

Blackpool Council

15 September 2015

To: Councillors G Coleman, Mitchell and Scott

The above members are requested to attend the:

LICENSING PANEL

Thursday, 24 September 2015 at 1.30 pm
in Committee Room B, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- CRYSTAL HOTEL (Pages 1 - 34)

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

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

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

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	24 th September 2015

APPLICATION TO REVIEW A LICENCE – Crystal Hotel

1.0 Purpose of the report:

1.1 To consider an application by the Licensing Authority to review the licence issued in respect of Crystal Hotel, 7 Crystal Road.

2.0 Recommendation(s):

2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

3.1 This application must be determined by a panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once a review application is submitted it must be considered by the Licensing Panel.

4.0 Background Information

4.1 The Crystal Hotel, 7 Crystal Road Blackpool has the benefit of a premises licence authorising the sale of alcohol for consumption on the premises to residents and their bona fide guests 24 hours a day.

4.2 On 31st July 2015 the Licensing Service received an application from the Licensing Authority to review this licence on the grounds of the prevention of public nuisance. A copy of the application is attached at Appendix 4a.

4.3 No other representations have been received

4.4 The licence holder is Trefor Keith Locke. He has held the licence since July 2008. At the time the review was submitted Mr Locke was also the designated premises supervisor. On 1st September 2015 the Licensing Service received an application to vary the licensing by naming Steven Pegler as Designated Premises Supervisor.

4.5 **Local policy considerations**

None

4.6 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

If a suspension or revocation is being considered 11.23 should be taken into account “it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.7 **Observations**

This licence was granted in 2005 being converted from a Magistrates’ Court residential licence. This licence only has the mandatory conditions endorsed upon it.

4.8 **Annex 1 - Mandatory conditions**

- 1 The premise shall be used for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals.
- 2 Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption, with or otherwise as an ancillary to, meals served in the licensed premises.
- 3 Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends, bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.
- 4 Adequate sitting accommodation to be provided in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- 5 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.
- 6 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 7 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

8 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

9 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

10 The responsible person must ensure that -

(a) where any of the following alcoholic drinks are sold or supplied for

consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

11 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

- a. "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

4.9 Does the information submitted include any exempt information? No

4.10 **List of Appendices:**

Appendix 4a: Application for the Review of a Premises Licence-
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

Blackpool Council

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

LICENSING ACT 2003

**Review
requested by:**

Mark Marshall



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

Contact

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

www.blackpool.gov.uk

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I	Mark Marshall
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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	Crystal Hotel								
	7 Crystal Road								
	Blackpool	Post Code	F	Y	1	6	B	S	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Trefor Keith Locke									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0013	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	<small>Please tick</small> <input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
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 No.										
Email Address										

(2C) Responsible Authority applicant

Name	Mark Marshall – Licensing Authority											
Address	Number One, Bickerstaffe Square											
	Talbot Road											
	Blackpool					Post Code	F	Y	1		3	A
Telephone Number	01253 478493											
Email Address	mark.marshall@blackpool.gov.uk											

Part 3 – Reason for Review

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

	Please tick
1) the prevention of crime and disorder	<input type="checkbox"/>
2) public safety	<input type="checkbox"/>
3) the prevention of public nuisance	<input checked="" type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

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

This review is brought by the Licensing Authority based on continuing complaints by local residents and an 'absent designated premises supervisor'.

The main purpose of the 'designated supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual amongst these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to dis-apply the usual mandatory conditions in sections 19 (2) and 19 (3) of the 2003 Act.

The 2003 Act does not require a designated supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

The premises has a chequered past with numerous complaints made that we believe may have undermined the Licensing Objectives as follows;

The hotel has been subject to many complaints since circa 2006/2007. The complaints have mainly been in relation to the nature of the hotel being run as a 'Swingers Hotel', albeit, issues such as fire safety, food safety and licensing breaches have been alleged. A large proportion of the visits have not disclosed any matters of concern but for one offence of substitution of alcohol detected on 13th, November 2013 where the management exposed for sale vodka which was incorrectly labelled as Smirnoff Vodka and was therefore a misleading commercial practice contrary to the Consumer Protection from Unfair Trading Regulations 2008.

