from the downstairs kitchen up to the bar area, the proposal agreed upon being a "dumb waiter".

16 The Premises will sign up to the 'Nightsafe' initiative.

Annex 2 - Conditions consistent with the Operating Schedule

1 Permitted hours for Live Music, Recorded Music, Late Night Refreshment, Supply of Alcohol and the opening hours of the premises may be extended on Christmas Eve and New Year's Eve and any other Bank Holiday from 11.00 - 03.00 if it falls on a weekday

2 Notwithstanding the consent of the Licensing Authority to the hours sought the licence holder will not operate outside the hours imposed by the current or any future planning consent relating to the use of the premises.

3 The licence holder shall adopt and maintain suitable training in relation to the Challenge 25 proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.

4 The licence holder and the Designated Premises Supervisor shall arrange adequate supervision of any queue which may form to gain entry to the premises.

5 The Licence Holder shall erect and maintain suitable and sufficient conspicuous signage on the exterior of the premises advising patrons that causing any disturbance or disorder in a queue will result in admission being refused.

6 An adequate number of licensed door supervisors will be on duty as appropriate to any risk assessment. However, there will always be at least two door supervisors employed at the premises on Fridays and Saturdays between 22.00 hours on the day and until the premises closes the following day.

7 The licence holder and the Designated Premises Supervisor shall ensure that sufficient door staff are employed to ensure the dispersal of patrons from the curtilage and grounds of the licensed premises immediately after the end of each period of licensable activity.

8 The licence holder and the Designated Premises Supervisor shall ensure that sufficient door staff are employed at exits from the premises to remind departing patrons of the need to avoid causing nuisance or disturbance to local residents.

9 All door staff will comply with the SIA requirements relating to the availability of registration documents for inspection.

10 Appropriate measures will be taken by the Licence holder and the DPS to ensure that the door supervisors prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.

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

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

- The system will display on any recording the correct time and date of the recording.
- The system will make recordings during all hours the premises are open to the public.
- VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
- The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

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

13 Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.

14 Annual documented maintenance checks of the CCTV system, including the recording system will be undertaken by the Designated Premises Supervisor to ensure that the system is in good working order and fit for purpose.

15 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.

16 Only toughened glass vessels are to be used to dispense beverages to customers.

17 The Licence Holder and Designated Premises Supervisor shall ensure that the arrangement for the storage of empty bottles prevents unauthorised access to those bottles.

18 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.

19 The premises shall be operated in participation with the 'Pubwatch' and 'Radiolink' schemes.

20 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.

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

22 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.

23 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.

24 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.

25 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.

26 The licensee shall erect a clearly visible notice, in a form prescribed by the Council advising those attending that:

a) It is a condition of entry that customers agree to be searched

b) Police will be informed if anyone is found in possession of controlled substances or weapons.

27 The licensee shall ensure that security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure that such arrangements include

regular checks of toilet areas.

28 The licensee shall exclude any customers known to have been previously convicted of committing criminal offences relating to drugs.

29 The licensee shall maintain a record of incidents involving the use and/or detection of drugs and those records shall be available for inspection.

30 The licensee shall store, dispose, transfer confiscated and found drugs in accordance with procedures agreed with the Lancashire Constabulary.

31 The licensee shall develop and apply a drugs prevention strategy for the venue. 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.

32 During the final hour of trading the Licence Holder and Designated Premises Supervisor shall ensure that 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.

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

34 The licence holder shall erect and maintain in a prominent position at every exit a clear and conspicuous notice requesting patrons to respect the needs of local residents and avoid causing noise, nuisance or disturbance when leaving the premises and the area.

35 The Licence Holder and the Designated Premises Supervisor shall permit, facilitate and assist in the display upon the premises of health education and crime prevention campaign materials in a form agreed with the Licensees Forum or any successor liaison body recognised by the Licensing Authority.

36 No patrons shall remain on the licensed premises (except for a period of 20 minutes to enable 'drinking-up') following the termination of licensable activity.

37 The Licence Holder and the Designated Premises Supervisor shall ensure that the maximum number of persons allowed onto the premises shall not exceed the capacity determined by the Lancashire Fire and Rescue Service.

38 The Licensee shall ensure that the ventilation to the premises is maintained to satisfy the appropriate Building Regulations.

39 The Licensee shall ensure that free cold drinking water is available on request and shall have adequate supplies of chilled soft drinks and bottled water available for sale at the bar(s).

40 The Licensee shall ensure that staff arriving before 0900 hours or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbances to nearby residents.

41 The Licensee shall ensure that noise or vibration shall not emanate from outside the premises such as to cause persons in the neighbourhood to be disturbed. To this end sound insulation shall be provided and regard must be had to the ventilation requirements for the premises.

42 The Licensee shall ensure that cooking, noxious or persistent smells generated at the premises do not cause nuisance to nearby properties, and that the premises shall be adequately ventilated to the satisfaction of the Head of Environmental Services.

43 The Licence Holder shall not permit the admission of persons under 18 years of age into the licensed premises.

44 The Licence Holder shall erect and maintain a sufficient number of signs at each bar or alcohol sales point informing customers that sales will not be made to persons under 18 years of age.

45 The Licence holder and the Designated Premises Supervisor shall erect and maintain signage on or adjacent to all exits advising patrons of the Street Drinking Order and the intention of staff to enforce a no exit with a bottle/ glass policy.

46 An incident book will be maintained, in which shall be recorded:

- (i) All incidents of crime and disorder
- (ii) Refused sales to suspected under age / drunken persons
- (iii) A record of any person refused admission or asked to leave the premises
- (iv) Details of occasions upon which the Police are called to the premises

That book shall be available for inspection by a Police Officer or authorised person.

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

48 All external doors will be closed at midnight to prevent noise escaping from the

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

LICENSING SERVICE

11 JUN 2014

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

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

UNDER THE LICENSING ACT 2003

Applicant Name:	Caroline Hannon
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Blackpool will be a Vibrant, Inclusive,
Healthy, Safe and Prosperous Town



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	Caroline Hannon
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[insert name of applicant]

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	Bar 137								
	137 Church St, Blackpool.		F	Y	1		3	N	U
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL0658	

Part 2 – Applicant details

I am:

	Please tick
1) an interested party (please also complete sections 2A and 2B below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

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

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	Caroline Hannon										
Address	Licensing Department, Blackpool Police Station, Bonny Street, Blackpool										
					Post Code	F	Y	1		5	R
Telephone Number	01253 604153										
E-Mail Address	Caroline.Hannon@lancashire.pnn.police.uk										

Part 3 – Reason for Review

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

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

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

The application 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.

On Friday 23rd May 2014 information was received that Bar 137 was selling alcohol outside of licensed hours. On arrival Police Licensing Officer 3842 Evans found the side door to be half open with two A4 Promotion boards situated outside the premises.

On entering PC Evans witnessed five persons sat at tables drinking alcohol and smoking. PC Evans requested that Alan Ogden attends the premises. Council Licence Enforcement Officer Mark Marshall attended the premises and a short time later Alan Ogden appeared. Mr Ogden was asked to show CCTV footage but was incapable of working the system. Brenda SIMMS was also present as bar staff and admitted to taking money for alcohol before licensed hours and allowing persons to smoke inside the premises.

Mr Ogden causes serious concern for the Police with his incompetence to run a licensed premises, he shows no regard for authority and continues to breach his licence.

In January 2013 Mr Ogden took over the running of Oggies Bar, Queen St whilst under review of the premises licence under section 51 due to the breaches of licence by Mr and Mrs Calvert. Mr Ogden was unable to turn the premises around and lacked control, this contributed to an increase in crime and disorder. In May 2013 a summary review under section 53A was served on the premises after serious disorder occurring within five days which exposed staff and customers to unnecessary risks.

Alan Gerard Ogden born 07/12/68 runs Bar 137 day to day, his Father Alan James Ogden born 15/04/48 holds the premises licence. Louise Emma McArther born 16/08/83 is the designated Premises Supervisor.

At Oggies Bar Alan Gerard Ogden (Oggie) had to be removed as DPS due to lack of ability to control the premises, John Lambert was then employed as DPS but Alan Gerard Ogden continued to work alongside him. Throughout the running of both premises Alan Gerard Ogden continues to run the premises behind friends and family members and continues to breach conditions, this man is not a suitable character to run a licenced premises and his history proves this.

I would like to see a revocation of this licence due to total non-compliance with conditions again in such a short time period as this premises is situated in the town centre.

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

The issues of concern are as follows:-

Friday 23rd May 2014.

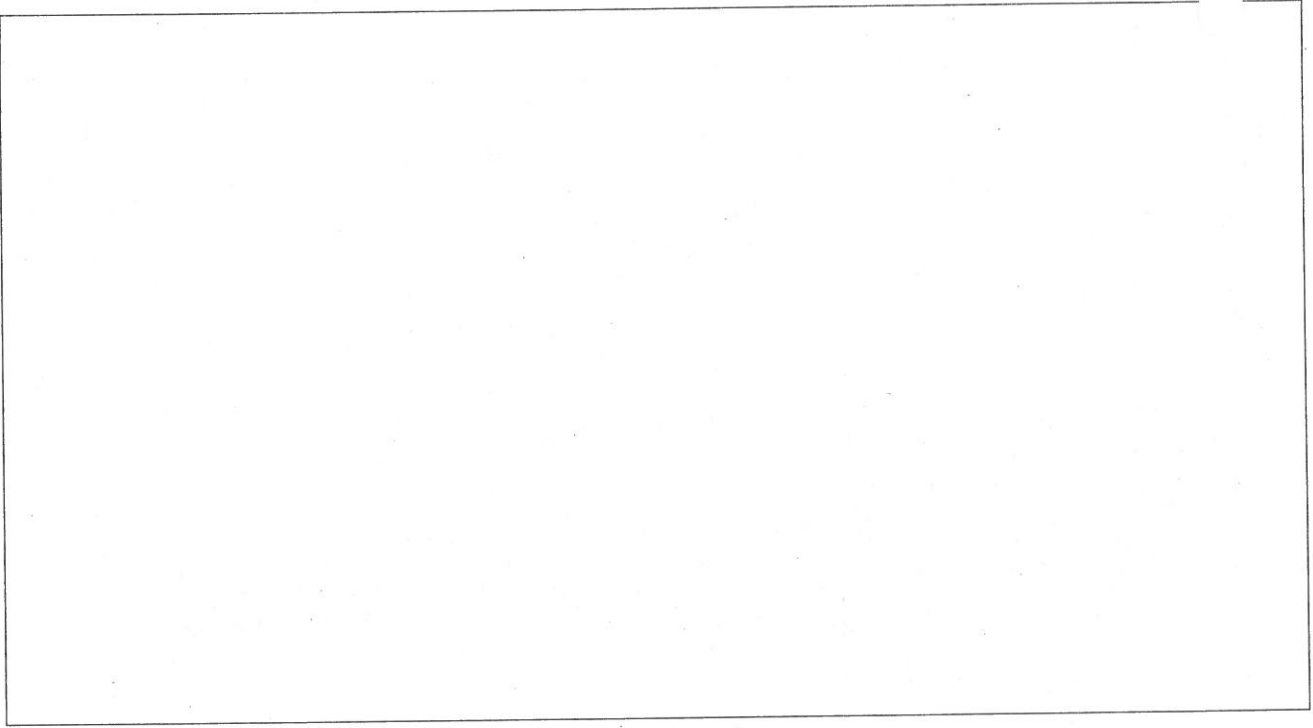
Information was received that Bar 137, Church St, Blackpool was selling alcohol outside of their licensed hours and letting patrons smoke inside the premises. Council Licence Enforcement Officer Mark Marshall will provide a supporting review and CCTV footage/still to support this.
Statement from PC 3842 Evans attached as document 1.

10th May 2013

Copy of decision notice for interim steps.

4th January 2013

Notice of review.



Part 4 – Other relevant information

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

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

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.

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)

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.

Signature:	Capacity:	Date:		
		Day	Month	Year
<u>PS1033</u>	LICENSING SERGEANT	11	6	14

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.

Witness Statement

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

Statement of **Lisa Evans**

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Age if under 18 **018** (if over 18 insert "over 18"). Occupation **Police Constable**

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.

Dated the **2ND** day of **June 2014**

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature 

I am P.C 3842 Evans currently attached to the Licensing Department at Blackpool Central Police Station.

The Licensing Department enforces licensing legislation contained within the Licensing Act 2003, particularly with regard to the four key licensing objectives:

- a) Prevention of crime and disorder.
- b) Protection of children from harm.
- c) Public safety.
- d) Prevention of public nuisance.

The Licensing Act 2003 regulates licensable activities; this includes public houses, nightclubs and off licences.