13th February, 2015 a noise complaint was received by the Out of Hours Noise team, substantiated by Glen Phoenix and Nicky Todd on their visit to the premises. Officers visited and warned occupants.

14th February, 2015 a follow-up visit by licensing to ascertain new owner details and re-enforce warning issued on noise complaint of the 13th February 2015.

LS/F/009/14/3

27th February, 2015 new owner attended full day, Personal Licence Course.

12TH March, 2015 officers check rear of property and internal inspection reporting all in order.

16th March, 2015 e-mail received from S. Pegler stating he was applying for CRB.

4TH April, 2015 officers check property reporting all in order.

17TH April, 2015 officers conduct night visit to check on noise reporting all in order.

1ST May, 2015 officers conduct night visit to check on noise reporting all in order.

2ND May, 2015 officers conduct night visit to check on noise reporting all in order.

7TH May, 2015 follow-up to check Personal Licence Process. Progressing satisfactorily.

10th June, 2015 complainant disclosed issues of noise and disorder.

26TH June 2015, e-mail sent from S. Pegler stating Trefor Locke would be returning to the UK on the 17th July 2015.

21ST July, 2015 Premises visited where officers spoke to a Mr S. Pegler who confirmed that the DPS, Mr Trefor Locke was still currently abroad and that Mr Pegler had not up till this date made application to transfer the position of DPS into his name as previously discussed and agreed..

Mr Pegler, on believing that the current Premises Licence could be reviewed by the Licensing Authority in relation to the situation of 'an absent DPS', stated during conversation with the officer, that if the licence was suspended or revoked, he was quite prepared to allow visitors to the hotel to drink in the hotel rooms with no requirement to maintain a bar.

On investigation it was found that the current Designated Premises Supervisor has been absent from the premises since February 2015 and in view of the complaints made regarding the management of the premises, an absent DPS with a protracted period of time spent abroad is something that the Authority cannot tolerate.

Intervention has previously been instigated, requiring the person responsible for the daily management of the premises a Mr S. Pegler to attend the Personal Licence course and thereafter make successful application as the DPS. The current manager although attending and successfully gaining the Personal Licence has failed to make application up to the present date as the DPS. This causes huge concern whereby the Licensing Authority is asked to make consideration as to removing the current DPS who is absent. As such alcohol sales will cease until a satisfactory point of contact is appointed. Mr Pegler's verbal commitments have been positive, but, has failed to follow through on his promises despite being given 6 months to apply for a Personal Licence and a massive amount of flexibility and support.

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

Part 4 – Other relevant information

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

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


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

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

Part 5 – Signatures (please read guidance note 4)

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

Signed	
Print Name	Mark Marshall
Capacity	Licensing and Health and Safety Enforcement Manager
Date	27 th July 2015

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

Title:	Mr	Mrs	Miss	Ms	Other	
Forenames					Surname	
Address for Correspondence associated with this application						
					Post Code	
Telephone Number					Mobile Number	
E-Mail Address						

Notes for Guidance

LS/F/009/14/3

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

Ian Taylor

From: Steve Pegler [redacted]
Sent: 26 June 2015 11:42
To: Mark Marshall
Subject: RE: Crystal Hotel

Mark,

The online application is it the government one or do you have a link to a local one?, also for your records the Locke's are returning to the UK on the 17th of July.

Steve

Subject: RE: Crystal Hotel
Date: Wed, 17 Jun 2015 10:48:45 +0100
From: mark.marshall@blackpool.gov.uk
To: [redacted]
CC: ian.taylor@blackpool.gov.uk

Thanks Steve,

I take all your points on board, all fair comments. We will continue to work with them to temper their expectations the end result we are looking for is for you to be left in peace to run your business and for them to be satisfied that we have done what we can

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Steve Pegler [redacted]
Sent: 17 June 2015 10:42
To: Mark Marshall
Subject: RE: Crystal Hotel

Mark,

Ok points taken, my response was probably a bit of gut reaction made in haste, i have only once in 4 months dealt with one instance of Urination in the lane and the person was immediately asked to leave, as i spotted the person while i was washing up in the kitchen, as for a it being a regular occurrence by guests i would dispute that.

The side gate is now lockable so we will ensure no one has access or exit through it after 9pm , i would be surprised if there was no admittance of improvement from the [redacted] since we have been here but would probably expect none, as for being in fear of leaving the house i'm not sure what Mr & Mrs [redacted] expect, i have personally heard them on more than one occasion call female guests 'Dirty Whores' while passing the side of the hotel, so if he doesn't expect a husband or boyfriend or the ladies to take umbrage or offence and react then they need to think about their actions as mature adults as most of it is brought on by themselves.

We have and will continue to diffuse any situation that occurs, but then when we get personal abuse and assaults it does make us think why do we bother!.

Steve

Subject: RE: Crystal Hotel

Date: Wed, 17 Jun 2015 09:07:03 +0100

From: mark.marshall@blackpool.gov.uk

To: [REDACTED]

CC: ian.taylor@blackpool.gov.uk

Mr Pegler

You have possibly misunderstood the context in which my message was sent. In order to try and clarify some point may address you points in turn;

The [REDACTED] are affected personally to the point of tears , fear of leaving the house, medication , sleeplessness and stress. Do I blame you ? Of course not, they are clearly consumed with a long standing dispute which is no doubt disproportionately affecting them, my initial thoughts were that many of the points are not relevant but what is very clear is that the cumulative effect of all the matters put together are creating a hostile environment for them and I have no doubt that they could be the authors of their own destruction as now they have lost the ability to look at the situation objectively.

That its what I believe I have done , bring some objectivity and have been complimentary of your management style and the co-operation thus far .

I will always confirm, as I did to the [REDACTED] directly that we are not identifying problems when we visit but some of the complaints raised do tie in with the layout of the hotel and the practical operation of the hotel. For example there is no toilet in the bar area or nearby and the parties as you say go on till 06.00am. You also play an active role in hosting the events so is it conceivable that noise in the yard, guests occasionally urinating in the alley way does occur whilst you are pre occupied with other matters in the early hours ? I would say Yes, is it affecting the whole of the community ? No .

With regards to the upgrades and certification, this a an on going legal requirement of any business and any works you have done have not been as a result of our instruction, nor have I ever asked for evidence of certification or picked up on maintenance issues.

We are impartial with regards to deciding who is wrong and right in this matter, our role is to try and resolve the issue satisfactorily for both parties and crucially working with Licence Holders to put them on notice of concerns. At this this point you may begin to understand where I am coming from .

The Government have published Guidance under Section 182 of the Licensing Act2003, this is the document that doesn't quite bind Authorities but it give us a frame work to consider when issuing and reviewing licences. There are so many paragraphs that would be applicable to your circumstances, an important one is 11.10, below;

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

Para 2.15

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 may 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.

Para 10.28

The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

Para 10.29

The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

Para 10.30

The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

The extracts above are just a few of the paragraphs of the guidance, the full document can be found on the Home Office Website, but nowhere does it say that it is OK for non licence holders and absent DPS to go on running premises unchallenged especially where there concerns locally.

It is a simple step to obtain a Personal Licence, you could apply on line and I can even organise some assistance for you at the council offices to ensure the form is filled out correctly, my respectful submission would be that you have got your priorities wrong here.

The deadline stands I afraid, we have no licence holder to communicate with and we have no DPS, that is an intolerable position for us and needs rectification immediately, You have had many months to get things in order and I do feel that we have been very reasonable and very fair a position I'm dedicated to maintaining but will require some effort on your part.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Steve Pegler [REDACTED]
Sent: 17 June 2015 00:22
To: Mark Marshall
Subject: RE: Crystal Hotel

Mark,

Thanks for the update and the message, and appreciate the patience shown towards Sonia and i, met with Ian Taylor last Week as you know, we have agreed to close the patio area from midnight for one month, and it was closed and locked before 12pm last weekend.