Bar 137, 137 Church Street is a Licensed premises that has Alcohol operating hours of Monday-Thursday 11am-2am, Friday & Saturday 11am-4am and Sunday 12pm-2am. The premises Licence Holder is Alan Ogden 15/04/48 and the Designated Premises Supervisor is Louise Mcarthur 16/08/83. The premise however is usually run by Alan Ogden 17/12/68 who is the son of the PLH and the partner of the DPS. Alan Ogden junior is usually referred to as OGGIE and for the remainder of this statement I shall refer to this male as OGGIE.

Signature



Signature witnessed by

On Friday May 23rd 2014 I was contacted via Mark Marshall from Blackpool Council Licensing reporting to me that he had been informed that Bar 137, Church Street was currently selling alcohol outside of their licensed hours. I looked at the licensed hours on the system which showed that the Alcohol hours for the premises starts at 11am and the time was 10:15am when I received the call. I immediately left the office after the call and attended Bar 137.

When I arrived the time was around 10:30am and it appeared from the outside of the premises that it was closed. There were two A4 promotion boards outside but all the shutters were down and the front door was locked, the door to the side of the property was half way open. I looked through the small gap and could see that there were people inside so I tried to open the door but this is an emergency fire door so can only be open from the inside.

A female who I know now to be Brenda Sims d.o.b 05/04/62 then came to the door and opened it for me, I asked her who she was and she said why who are you at which point I showed her my warrant card and explained that I was a Licensing officer and wanted to come inside. I asked Brenda Sims if she worked at the premises and she stated she did but had only just arrived as she was not due to start work until 11am. Inside the bar was a male cleaning who also stated he worked at the premises. In the far right corner there were another five people sat round the tables drinking alcohol and smoking. I informed them to leave the premises as at that time the premises was not allowed to be open and serving alcohol. One of the males then said "WERE JUST HAVING A PRIVATE FUNCTION". I took a few pictures of the customers inside the premises and then reiterated to them that they were all to leave. They then drank their drinks and left. The ashtray that was on the table was full to the brim of dud cigarettes.

Signature



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Signature witnessed by

I asked if Oggie was around and she stated he had been in earlier but he had gone to the solicitor. I asked her to contact him and explain that the police were here and that he should attend. Mark Marshall then arrived at the premises and I informed him what I had seen and he asked Brenda Sims if she had allowed the people to smoke inside the premises which she confirmed that she had.

OGGIE then arrived at the premises and we asked him to show us the CCTV which he told us that he wasn't sure how to work it. OGGIE attempted to show us past footage but failed and said he would have to call a friend to come out and do it for him. Mark then asked Brenda Sims if she had been serving alcohol and she said "WELL YOUR GONNA SEE IT ON CCTV ANYWAY SO I MIGHT AS WELL ADMIT IT I HAVE BEEN SERVING" Mark then asked if she had taken money for the alcohol which she replied "ONE OF THEM STILL OWES ME FOR TWO PINTS".

Mark then contacted a sound & electrical technician called Martin Robinson from West Coast Sound & Lighting to attend the premises in order that he could show us previous footage without any being deleted. When the technician arrived he could not get into the system either and stated he would have to take the hard drive away in order to get footage downloaded. OGGIE agreed that he would voluntarily give us the hard drive instead of me seizing it from him. They were then advised that they would not be able to open as they do not have a CCTV system which would be a breach of the licence which they agreed they would not until the hard drive was returned.

Signature



Page 23

Signature witnessed by

OGGIE then asked Mark what would happen to him now and then informed us that he admits he has been serving alcohol outside of his hours but has only been doing it since Monday which would be mean they had been serving for five days.

I have then left the premises and gone to West Coast Sound & Lighting offices in order to view some of the footage on the system. Martin showed me footage from the 22nd May 2014 and I could see that at 08:30am OGGIE was inside the premises pottering about at this time all the shutters were up and nobody else was inside. At 08:33am OGGIE goes to the side door and lets inside a male and a female and they sit in the far right corner, OGGIE then closed all the shutters. At 08:35am alcohol is served to the customers. Over the next hour and a half more alcohol is served and at 09:57 I see one male hand over money which is then put into the till. Alcohol was served 2hours and 30minutes before it is licensed too.

I have asked Martin to download me footage from the previous two weeks in order to see if this is a regular occurrence.

Martin contacted me later that day in order to inform me that he wouldn't have the footage downloaded before the end of the day and therefore would not be able to return the hard drive for the up coming weekend. Due to this I attended the premises in order to serve a Section 19 Closure Order as they would not have a CCTV system installed which would be a breach of conditions and until they installed an adequate and sufficient recording system to the premises was to remain closed. This order was served onto the Louise McCarthy the current Designated Premises Supervisor for Bar 137.

Signature



Page 24

Signature witnessed by

I was informed the following day that P.S Hurt had received a call at 17:45 stating that a new system had been installed at the premises and so he attended and checked it was working and then lifted the Closure Order.



Signature



Page 25

Signature witnessed by

Blackpool Council

Oggies Bar Limited
31-33 Queen Street
Blackpool
FY1 1NL

Consideration of representations against interim steps

The Blackpool Council being the licensing authority on the 10th May 2013 received an application from Lancashire Constabulary for a summary review the premises licence issued in respect of Oggie's Bar 31-33 Queen Street Blackpool.

On 10th May 2013 interim steps were imposed suspending the premises licence. On 13th May 2013 the licence holder made representations against the imposition of interim steps on the ground that that they were disproportionate.

Decision

The panel have considered the representations made by the Police and the licence holder in addition to the certificate which accompanied the application. The panel considered the interim steps imposed on the 10th May 2013 and are of the opinion that given the incidents described today and the previous history of the premises, the continued suspension of the licence is appropriate for the promotion of the licensing objectives.

Date: 15th May 2013

Signed.....
Designation Principal Solicitor (Licensing)
Licensing Service
Municipal Buildings
PO Box 4
Blackpool
FY1 1NA

LS/D/005/19/1

REVIEW OF PREMISES LICENCE

Mr A Ogden
Oggies Bar Limited
31-33 Queen Street
Blackpool
FY1 1NL

The Blackpool Council being the licensing authority on the 4th January 2013 received an application from Lancashire Constabulary to review the premises licence issued in respect of Oggies Bar, 31-33 Queen Street Blackpool.

The Council have determined to deal with the review by revoking the licence

Reasons

We have heard an application by Lancashire Constabulary to review the licence issued in respect of Oggies Bar, 31-33 Queen Street Blackpool.

When the review was submitted the premises was called the Edge and Suzanne Calvert was the licence holder and DPS. Two transfer applications have been submitted since that time. Oggies Bar Limited is the current licence holder and Alan Ogden is the DPS. Mr Ogden appears before us today accompanied by Mr Swift and Mr Stevens the leaseholders of the property.

The evidence from the Police shows a catalogue of incidents that have taken place at the venue. The statistics show two peaks one at 04:00-05:00hours and more surprisingly one at 20:00-21:00hours. Whilst many incidents can be attributed to the previous licence holder, there are a worrying number of incidents that have occurred since the review was submitted. Problems even occurred during a multi agency inspection at 20:30hours on 1st March 2013.

Health and Safety evidence demonstrates a lack of attention to paperwork. Some defects found in November 2012 were still present on 1st March 2013.

Mr Swift and Mr Stevens explained that they terminated the lease of Suzanne Calvert once they became aware of the problems. Since then they have granted a one week rolling lease to Mr Ogden who is an experienced licence holder. Due to continuing problems they have become more involved in the business with Mr Stevens implementing staff training and dealing with the door staff company. Considering the late night problems a variation has been applied for to reduce the hours for the sale of alcohol to 03:00hours. They have amended the terms of Mr Ogden's lease to make sure that he does not trade past 03:00hours whilst the variation is being processed.

We have read a large quantity of evidence in this case and have also had the opportunity to view CCTV evidence from 24th February 2013. This showed a victim of an assault being led out of the back door and a man being allowed by door supervisors to expose himself in the venue for a lengthy period of time. When questioned about this incident the door supervisors said that they were intimidated. Mr Ogden had gone upstairs because he knew the person involved and had he stayed it would have taken longer for the door staff to eject the person in question. On 1st March 2013 a further incident took place where Council officers were threatened by a customer at 20:30hours. The premises were described as containing 20-25 individuals many of whom were significantly intoxicated. Street drinkers were also present.

We have heard from the Landlords today about what they are proposing to do with the venue and how they are assisting Mr Ogden to get on an even keel. We have concerns about how much influence and control Mr Ogden has or will be allowed to have given his lease is extended on a weekly basis and the fact that his actions in our opinion are being controlled through the lease.

This review was submitted on 4th January 2013 and we heard that procedures and policies are only just being put in place – closing at tea time, increasing bar prices during the day and closing the venue at 03:00hours came in on the weekend of 1st March 2013. We have heard about a dress code but have not seen it and the indication seems to be that it isn't going to be rigidly applied. These measures are in the words of the police reactive and too little too late.

In reaching our decision we have taken into consideration the Secretary of States' guidance and the fact that we should take action as is appropriate to promote the licensing objectives.

We have based our decision on the following:

- Since the review the landlords have intervened and replaced the licence holder yet the situation appears to be deteriorating not improving,
- Mr Ogden does not appear to have the ability to put the necessary procedures in place to ensure that the venue is run in a safe manner – we can remove him as DPS but we cannot remove him as licence holder,
- Even if we had confidence in Mr Ogden there is no guarantee that he will still be there in a weeks time as he has no security under the lease.

Taking all of the above into consideration we do not believe that the issues can be remedied in any other way than by revoking the licence.

Date: 5th March 2013

Signed.....

Please address any communications to:

Licensing Service
Municipal Buildings
PO Box 4
Blackpool
FY1 1NA

Note: An appeal against this decision may be made by the applicant/the Chief Officer of Police as applicable (See Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the licensing authority's area or part of it is situated within 21 days from the date of receipt of the notification of the decision.

LS/D/005/19/1

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	08	07	2014	
Do you consider mediation appropriate			YES	NO

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

Police (Caroline Hannon)

Premises Details

Premises Name	Bar 137, ,
Address	137 Church Street
	Blackpool
	Lancashire
Post Code	FY1 3NU

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

The Health and Safety Enforcement section would like to support this review by bringing to the attention of the committee previous failings at the premise.

24th January 2014

The premise was visited in company with Licensing/Health and Safety Manager Mark Marshall

Due to IT issues at the time of submission full details will follow in a separate report before the hearing.

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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	Blackpool Council Licensing Service		
Name of Officer <i>(please print)</i>	DAVE VERITY		
Signature of Officer			
Contact telephone number	01253478314		
Date representation made	07	07	2014
Do you consider mediation to be appropriate			NO

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

POLICE

Premises Details

Premises Name	BAR 137
Address	137 CHURCH STREET
	BLACKPOOL
Post Code	FY1 3NU

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

Following a visit Bar 137 on 23rd May 2014 by Licensing/Health & Safety Manager Mark Marshall and PC Lisa Evans found members of the public in the premises, these people were smoking and consuming alcohol within the premises. The time of the visit was 10.19hrs

The permitted Hours for selling/supplying alcohol are 11.00am until 02.00am Monday to Friday & Saturday 11.00am until 04.00am and Sunday 12.00pm until 02.00am.

Mr Alan Gerard Ogden was spoken to in relation to these offences. The CCTV hard drive was seized as evidence for examination and the footage transferred onto an external hard drive. Dave Verity, Licensing Enforcement Officer was tasked to examine the CCTV footage, and produce still photographic evidence of offences and any other issues observed within the premises on doing so I identified that on twelve days between 8th May 2014 and 19th May 2014 (footage for 9th May 2014 appears to be missing.) A number of offences were committed within Bar 137 these included:

Members of staff, including Alan Gerard Ogden smoking in various areas of the premises contrary to section 7 of the Health Act 2006, also as licence holder for the premises. Mr Ogden commits the offence of failing to prevent smoking in a smoke free place contrary to section 8 of the Health Act 2006.

a total of 28 offences of smoking in a smoke free place were observed

Also observed on the CCTV footage was a small child taken into the premises the child can be seen crawling on a dirty floor close to the ladies and gents toilet areas. The child is also observed playing in the bar area of the premises whilst cleaning is taking place, and further playing in the bar area when a member of the public had been served alcohol before permitted hours, this is contrary to the licensing objective Protection of children from harm.

A total of 23 offences of serving before permitted hours were observed these sales were undertaken by staff and Alan Gerard Ogden.

The earliest time alcohol was seen to be sold was 09.28am these sales were conducted by Alan Gerard Ogden himself to two males who were let into the premises by a staff member from the fire escape side door. These males appear to be unsteady on their feet whilst walking around the premises.