We respect that you both have a job to do and we are working as fast as we can to come into line with what you require and expect from us, as you stated in your last Saturday visit there was no issue with noise from the previous half dozen spot checks and visits.

We are listening to what you say and advise, and as Ian will confirm being proactive in expectations of Mr [REDACTED] next complaint and as you know they are regular and often, it has cost us nearly a £1000 this last week with new fencing and gating, Health & Safety policy documents, Fire alarm servicing and the purchase of CCTV equipment which is soon to be installed and that was our own money we used!.

The CCTV will shortly be able to refute the many and varied allegations the [REDACTED] make and hopefully show that we ourselves are being threatened, intimidated, not to mention the vandalism, assaults and invasion of privacy of ourselves & guests, we have never encouraged anyone to intimidate or threaten anyone even Mr [REDACTED], if he takes it upon himself to damage people's vehicles that they stare through his window or intimidates female carers that attend to an old lady, i feel it is unjust to be aimed at Sonia & I with the remark 'but nor can we stand idly by when residents lives are being so dramatically affected'.

We will work as quick as we can to comply with your'e requests and demands, but now feel by the tone of this email that you firmly believe everything you are told by our neighbours we will probably end up bankrupt and homeless, even though we are working as fast as we can, i will be unable to comply with your request before the end of this week (19th June) due to the fact that we have a repossession hearing at Blackpool crown court next Wednesday (24th June) and i have to appear on behalf of the Lockes, if successful i will apply as soon as possible otherwise Mr [REDACTED] has won and we will no longer be a problem to you.

We are not bad people Sonia and I, just stuck in a situation where we are trying to please everyone and do the right things with very little support from anyone, no other neighbours complain and most support the Hotel, it's time you realised Mr & Mrs [REDACTED] blame us and aim things at us even when it is nothing to do with us or the hotel.

Yours faithfully

Steve & Sonia Pegler.

Subject: Crystal Hotel
Date: Tue, 16 Jun 2015 14:34:11 +0100
From: mark.marshall@blackpool.gov.uk
To: [REDACTED]
CC: ian.taylor@blackpool.gov.uk
Dear Steve

I visited you on the 6th June 2015 just to see how you were getting on with the Personal licence application, you mentioned you had it so we agreed that you would make an application for a personal licence before the 10th June

2015. As you know I was meeting with the resident Mr [redacted] on this day so wanted to give reassurance that we were well on the way to having a genuine DPS in place, someone who was running the business on a day to day basis rather than the current position which sees Mr Locke residing overseas and not able to properly act as the DPS. Sadly you didn't apply in time for my meeting, I need this situation sorting as soon as you can please.

I have explained my concerns with this from the day we met in mid February 2015 but as you were getting on with things such as attending our APLH course and there were no significant issues being disclosed during our visits I was happy to work with you and be patient.

Mr and Mrs [redacted] obviously bare a long term grudge against the business but they do raise some issues which I find are likely to be occurring, certainly around disturbance from the rear yard area and guests of the hotel being encouraged to behave in an intimidating manner, such as staring into their property and throwing litter there has also been a suggestion of guests of the hotel frequently urinating in the alley to the side of the hotel, this of course would be directly in front of Mr [redacted] property.

There were many issues that Mr [redacted] raised that were not within the Licensing Sphere and we have been very clear about where we sit as an Authority in relation to some of the issues raised. To be clear we are not here to be drawn into a long standing neighbourhood dispute but nor can we stand idly by when residents lives are being so dramatically affected.

As such Mr Taylor visited both you and Mr [redacted] on Friday 12th June to try and re set the mood between the parties, we accept that the problems are deep rooted and we do not anticipate harmony but there are some things that we need to address immediately.

1. Impose a closing time on the rear yard, Mr Taylor tells me you are content with midnight and we feel this will help a lot.
2. . Apply for a personal licence before the end of this week (19th June) so we can get you to apply for the DPS position..

Should you require any assistance do not hesitate to contact me.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Steve Pegler [redacted]
Sent: 16 March 2015 13:02
To: Mark Marshall
Subject: FW: PEG1426505732

Mark,
For your records, i have today paid for a CRB check.