In the statement of PC Evans Alan Ogden admits to not being able to use the CCTV equipment and having to make a telephone call to a friend to come out and operate the CCTV system for him.

This is in breach of Premises Licence (PL0658) Condition 12 which states: **A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.**

Added complexity with this case is the Licence holder is Alan Ogden Senior who resides at – Maines Lane, although according to Council licensing records an address is held at Flat 1 306 Talbot Road, Blackpool. FY1 3QS. For Alan Ogden senior.

Alan Gerard Ogden Junior is present at the premises whenever previous visits by both the Council and Police have taken place a screen print of the Council records have been taken and produced as supporting evidence.

View Client: Alan Gerard DGDEN

Personal Details

Surname: O'Garra
 Forenames: Alan Gerard
 Title: Mr
 Initials: A G
 Nickname: []
 Date of Birth: 10/22/1968
 Age: 45y 7m 0d

Gender: Male
 Religion: []
 Marital Status: []
 Employment: []

Address Details

Number of Name: []

Address 1: 376 Village Road
 Address 2: []
 City/Town: Blackpool
 County: Lancashire
 Post Code: B72 0SS
 E-Mail: []
 Phone: 07932 231675
 Alt Phone: []
 Fax: []
 Mobile: 07932 231675

Street: []
 Basic Search: []
 Map: []

Town: []

Postcode: []

Local Authority: []
 Authority: []
 Ward: []
 OS Address Point: []
 OS APP: []

Address Information

Source: []
 Link Ref: []
 Last Updated: []

Application History as Correspondent

Application History: []
 Premises Supervisor: []
 Receipts: []
 Replacements: []

Additional Details

Notes/History: []
 Interested Party: []
 Correspondence Address: []
 Custom Fields: []

Check: []
 Convictions: []
 Client Groups: []
 Complaints: []
 Current/pending Licences + Notices: []
 Task: []
 Compliments: Made []
 Associations: []

Start | LallPac | Microsoft Outlook | bay137skleaming toilet... | 12:12

View Client: Alan Ogden

Personal Details

Surname: Alan
 Forenames: Alan
 Title: Mr
 Initials: A
 Note 1

Gender: Male
 Date of Birth: 15/04/1948
 Alias: 68y 2m 23d

Address Details

Address 1: 305 Talbot Road
 Address 2: Blackpool
 City/Town: Lancashire
 County: FY1 3DS
 Post Code: 07516 027446
 E-Mail:
 Phone:
 Alt Phone:
 Fax:
 Mobile:

Address Details

UPRN
 PADN
 SAON
 Street
 Locality
 Town
 Admin Area
 Post Town
 Postcode
 Easting
 Northing

Address Details

Authority:
 Ward:
 OS Address Point:
 OS APN:
 Address Habitation:
 Source:
 Link Ref:
 Last Updated:

Number or Name

Basic Search

Map

Street

Town

Postcode

Local Authority

Cancel

Main Address
 Correspondence Address
 Custom Fields
 Interested Party
 Application History
 Application History as Correspondent
 Receipts
 Premises Supervisor
 Representations
 Checks
 Convictions
 Client Groups
 Complaints
 Current/Pending Licences + Notices
 Tasks
 Complaints Made
 Association

Start

Info: Microsoft Outlook
 bar 1373684-smoking toilet

LalPac

12.11

ALAN GERARD OGDEN SMOKING IN TOILET AREAS



ALAN GERARD OGDEN SMOKING IN TOILET AREAS



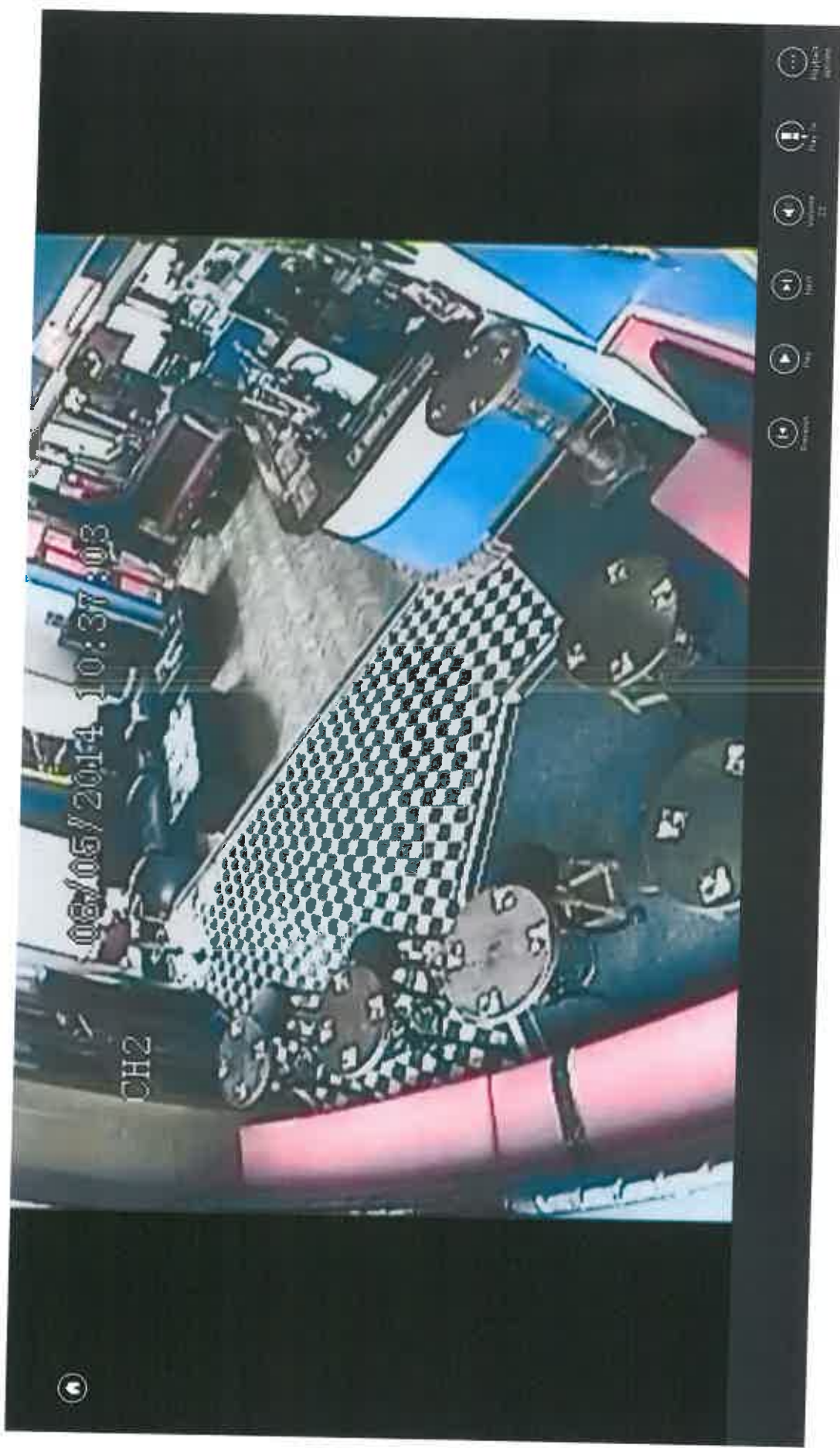
ALAN GERARD OGDEN SMOKING IN TOILET MEN'S



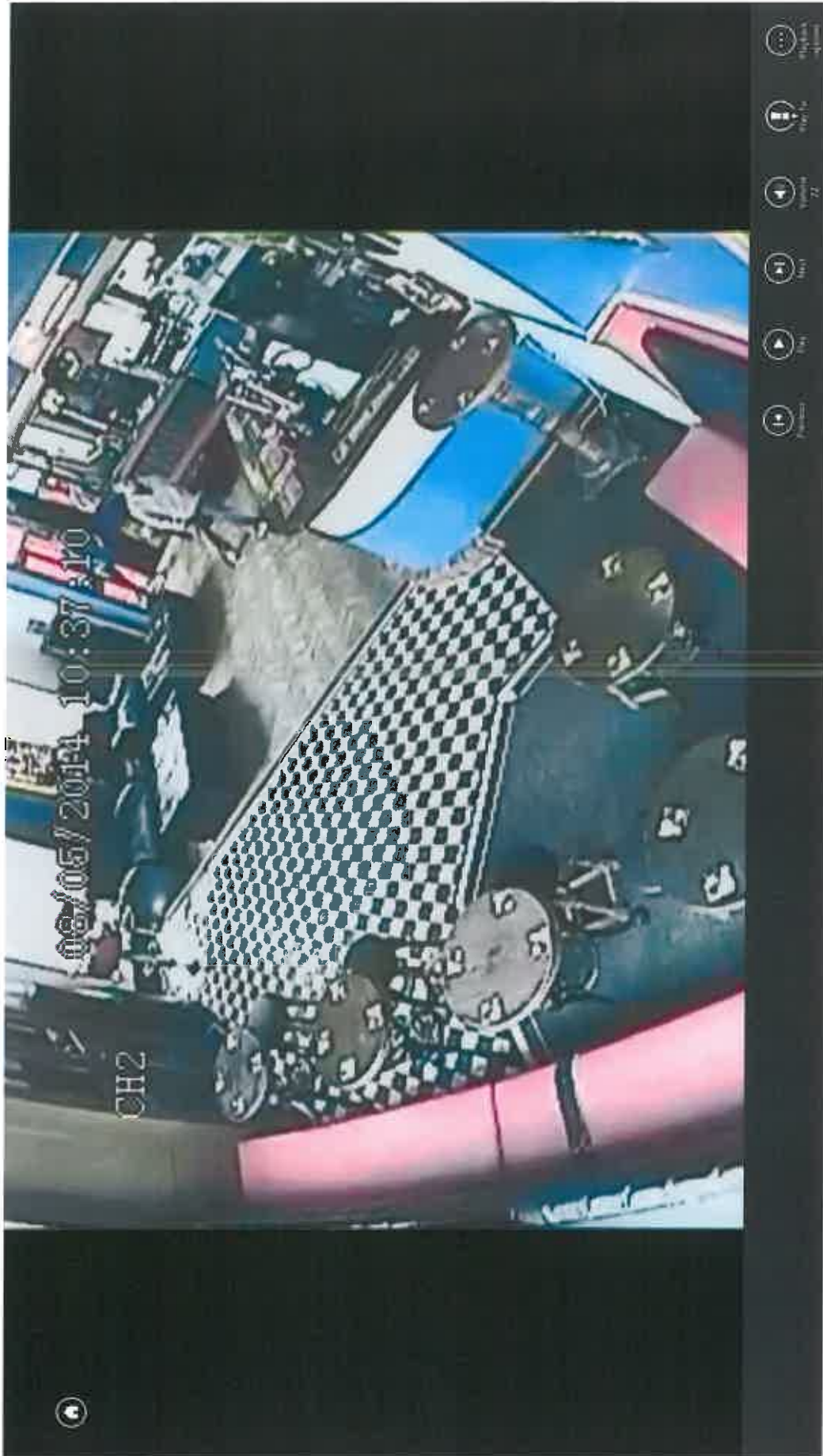
Alan Gerard Owen Smoking in Toilet Areas



STAFF MEMBER OPENING FIRE ESCAPE DOOR FOR CUSTOMER TO ENTER



CUSTOMER ENTERING PREMISES FROM FIRE ESCAPE DOOR





UNKNOWN MALE (NOT STAFF) SMOKING IN BAR AREA.