Steve

Date: Mon, 16 Mar 2015 12:49:54 +0000
From: [redacted]
To: [redacted]
Subject: Re: PEG1426505732

Hi Steve,

Thank you for application. I would advise you send copies of your Birth Certificate for ID and so long as the your council letters are addressed to you at the current address would be suffice for your proof of address.

With Kind Regards,
Simple DCS.

On 16/03/15 12:14, Steve Pegler wrote:

Hello

I have just paid for your services.

Payment Details Application ID: PEG1426505732 Certificate and Admin: £ 45.00 Delivery: £ 0.00 ----- Total: £ 45.00

Re authentication

Having recently moved into the Crystal Hotel, i am running the business for friends who are overseas, i need the CRB check

to complete my personal Alcohol licence, i have passed, i have no bills from the address, although i do have letters from the council, my driving licence is in my previous address at this time and my passport is expired, is there a solution?.

Yours faithfully

Steve Pegler

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Ian Taylor

From: Mark Marshall
Sent: 29 June 2015 13:39
To: Ian Taylor
Subject: FW: minutes
Attachments: 10th June.docx

From: Jess Hall
Sent: 15 June 2015 16:06
To: Mark Marshall
Subject: FW: minutes

Hi Mark,
Please see attached minutes from the meeting last week.
Thanks, Jess

From: Jessica Leigh Hall [redacted]
Sent: 15 June 2015 16:05
To: Jess Hall
Subject: minutes

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10th June – Meeting with Mr and Mrs *****, Mark Marshall (Licensing Enforcement), Nicky Todd (Environmental Protection), Jessica Hall (Minutes)

Re: The Crystal Hotel

Conference Room 3D, Blackpool Council, Bickerstaffe House

MM introduced himself, Nicky Todd and Jessica Hall and mentioned the reason for the meeting was to go over Mr and Mrs ***** issues with The Crystal Hotel and to try to come to some sort of agreement regarding how best to deal with these issues so that everyone is happy.

MM asked what Mr ***** end game was in relation to the hotel?

stated that the area is residential and that the fact that there are hotels in the area now doesn't matter however this property (The Crystal Hotel) is not a hotel at all.

MM then stated that the Locke's have now left the Crystal Hotel and asked how this has affected the situation?

said it is now even worse. then passed a noise diary sheet to NT and mentioned that the new owner of the hotel has been slamming car doors and car boots on purpose into the early hours of the morning.

MM then said that he went to visit the property at 10pm on Saturday night to check the hotel. MM said that at this time there were 12 people in the bar. MM then showed Mr and Mrs ***** a photo of the booking register for guests which was taken by MM on Saturday night. MM stated that on the surface the Crystal Hotel is a well ran small guest house with a small number of well behaved guests.

MM stated that after speaking with the new owner, he has counter allegations against Mr and Mrs ***** regarding supergluing a notice on the windscreen of the owners wife's car and shoulder barging in the street however he would just like to get on with running the business. Mr ***** then offered his side of the story claiming that it was not superglue that was used, and he claimed that the new owner was obstructing him.

MM stated that 14 visits to a hotel of this size is excessive however, he and other members of the public protection division have put excessive resource into dealing with the hotel on the back of Mr ***** complaints. Each time that MM has personally visited there has been little or no issues found each time.

MM brought up some of Mr ***** past complaints, one of which was regarding serving none residents. MM explained to Mr ***** that it is not illegal to serve to none residents as long as they are friends/guests of residents, therefore as the council are bound by the law, the hotel is not committing an offence.

then said he believes they are operating in the wrong licence bracket as they are not actually a hotel, they are a swingers club and serving anyone alcohol.

MM said he understands that but how can he prove it? MM agreed with [] regarding the morality of the activity at the hotel, however, this is not against the law.

[] said he can prove it as he has seen it.

MM stated that he has visited the premises several times unannounced at night and has never seen such behaviour.

MM then explained the licensing process, and should the licence be revoked at the hotel, this will just stop alcohol being served there. It will not stop the activity. It will mean that residents will take their own alcohol which is harder to enforce in terms of the behaviour of residents.