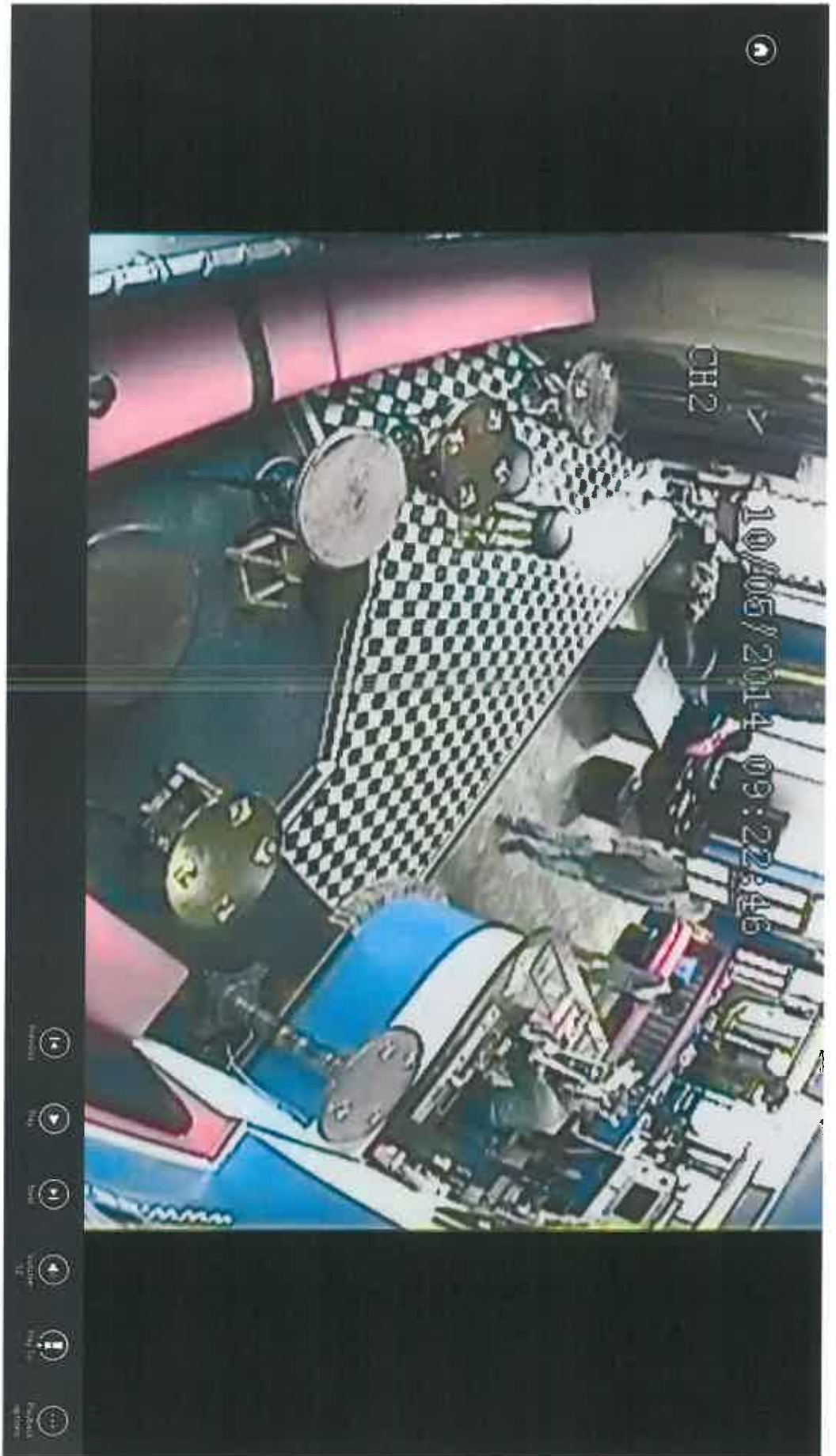


STAFF SMOKING IN BAR AREA





FEMALE STAFF MEMBER SPOKINS IN ISAE AREA



FEMALE STAFF MEMBER SMOKING IN BAR AREA



FEMALE STAFF MEMBER SMOKING IN BAR AREA



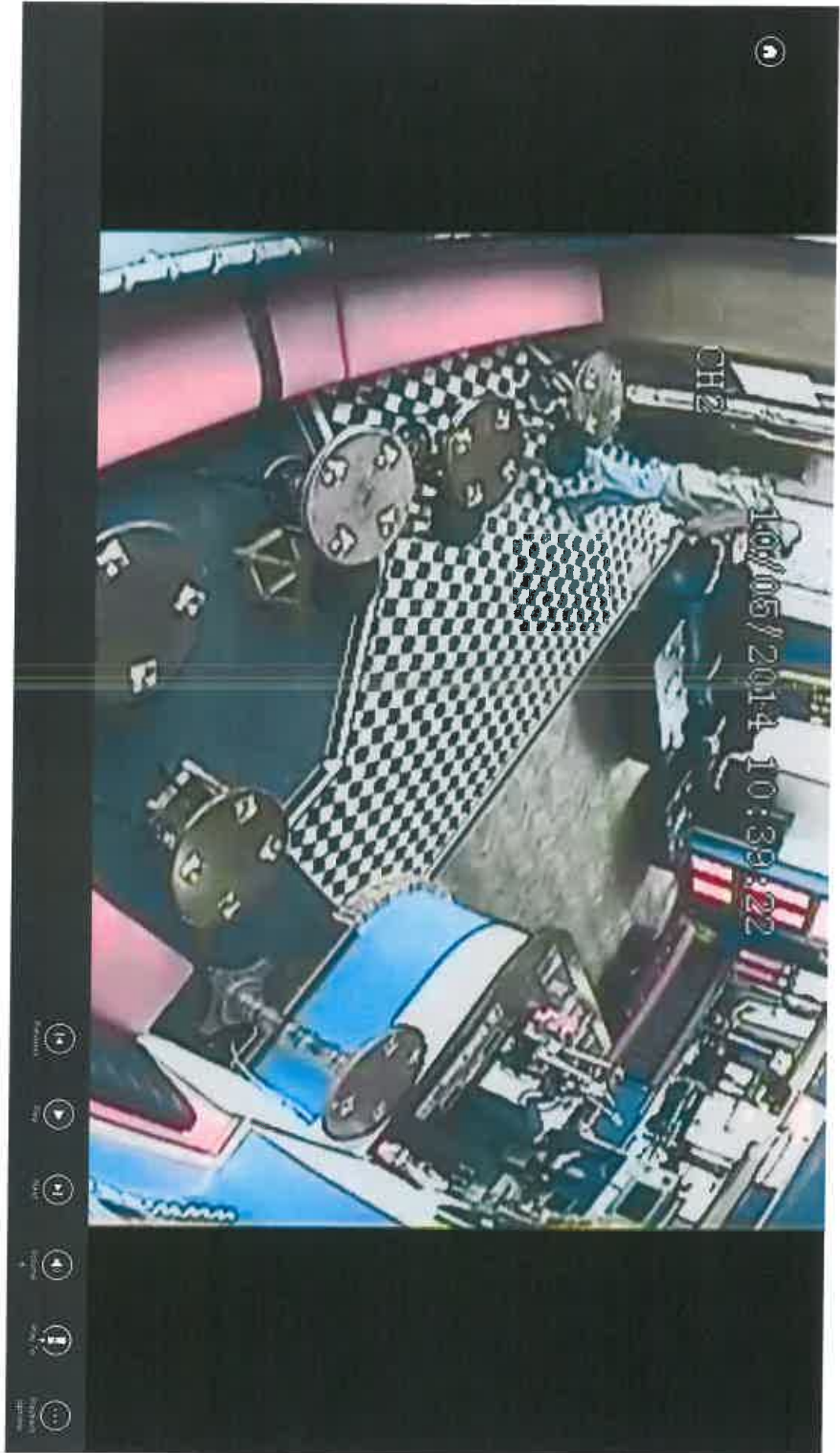
STAFF MEMBER Smoking in BAR Area



STAFF MEMBER SMOKING IN BAR AREA



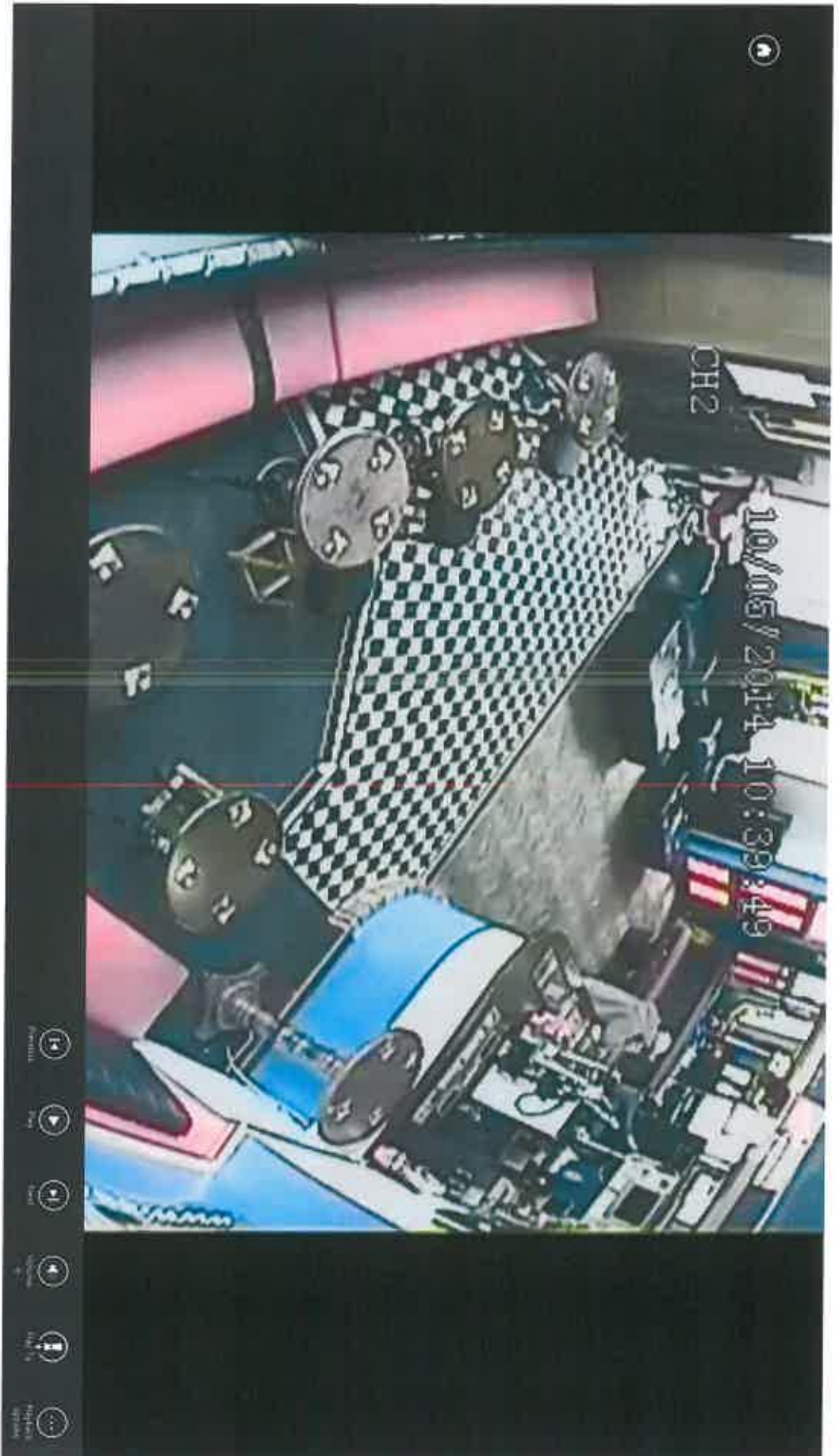
CUSTOMER ENTERING PREMISES THROUGH OPEN DOORS



FEMALE STAFF POURING ALCOHOLIC DRINK



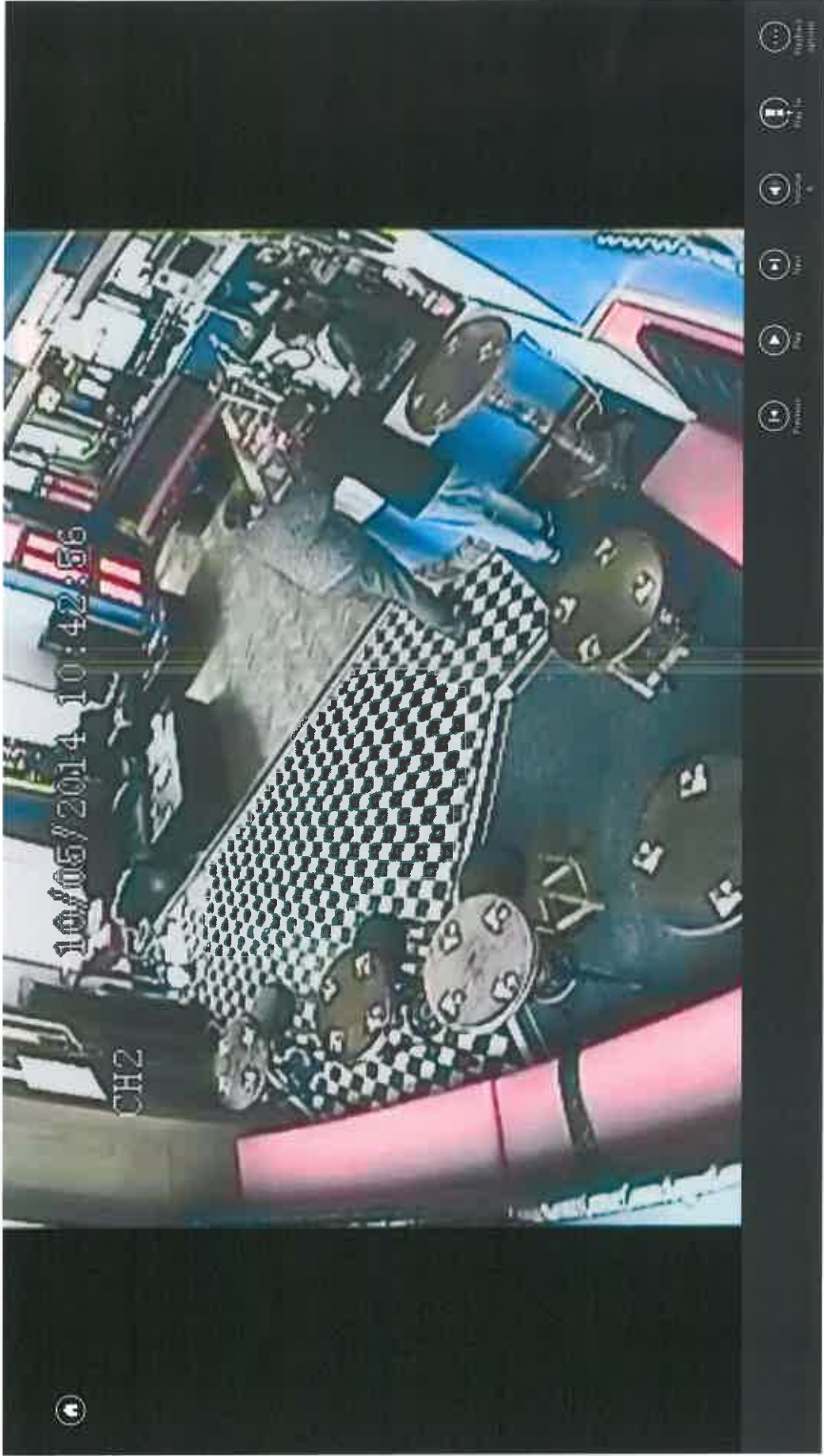
CUSTOMER CONSUMING ALCOHOL PURCHASING



1 MALE AND 1 FEMALE CUSTOMERS ENTER PREMISES THROUGH OPEN FRANT DOORS



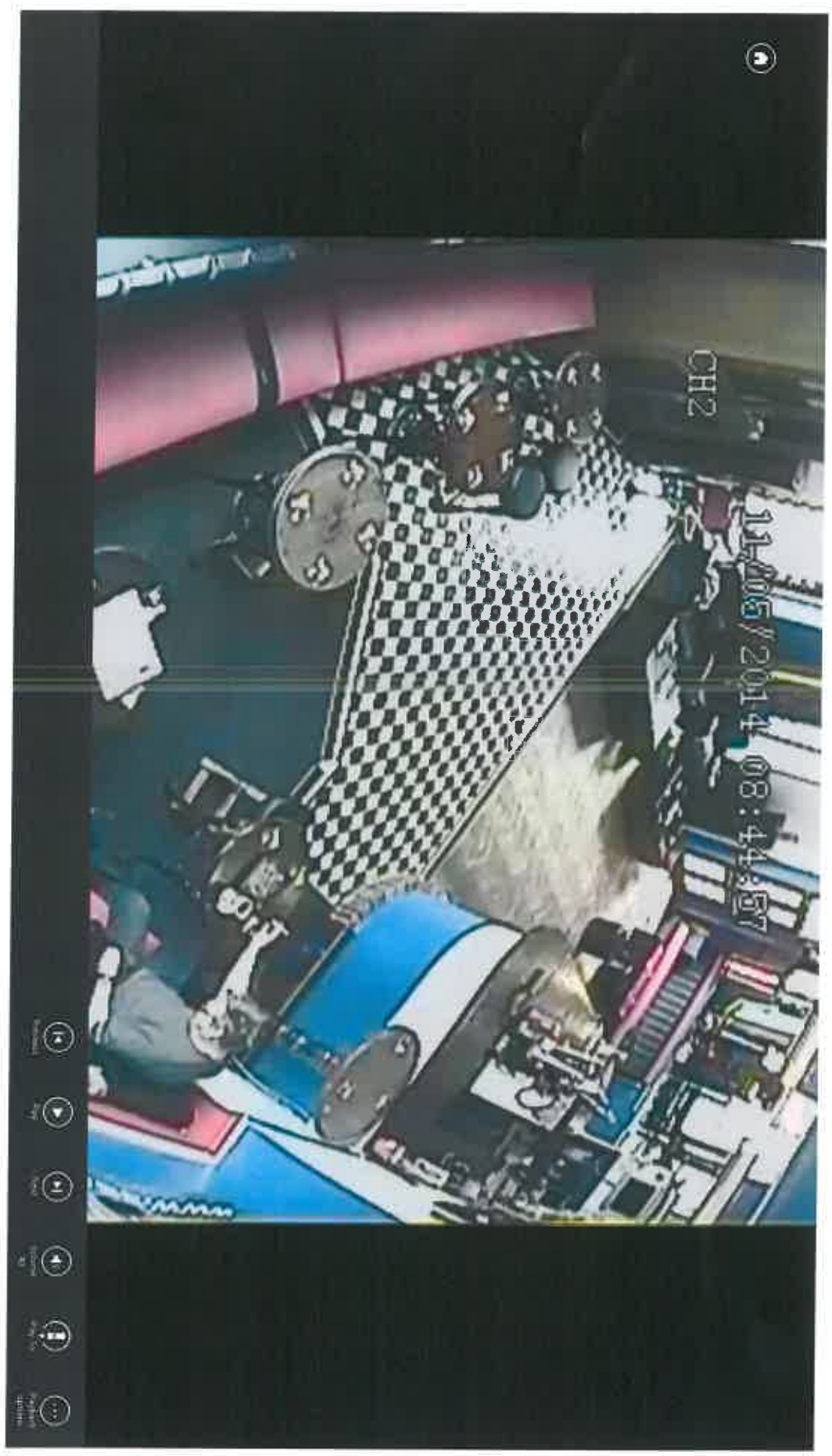
FEMALE STAFF MEMBER SERVING ALCOHOL



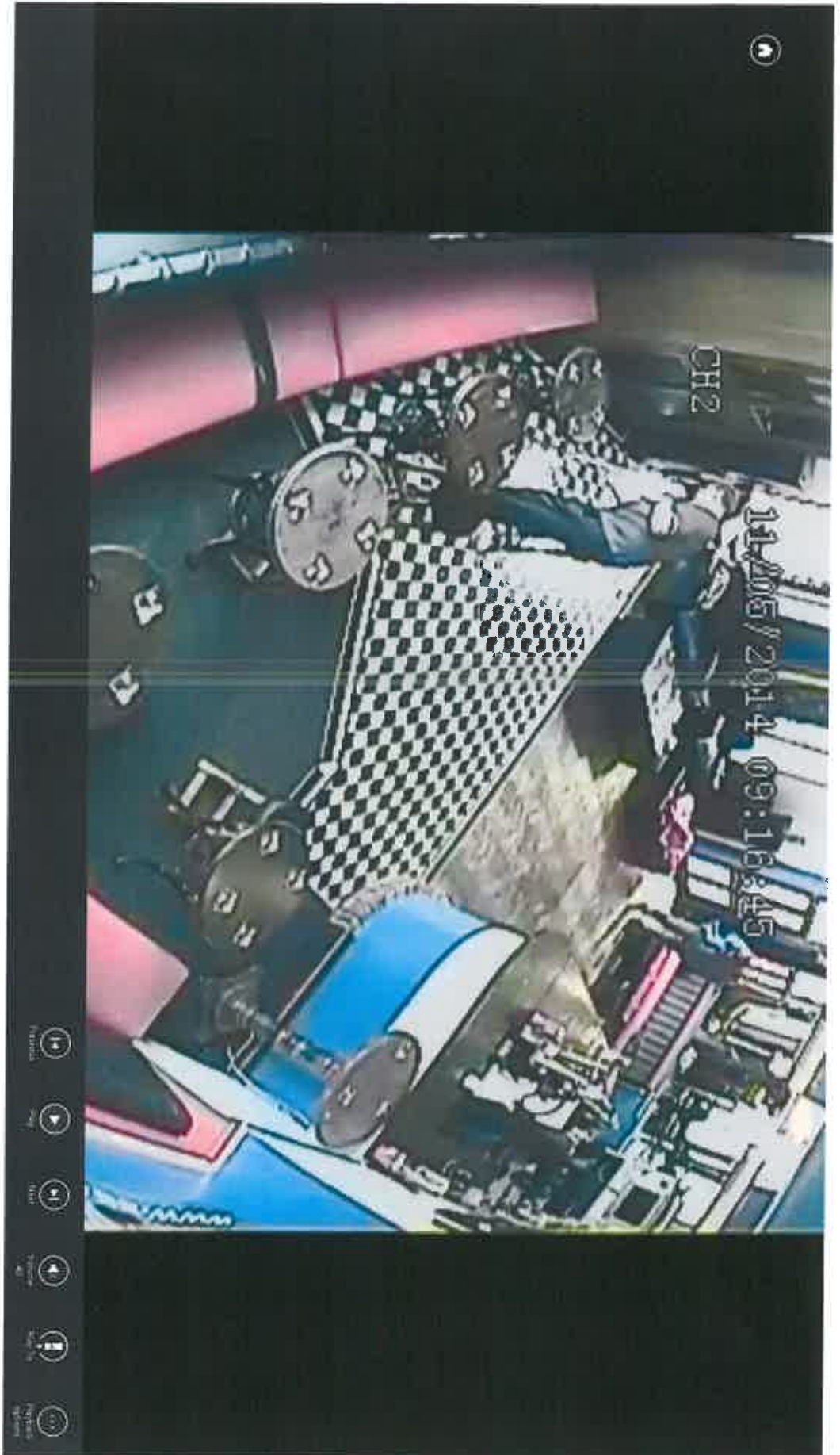
CUSTOMER CONSUMING ALCOHOL PURCHASED



STAFF MEMBER SMOKING IN BAR AREA



Young Child Care in the Promises by Alan Gerard Ocean



STAFF MEMBER Smoking in Toilets Areas



FEMALE STAFF MEMBER SMOKING IN TOILET ALCOYS



STAFF MEMBER SMOKING IN BOB AREA



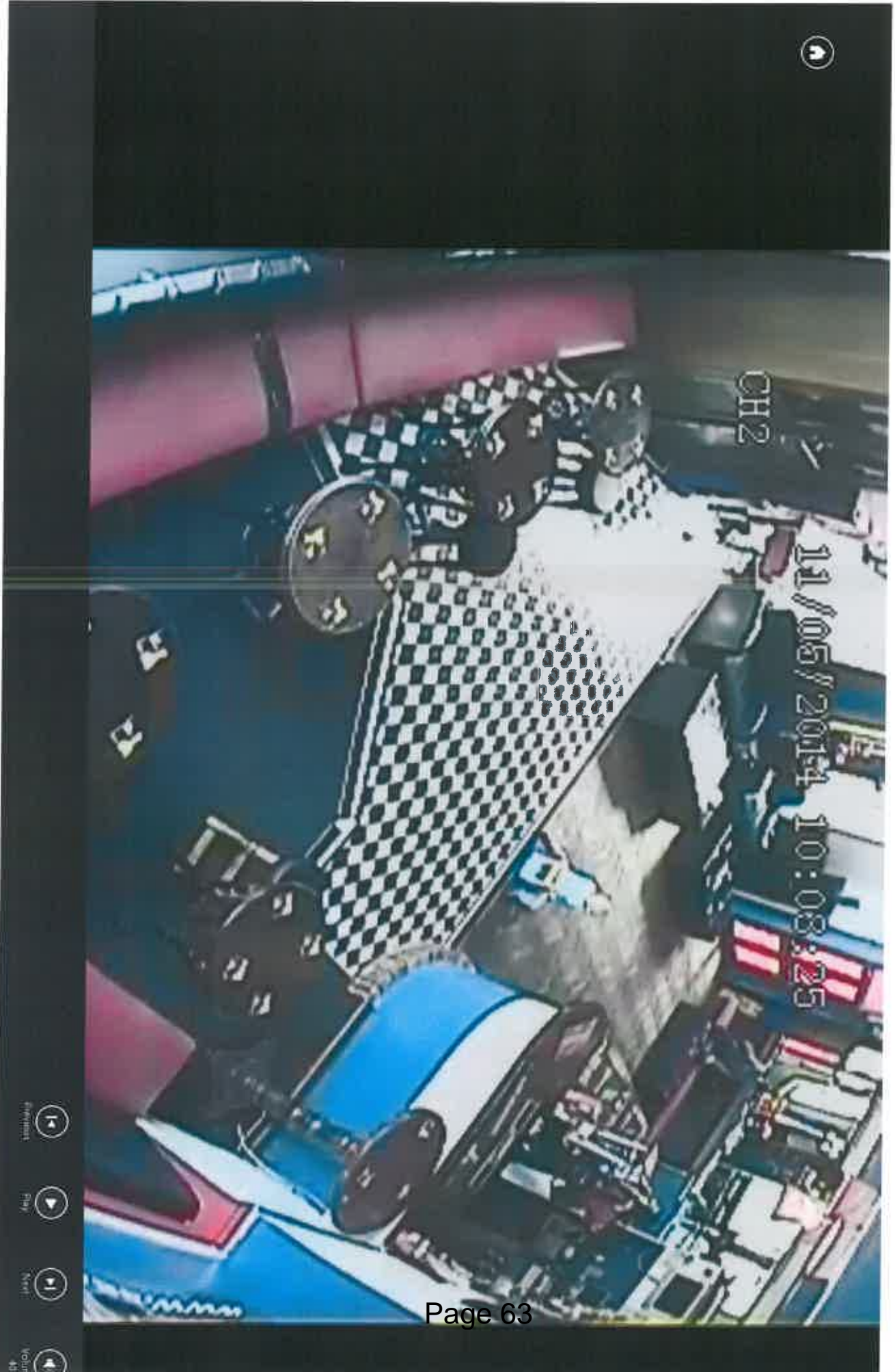
YOUNG CHILD CRAWLING ON DIRTY FLOOR CLOSE TO TOILETS AREA



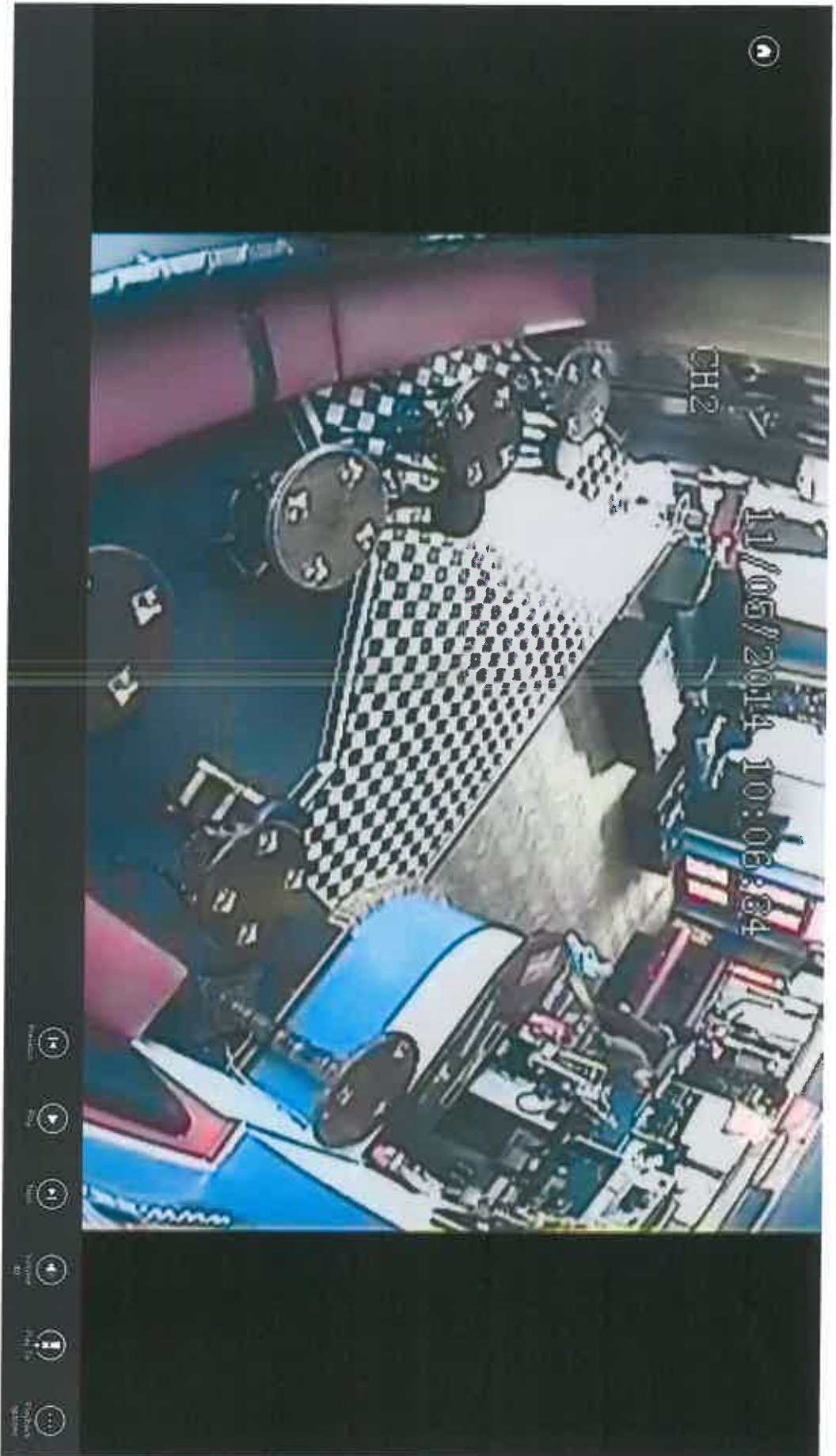
YOUNG CHILD TAKING IN TOLLETS AREA WHILST CLEANING IN PROGRESS



YOUNG CHILD PLAYING IN BAR AREA STAFF MEMBER SMOKING CLOSE TO FIRE ESCAPE DOORS