MM then stated that officers have visited the premises endlessly over the past year driven by Mr **** complaints but the picture painted by Mr **** has never materialised after the visits have been conducted. Therefore MM feels as though his hands are tied.

NT explained that the hotel is not breaking the law.

MM asked how can this be sorted?

[] stated that the new owners behaviour is bad.

MM asked if this is a deep set neighbourhood resentment towards each other, and therefore no one will ever be happy?

[] began showing NT and MM various photo stills from Mr [] CCTV explaining that the photo's showed an argument between the owner of the Crystal hotel and Mr ****.

Mrs **** then stated that the owner or residents of the hotel have thrown a carton of sweet and sour sauce has been thrown on the roof and splattered everywhere all over their property.

NT stated that she is in the area 2/3 times a week and how the layout of the property is it is impossible for Mr and Mrs **** to know for definite that the sauce was thrown by the Crystal Hotel.

Mrs **** then began to shout slightly and stated that she is always intimidated by the owner and residents of the Crystal Hotel but they have never retaliated and have done exactly what the police have told them to do.

MM then asked based on what Mr and Mrs **** have told him, would they like him to speak to the owner about his behaviour?

[] said yes. He does not want to see or speak to the owner. His language and behaviour is wrong.

MM said there are 2 sides to every story, therefore he wants to speak to the owner and take forward the allegations made by Mr and Mrs **** and will continue to visit and monitor the situation.

Mrs [] then stated that the guests are always in the garden using foul language, often naked or with very little clothing on and have carried out sexual activity on cars and Mrs [] has seen them urinating

behind the property. Mrs [] stated that this is regularly on Friday and Saturday nights into the very early hours such as 4am-5am with the noise keeping Mr and Mrs ****, and other neighbours awake.

MM asked is there a gate now?

Mrs [] stated yes, it was done last week.

Mrs [] then began to name people from the area have moved allegedly because of the activity at the Crystal Hotel.

MM then said the only evidence against the Crystal Hotel is based on Mr and Mrs **** opinion and nothing has been reported from other residents or any evidence found when officers carry out visits.

MM said that they can ask for a review privately but from a licensing point of view he can only offer a positive light on the situation as each time he has visited there hasn't been any issues.

Mrs [] then said but she would then have to pay to go to court.

MM then asked what the **** priority issue was?

GC stated it was the behaviour of the owner and guests.

[] also stated it was the noise and behaviour from the back in the early hours of the morning.

MM stated that in order to resolve the issues, he will gladly go out between 3am and 6am to check the situation.

MM then went over a letter which was sent to Mr and Mrs **** regarding the licensing process and how they can send a premises for review, however this may create hostility between the owner and Mr and Mrs **** which may not necessarily resolve the issues. MM stated that it is unacceptable that guests are outside smoking and making noise until after 4am.

MM proposed speaking to the new owners to hear both sides of the story and possibly implement a restriction in using the back yard for smoking after a certain time.

MM then stated that this is a 12 year long neighbourhood dispute so it will take time to work things out and will require a calm period from both parties. Mr and Mrs [] agreed they would take a step back in terms of sending in complaints to try to resolve the situation as they just want to get on with their lives.

NT then asked would the **** be willing to take mediation by a trained mediator?

[] said that the owners of the hotel are not the type of people to accept mediation.

MM stated that he (Crystal Hotel Owner) seems reasonable.

[] stated he is worse than previous owner in terms of aggression.

NT stated that there are different types of mediation that could help and asked if they would be willing to take part as there is only so much the Council can do when there aren't any issues being found on unplanned visits.

□ stated it won't make a difference.

Mrs □ said it has always been a swingers hotel but issues relating to parking at the back of the property began the resentment between them both.

MM then asked to go back to the nakedness and sex and the back of the property.

Mrs □ stated that the hotel does not have toilets in the bar and therefore if residents do not want to go back to their room each time, they are going outside at the back and urinating.