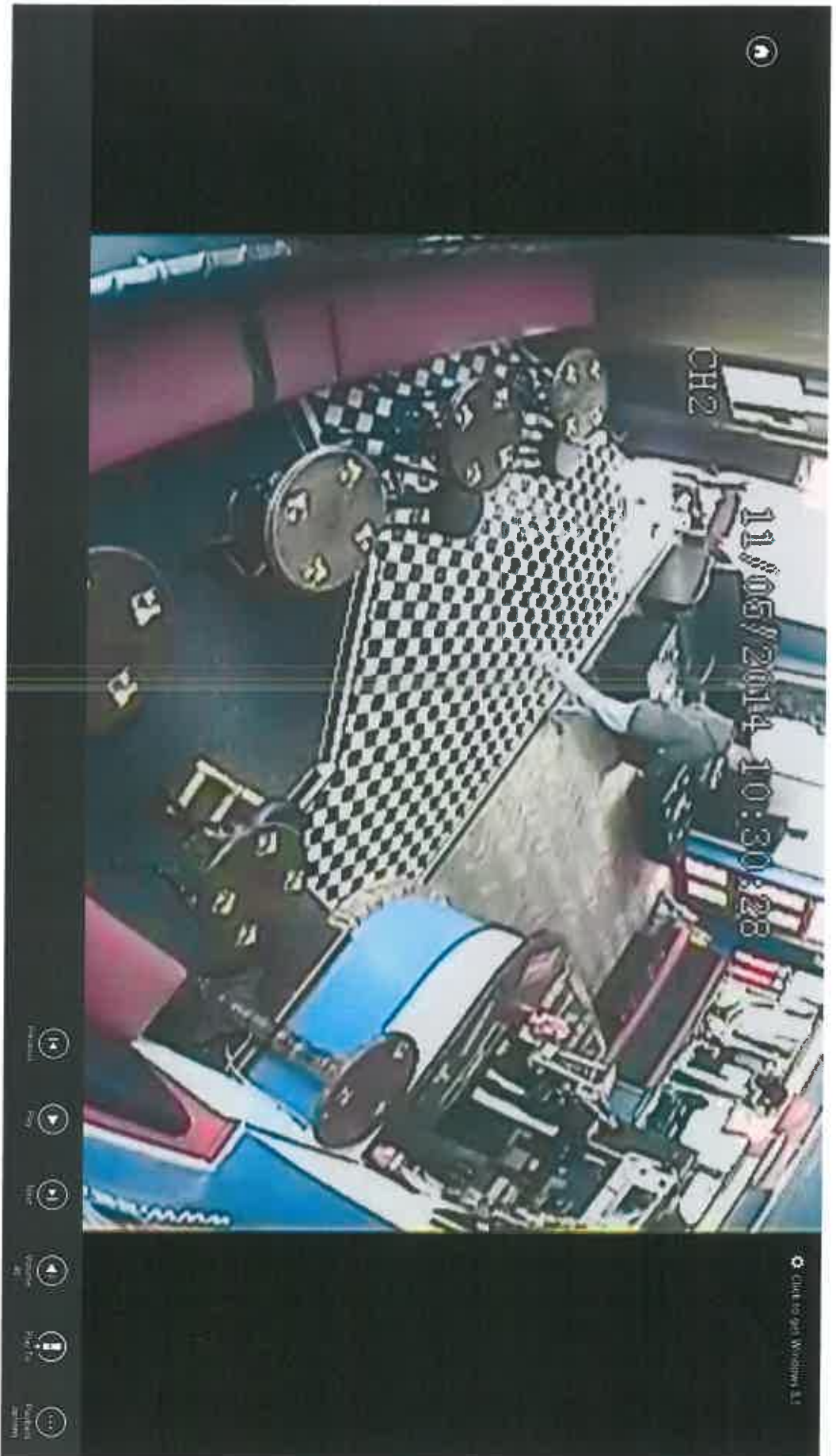
YOUNG CHILD TRYING IN BARE AREA STAFF MEMBER SMOKING ALSO STAFF MEMBERS DOG LEFT SITTING CLOSE TO FIRE
ESCAPE DOORS



FEMALE MEMBER OF STAFF OPENING FRONT DOOR'S YOUNG CHILD PLAYING IN BAE AREA



CUSTOMER ENTERS PROMISES XUAN CHIA PLAYING CLOSE TO FIRE ESCAPE DOORS



ALCOHOL SEIZED BEFORE PERMITTED Hours Young Child Playing in BAR AREA



MONEY GOING INTO TILL FROM ALCOHOL SALE BEFORE PERMITTED HOURS, CUSTOMER TALKING TO UNSUPERVISED YOUNG CHILD



FRONT DOORS OPEN, INTERNAL FRONT DOORS BEING PINNED BACK IN OPEN POSITION BY AARON GERARD OGDEN
YOUNG CHILD PLAYING IN BAR AREA.



Alcohol Being Served Before Remission Hours



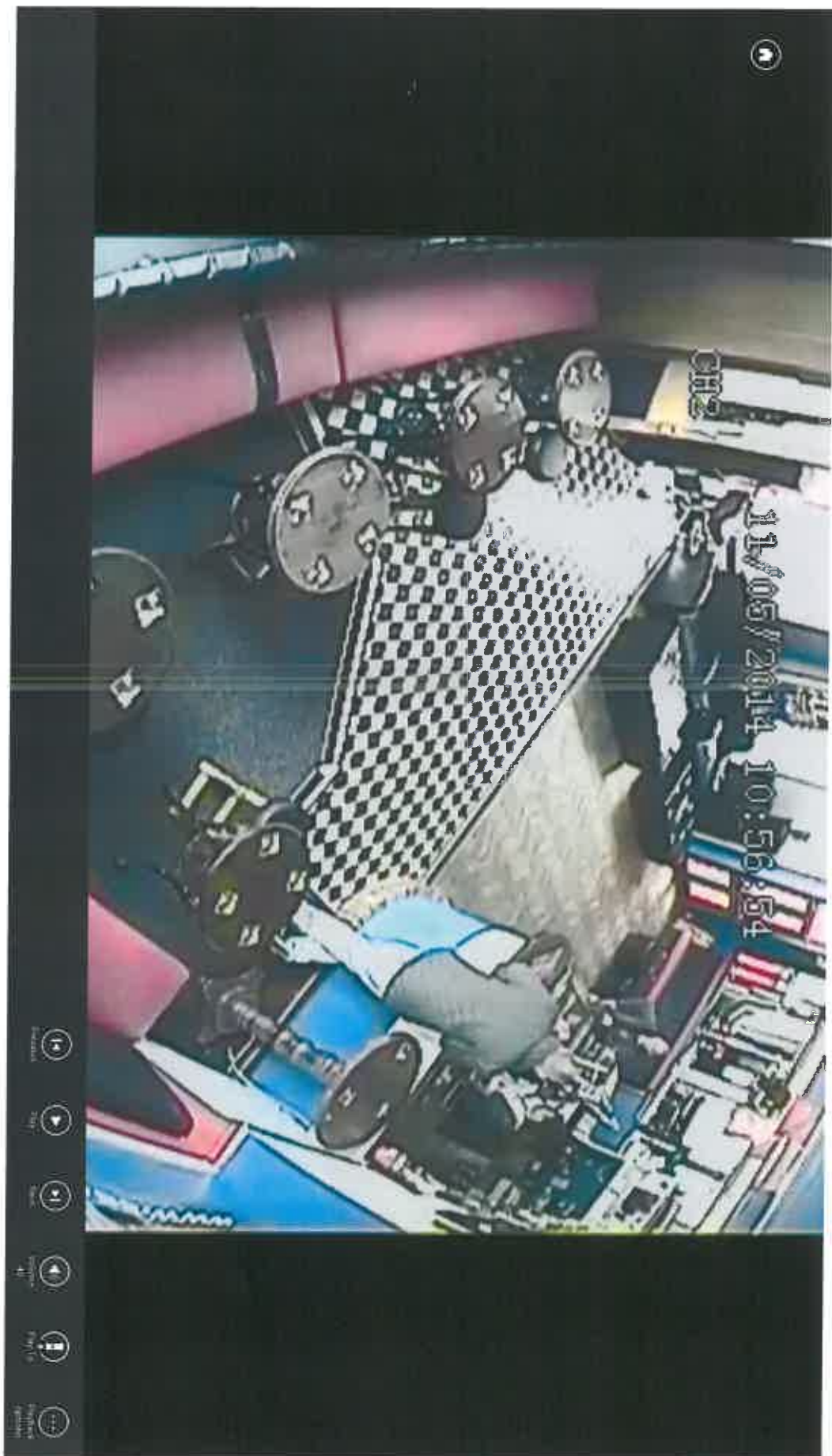
CUSTOMER BEING SEXUALLY ASSAULTED BEFORE PERMITTED HOURS



MONEY GAINS INTO THE FROM AUCTION SALE ALAN GERARD ORDER IN BAR AT TIME OF SALE



SECOND ALCOHOLIC DRINK SERVED BEFORE PERMITTED HOURS



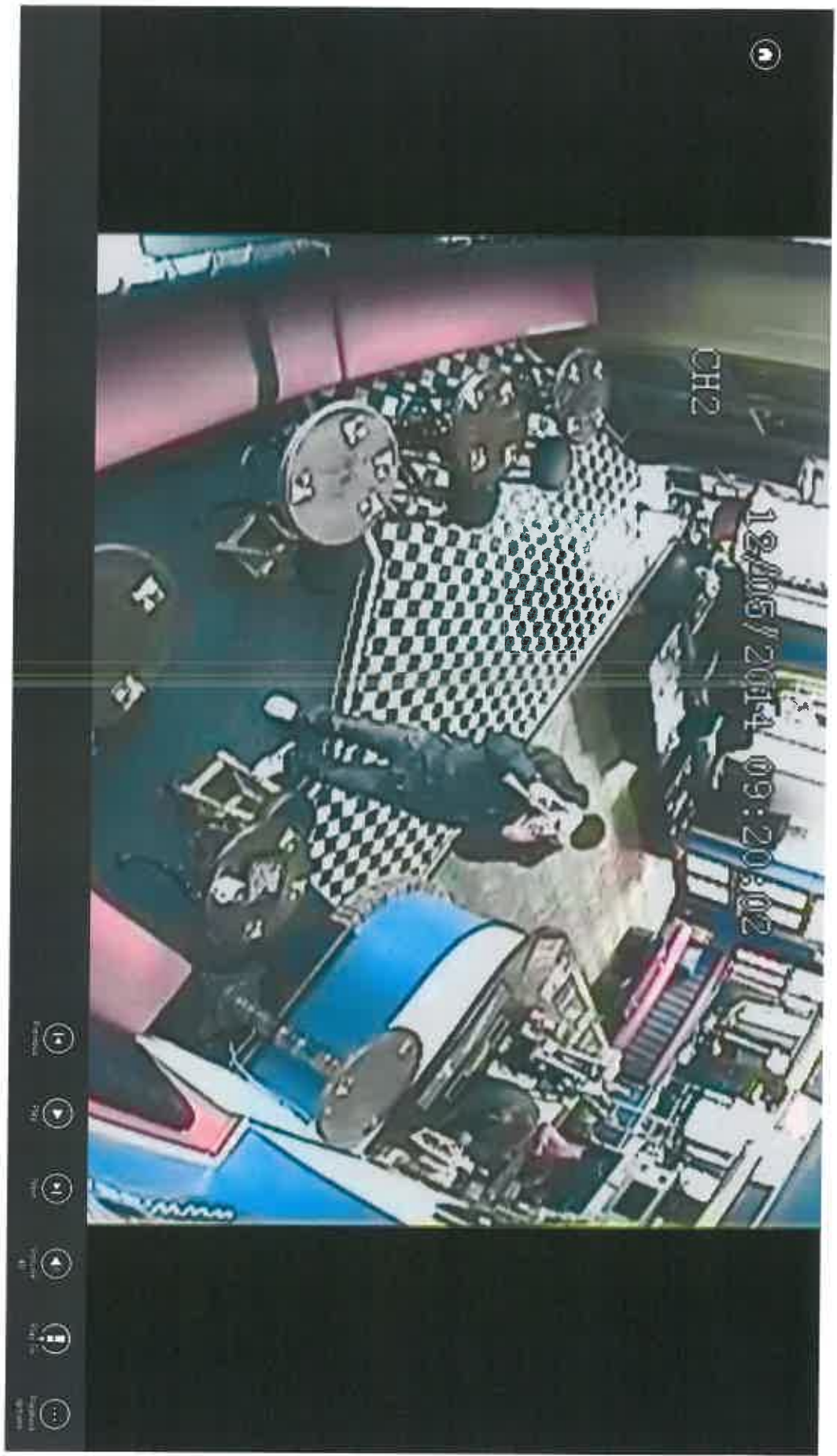
CUSTOMER FORMING UP ORIGINAL PINS WITH SECOND DRINK SERVICE



STAFF SMOKING IN BAR AREA



ONE MEMBER OF STAFF (BEHIND BAR) AND ONE UNKNOWN MALE SMOKING IN BAR AREA



TWU STAFF MEMBERS SMOKING IN BAR AREA



STAFF MEMBER SMOKING IN TOILET AREA



FEMALE STAFF MEMBERS OPENING FIRE DOOR TO ALLOW CUSTOMER INTO PREMISES



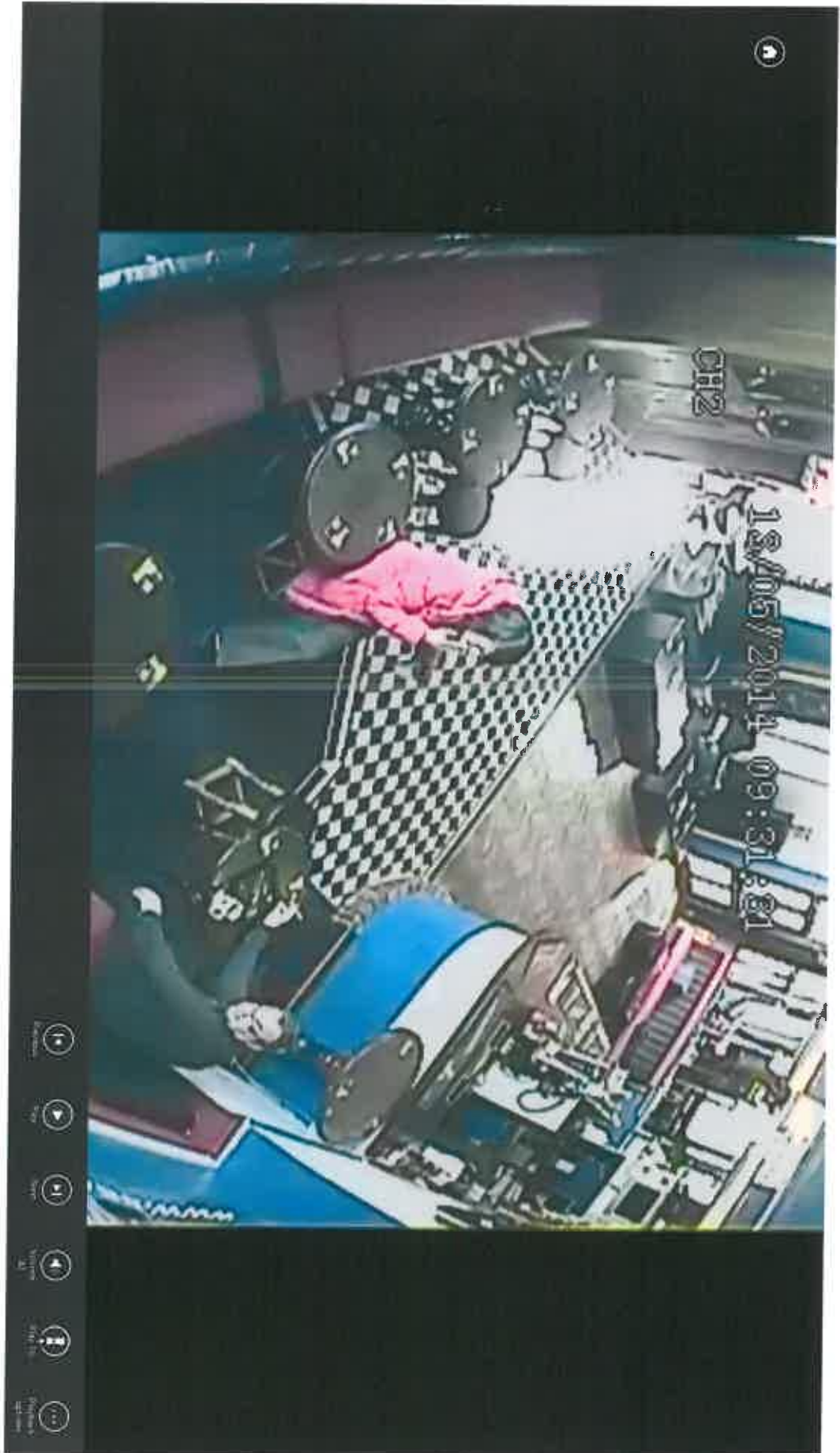
FEMALE STAFF MANAGER SEIZING ALCOHOL BEFORE PERMITTED HOURS



STAFF MEMBER SMOKING IN Break Room



Two STAFF members smoking in BAR Area.





STAFF MEMBER OPENING FIRE ESCAPE DOORS ALLOWING TWO MALES INTO PREMISES



Awan Gerald Ocdein Savings Account Before Remitted Hours





Alan Guerin Open Scrubs Second Acoustic Drunk Before Permitting Hours



ALAN GERARD OGDEN PUTTING MONEY IN THE FROM TWO ACCEPTED SALES



TWO STAFF MEMBERS SMOKING IN BAR AREA



FEMALE STAFF MEMBERS CONSUMING ALCOHOL WHILE ON DUTY



FEMALE MEMBER OF STAFF CONSUMING ALCOHOL WHILE ON DUTY



- Female Staff member Serving Alcohol Refuse Permission Hours



MONEY GOING INTO TILL FROM ALCOHOL SALES



Female Staff Member Seizing Access Before Permitted Hours



Temple Staff Member Sevens Records Before Permitted Hours



MONEY GOING INTO TILL FROM MICHAEL SALES



FEMALE STAFF MEMBER MAKING TWO SALES OF ALCOHOL TO MALE + FEMALE CUSTOMER BEFORE (PERMITTED) HOURS



MONEY GOING INTO TILL FROM TWO ALCOHOL SALES



FEMALE STAFF MEMBER MAKES EIGHT SALES OF ALCOHOL TO STAG PARTY BEFORE PERMITTED Hours



MONEY GOING INTO TIRE FOR SALE OF ALCOHOL BEFORE PERMITTED HOURS



TEMALLE STAFF MANAGER SERVING RECORD Referee PENNINGTON HEURS



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Witness Statement

(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 NATASHA KILLEN

Age; if under 18 (over 18) (if over 18 insert "over 18"). Occupation Unemployed

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.