MM said that he would speak to the owner regarding the use of the back and he does not need access to the property from the back therefore after certain hours, the guests can use the front. Mr and Mrs □ were happy with this.

MM asked if there was anything else?

Mrs □ stated they are just fed up and will retaliate soon.

□ stated that he cannot sleep and he would have killed him by now if he was 20 years younger.

MM stated that the owner is also tense about the feuds and MM would like to try and get him to drop it but will need Mr and Mrs **** to remain calm also.

□ then showed MM photos of the various parking issues.

Mrs □ said that another problem is the language and conversation topic of owner and guests.

MM said you cannot regulate.

MM then asked are the issues predominantly caused by guests?

Mrs □ said they are constantly goading them and she feels that it is because the owner is getting them to do it.

□ then showed a photo and named **** and **** stating that there are disgusting photos being taken in public around Blackpool to promote the business. □ feels they should be prosecuted.

Mrs □ then stated that the arguments with the new owner have been about parking issues due to owner's wife parking where it states no parking. Owner has been aggressive towards Mrs **** when Mrs **** tried to ask his wife to move the car.

MM then asked if there has been confrontation about anything else other than parking.

□ said he brushed his leg with a box by accident and the owner went mad.

□ said he is always aggressive just in the way he stands and looks at Mr and Mrs ****.

MM said he will speak to the owner but from a commercial point of view the establishment is well ran and not breaking law.

NT then said from an EP point of view, it is hard to prove who is causing the noise, particularly in terms of the complaint about car doors/boots being slammed. How does Mr and Mrs [] know they are from the Crystal Hotel?

[] stated he has seen them.

NT states from a legal perspective, it is hard to prove.

Mrs [] stated she felt as though NT did not believe her.

NT stated that was not the case but on the countless times she has visited in the early hours she hasn't found any issues.

MM stated that there is enough in Mr and Mrs **** complaint to raise concerns, however, there is not enough to review the licence. However, MM can assist Mr and Mrs **** reviewing privately.

[] was showing photos to NT and MM and all were discussing various issues relating to the photos.

MM began to wrap up the meeting by going over the actions.

MM stated he would write a letter to Mr and Mrs **** confirming what can be done about the complaint and what has been discussed at this meeting.

MM also stated he would look at imposing a restriction to close the back of the property at 12.30am.

MM stated he would keep an eye on the property and asked that Mr and Mrs **** keep in contact with him.

All agreed.

Reporting Officer: PPO S Ash	Direct Line: 01253 478388	Unit Manager: SPPO G Phoenix	Direct Line: 01253 478381	File No: EBF/1458710
 Blackpool Council <small>BUILDING A BETTER COMMUNITY FOR ALL</small>		TRADING STANDARDS SERVICE REPORT OF ALLEGED OFFENCES		
NAME	Trefor Keith Locke			
	Dob: <input type="text"/>			
ADDRESS/ REG.OFFICE	Home address: The Crystal Hotel 7 Crystal Road Blackpool FY1 6BS			
TIME, DATE & PLACE	12:45 AM 13/11/13 The Crystal Hotel, 7 Crystal Road, Blackpool, FY1 6BS			
ALLEGED OFFENCE(S)	Exposed for sale vodka which was incorrectly labelled as Smirnoff Vodka and was therefore a misleading commercial practice contrary to the Consumer Protection from Unfair Trading Regulations 2008			
ACT / SECTION	R.5(2) of the Consumer Protection from Unfair Trading Regulations 2008			
LAST DATE	13/11/14			
DATE SUBMITTED	16/12/13			
COURT				
DATE	PLEA			
PENALTY				
COSTS				
COMPENSATION				

INVESTIGATING OFFICER'S REPORT

COMMENTS

OFFICER: STEVEN ASH

DEFENDANT/S: TREFOR KEITH LOCKE

REPORTING OFFICER'S COMMENTS

The Crystal Hotel is a swingers club and the original complaint was received from a rival swingers club situated on Edgerton Road, Blackpool. I believe the owner of the Edgerton Road Club also owns a premise on Crystal Road and there appears to be some rivalry.