Dated the 25th day of July 2014

Tick if witness evidence is visually recorded
(Supply witness details on rear)

Signature *Natasha Killen*

I am Natasha Killen and this is my account of witnessing antisocial behaviour from customers frequenting a licensed premise known as bar 137 situated at the junction of Church Street and South King Street, Blackpool. I have also witnessed and been a victim of noise nuisance in the form of excessively loud music being played inside bar 137. I live in a first floor flat which is situated on South King Street on the same side and approximately ten metres away from bar 137. Directly opposite my flat is a pub called the blue room and directly next door is a pub called the Frenchman's cove. I would describe the area as a busy town centre location. I live in the flat with a male partner and my two young sons's aged one and two years of age. I moved into the flat in March 2014 the living room faces directly onto South King Street with the bedrooms to the rear of the property. Ever since moving bar 137 has been problematic, we have suffered from disturbed sleep which has been caused by loud music coming from bar 137 I can physically feel the vibration of the bass through the floor of the flat. I would have thought that any problems would be from the other two licensed premises but these do not cause any problems I hear absolutely no noise from the Frenchman's cove. But do occasionally hear some music from the live bands at the blue room but any noise from the blue room is finished around 1am to 1.30am and is never excessively loud or problematic. However any music from bar 137 can be heard and felt beyond this time, and can drown out any music heard from the blue room.

I know the man who ran bar 137 I know him as Oggie a man aged about mid forties to fifty

Signature *Natasha Killen*

Signature witnessed by

years of age, who used to run the Bier Keller and the Jaggy Thistle pubs. Soon after moving in and experiencing the loud music into the early hours of the morning I went to bar 137 and spoke to Oddie in relation to the noise nuisance and initially the volume was turned down for a short time but not long after the volume of the music was again excessively loud. I have also witnessed violence with customers from bar 137 fighting in the street. On one occasion it was late afternoon between 3.30pm and 3.45pm, I was standing in the large front bay window of the flat which looks down onto South King Street and gives a clear view to the front of bar 137 I was standing with my two year old son we were waiting for my father to arrive. Two males suddenly burst out of the side door of bar 137 and appeared to continue a fight that may have started inside the premises. Both males were drunk and throwing punches at one another one of the males received a punch to his face and was covered with blood, this happened so fast I was unable to avoid my young son seeing this. The fight suddenly stopped as quickly as it had started with both males going their separate ways an ambulance arrived and the male covered in blood was located close by and attended to. On a second occasion my partner and myself were sitting in the living room watching television, it was approximately 3.10am when we heard a commotion outside with shouting and screaming. On looking out of the window I saw two males fighting, with other people stood about. Both myself and my partner went down to the front door to see what was happening I saw the two males were still fighting and throwing punches at one another then it was broke up. One of the males went into bar 137, this same male then reappeared a moment later from inside bar 137 and the fight started again. There was only one doorman on duty he was standing at the front door on Church Street as the fight moved into Church Street this doorman walked across the road to where the males were fighting and grabbed hold of one of the males and punched him to the head knocking the male to the floor, the doorman then stood over this male and continued punching him whilst he was lying on the floor to the face. The doorman then quickly returned to bar 137 and went straight

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inside leaving the door unmanned, the doorman did not come out again as he was aware that the Police had been called. The Police arrived, spoke to a few people and sent everyone on their way with no action was taken against the doorman. I have also witnessed drug taking by customers coming from bar 137. While I was standing at the front door of my flat smoking, I do not smoke in the flat as I don't like smoking near my young children. I saw two males come out of the side door of bar 137 one of these males I know as a family friend they both walked towards me and I spoke to this male I know. His friend was standing almost next to us when I saw him put his hand in his pocket and pulled out a small transparent plastic bag containing what I would describes as white powder, this male then opened the bag and scooped some of the white powder up with what appeared to be a flat metal door key. He then lifted the key to his nose and sniffed the white powder up his nostrils. I quickly finished my conversation with the male I know. They then both turned around and walked back and into the side door of bar 137. This type of anti social behaviour is common with customers from this premises I have even witnessed females urinating in the street having just walked out of bar 137 where there are toilet facilities. Recently around the beginning of July 2014 I noticed that bar 137 was being redecorated, this made sense as all of the drunks that used to go into bar 137 seemed to be going into the Frenchman's cove in the mornings. I saw Oggie outside bar 137 and in conversation he mentioned that he had signed the premises over to someone else and he had nothing more to do with the place. However on Wednesday 23rdth July 2014 the music from bar 137 had been excessively loud from around 11pm this continued into the early hours of Thursday 24th July 2014 the weather has been extremely hot and I had to keep the windows open. At approximately 3.30 am the music was so loud it woke my children and my partner who needed to be up early for work. I went the short distance to bar 137 and on entering the premises from the main door on Church Street I saw two people already in the bar drinking alcohol two more people walked in ahead of me and was served alcohol. As I walked into bar

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137 the music immediately stopped. I approached a male behind the bar who I would describe as being approximately 30 years of age. I told him that the music was excessively loud and it had woken my young children up this male replied "You mean to say the music was louder than when Oggie had the place" I told him despite the music being loud when Oggie was there it was not loud enough to keep my kids awake and I had to keep my windows open because of the heat. A drunken customer then butted into the conversation saying "why live above a pub with two children" I told the customer to mind his own business the male behind the bar then said "well the music is off now" I then left the premises and returned to my flat. It was approximately 3.40am within five minutes of my return the music started again and continued again excessively loud until 4.30am when the music suddenly stopped. I made contact with the Council and later made a statement in relation to the noise and antisocial nuisance taking place at and around bar 137. In my opinion no one has the authority to unlawfully allow this kind of antisocial behaviour from a licensed premises and I wish to complain about this matter. I am unable to attend any committee hearing in respect of this licensed premise due to being away at a family wedding in August.

Natasha Killen

Signature *Natasha Killen* Signature witnessed by

Photographs taken by Senior Public Protection Officer, Gareth Shaw during a visit to Bar 137 on the 24th of January 2014.



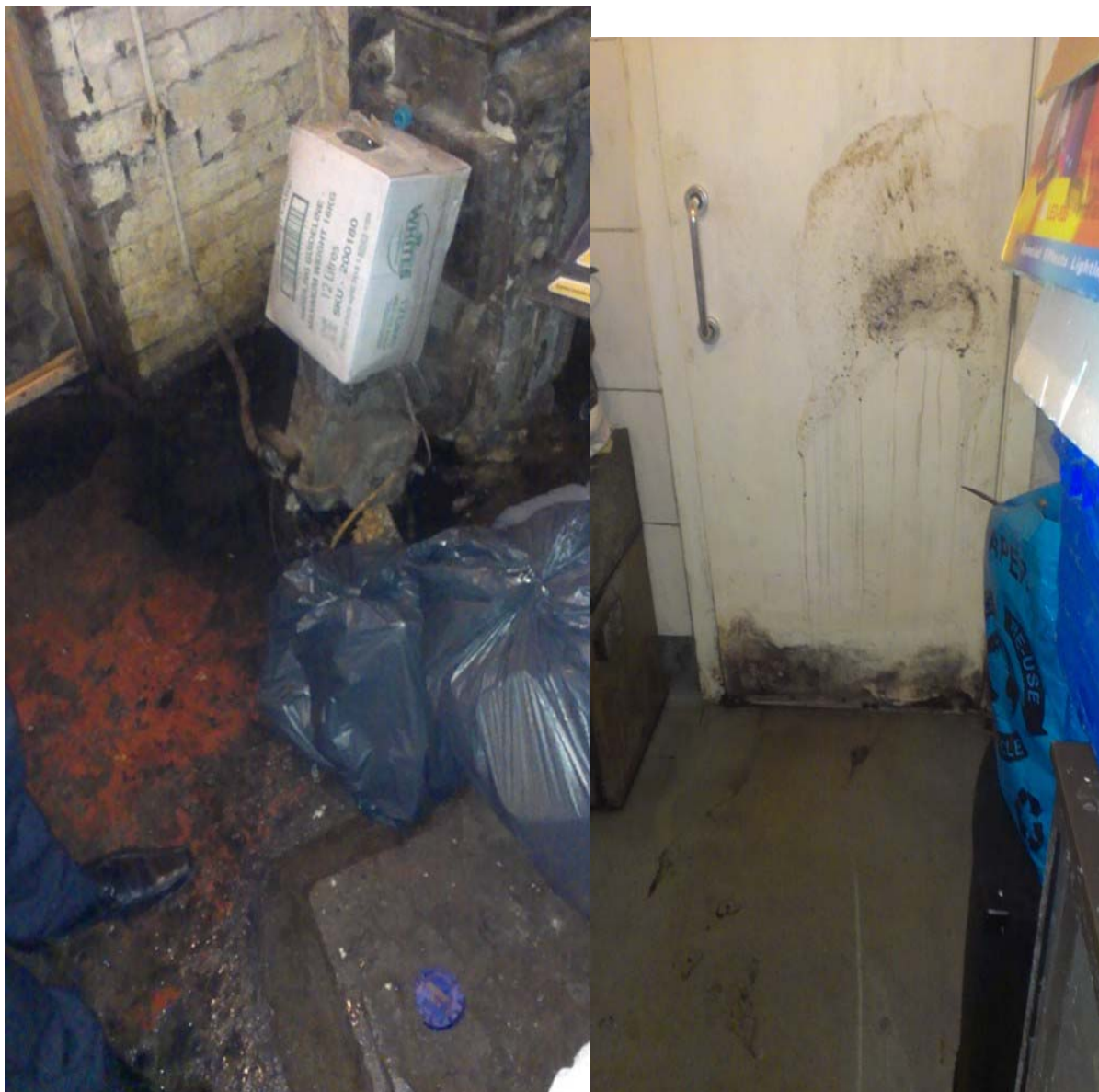
- 1) Above shows electrical installations and equipment that required either making good or further investigation by a competent electrician.

Photographs taken by Senior Public Protection Officer, Gareth Shaw during a visit to Bar 137 on the 24th of January 2014.



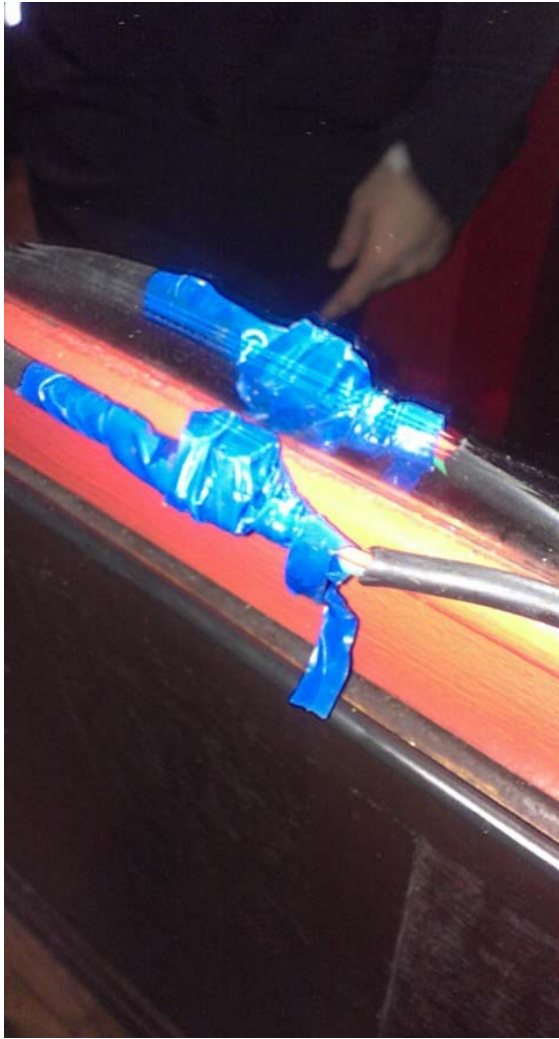
2) Drainage overflow spilling filthy water/effluent into cellar areas.

Photographs taken by Senior Public Protection Officer, Gareth Shaw during a visit to Bar 137 on the 24th of January 2014.



3) Waste accumulation and further filth in cellar areas.

Photographs taken by Senior Public Protection Officer, Gareth Shaw during a visit to Bar 137 on the 24th of January 2014.



4) Electrical cables joined in public area with no physical protection.

5) Improvement notices were served to deal with all the issues above.

Date: 1st August 2014

TO: Councillors Hunter, Hutton and P Jackson

Our Ref:00000

Your Ref:00000

Direct Line: 01253 477157

Email: bernadette.jarvis@blackpool.gov.uk

Dear Councillor

Licensing Hearing – Review of a Premises Licence – Bar 137

Please find attached additional evidence submitted by the Licence Holder's representative in respect of the review of a Premises Licence – Bar 137.

Please bring this information with you to the meeting on Monday 4th August 2014.

Yours sincerely

On behalf of the Head of Democratic Governance



Democratic Governance
PO Box 1066
Blackpool, FY1 1GB

Contact
T: (01253) 477 XXX
F: (01253) 477 138

www.blackpool.gov.uk

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