The complaint was that a customer of the Edgerton Road Club visited the Crystal Hotel and requested Smirnoff Vodka. The customer then, allegedly, noticed the bar person fill the Smirnoff Vodka bottle from a cheaper vodka under the bar. Due to the obvious rivalry I did not pursue the original complainant but I did visit the Crystal Hotel the next day and "dipped" the vodka behind the bar in a Smirnoff bottle. The test indicated that the vodka was not genuine Smirnoff vodka so I subsequently seized it.

At this point I wish to raise a point that was made in the PACE interview some time later. It was suggested that the bottle was seized incorrectly. It is true that under the Food Safety Act 1990 there is a procedure for taking samples. However, I am unqualified to act under the Food Safety Act 1990 so proceeded under the Consumer Protection from Unfair Trading Regulations 2008. Under these regulations there is no set standard of seizure other than the professional diligence demanded of any Officer. There is a suggestion that as the bottle wasn't seized in the presence of the owners (who were away at the time) the contents may have been compromised. I dispute this completely. There is an element of trust required in this sort of situation and I have nothing to gain by tampering with evidence.

The sample was tested by the County Analyst and was found to be not genuine Smirnoff. The owners of the Crystal Hotel were invited for interview (both were interviewed although it is Trefor Locke who is proceeded against). The defendant's position is that they were away at the time and they are baffled as to how the vodka was substituted. As this is a strict liability offence this does not constitute a defence in law. They claim that they have been victimised.

I do not see any reason for not prosecuting I am therefore recommending prosecution.

TRADING STANDARDS MANAGER'S COMMENTS

INVESTIGATING OFFICERS REPORT

SUMMARY OF EVENTS

OFFICER: **STEVEN ASH**

DEFENDANT/S: **TREFOR KEITH LOCKE**

This report relates to the substitution of Smirnoff Vodka in a hotel.

Aggravating features

- The defendant is unable to offer any explanation as to how the substitution happened.

Mitigating features

- The defendant was away at the time of the alleged substitution (although we have no way of knowing exactly when the substitution happened).

INVESTIGATING OFFICERS REPORT

ALLEGED OFFENCES

OFFICER: **STEVEN ASH**

DEFENDANT/S: **TREFOR KEITH LOCKE**

On 13th November 2013 at The Crystal Hotel, 7 Crystal Road, Blackpool, as a trader engaged in a commercial practice which was a misleading action in that you exposed for sale vodka which was incorrectly labelled as Smirnoff Vodka.

And that practice caused or was likely to cause the average consumer to take a transactional decision he/she would not have taken otherwise,

CONTRARY to Regulation 5(1) and 9 of the Consumer Protection from Unfair Trading Regulations 2008

INVESTIGATING OFFICERS REPORT

COSTS AND EXPENSES

OFFICER: STEVEN ASH

DEFENDANT/S: TREFOR KEITH LOCKE

<u>DETAILS</u>	<u>COSTS @ £25 ph</u>
Investigation	£200
Report writing	£100
Analyst costs	£100
Total	<u>£400</u>

INVESTIGATING OFFICERS REPORT

LIST OF EXHIBITS AND WITNESSES

OFFICER: STEVEN ASH

DEFENDANT/S: TREFOR KEITH LOCKE

Witness

Steven John Ash
Trading Standards Section
Progress House
Clifton Road
Blackpool
FY4 4US
Tel: 01253 478388

Will Produce

SJA/Crystal/1 – Code B Notice of Powers
SJA/Crystal/2 – Contemporaneous notes
SJA/Crystal/3 – Seized Vodka
SJA/Crystal/4 – Advisory letter
SJA/Crystal/5 – Analyst report
SJA/Crystal/6 – Interview letter
SJA/Crystal/7 – Transcript of Interview

INVESTIGATING OFFICERS REPORT

UNUSED MATERIAL

OFFICER: STEVEN ASH

DEFENDANT/S: TREFOR KEITH LOCKE

None

INVESTIGATING OFFICERS REPORT

SENSATIVE MATERIAL

OFFICER: STEVEN ASH

DEFENDANT/S: TREFOR KEITH LOCKE

None