

Blackpool Council

30 September 2016

To: Councillors G Coleman, Hutton and Maycock

The above members are requested to attend the:

LICENSING PANEL

Friday, 7 October 2016 at 11.00 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 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 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- LOLLY'S HOTEL (Pages 1 - 20)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Lolly's Hotel, Regent Road
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- Lolly's Hotel, Regent Road

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 :	7 October 2016

APPLICATION TO REVIEW A LICENCE – Lolly’s Hotel

1.0 Purpose of the report:

1.1 To consider an application from Health and Safety to review the licence issued in respect of the Lolly’s Hotel, 26 Regent Road.

2.0 Recommendation(s):

2.1 The Licensing 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 a Licensing Panel.

4.0 Background Information

4.1 Lolly’s Hotel, 26 Regent Road, has the benefit of a premises licence authorising the sale of alcohol 24 hours a day to residents and their guests only.

4.2 On 17 August 2016 the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

- 4.3 Representations have been received from Lancashire Constabulary. A copy of the representation is attached at Appendix 4b.
- 4.4 The Premises Licence Holder and Designated Premises Supervisor is Kamran Iqbal. Mr Iqbal has been licence holder since September 2013.

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 currently has the following conditions endorsed upon it:

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 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.
- 3 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.
- 4 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.
- 5 Every supply of alcohol under the premise licence must be made or authorised by a person who holds a personal licence.
- 6 (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).

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

8 (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.

9 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.

- 10 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) In this condition:-
- a. "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

- 1 The Licence holder is to support and rigorously enforce a Challenge 21 proof of age policy.

Any person who looks or appears to be under the age of 21 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application for Review from Health and Safety
Appendix 4b: Representations from Lancashire Constabulary

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:***

Keith Marsden on behalf of Health and Safety



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	Keith Marsden
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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	Lollys Hotel								
	26 Regent Road, Blackpool								
	Post Code	F	Y	1		4	L	Y	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Kamran Iqbal									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL1988	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	Please tick <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)

Please tick

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	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	Keith Marsden																					
Address	Public Protection Division																					
	Number One, Bickerstaffe Square																					
	Talbot Road, Blackpool												Post Code	F	Y	1					3	A
Telephone Number																						
Email Address	keith.marsden@blackpool.gov.uk																					

Part 3 – Reason for Review

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

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

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

This premises is a small hotel located on Regent Road in Blackpool town centre.

Following a phone call from Corona Energy Limited it was brought to our attention that the electricity supply had been disconnected at Lolly's Hotel for non-payment of a debt and allegations were made that persons at the premises had illegally re connected the supply and that it was potentially dangerous.

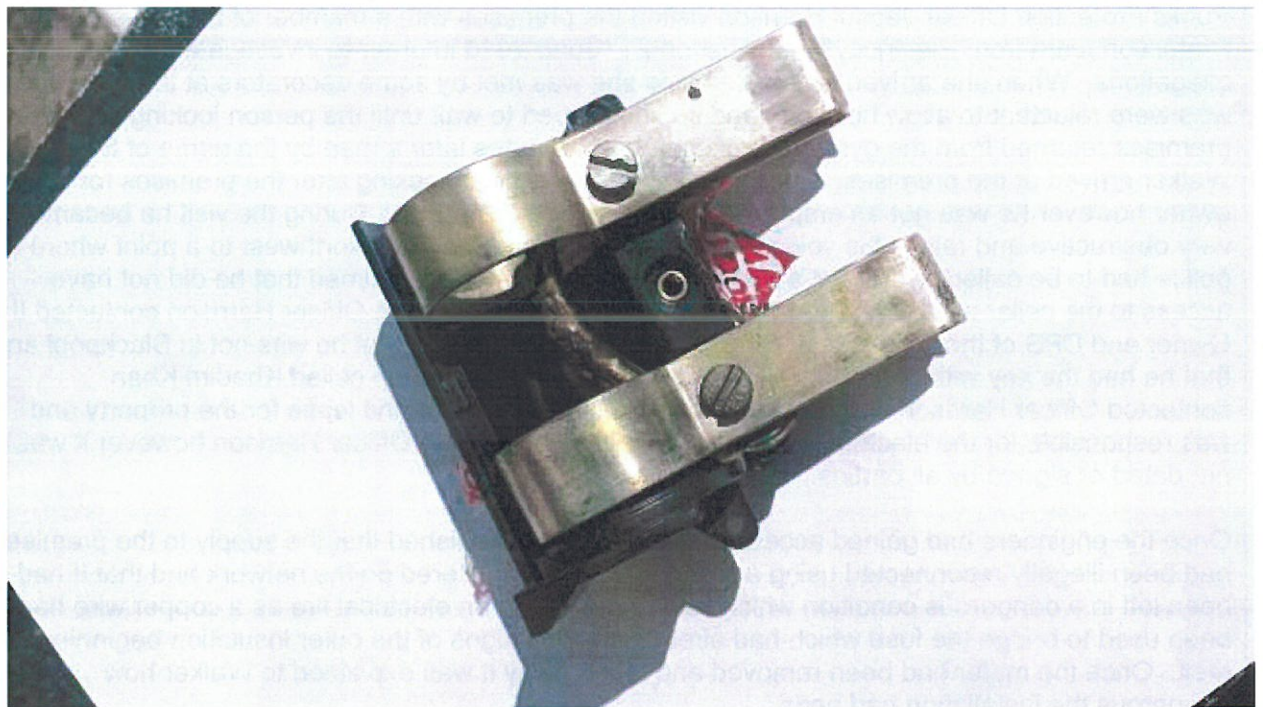
Public Protection Officer Jacqui Harrison visited the premises with a member of the Revenue Protection team from Electricity Northwest on 21st June 2016 in order to investigate the above allegations. When she arrived at the premises she was met by some decorators at the front door who were reluctant to allow her entry and so she agreed to wait until the person looking after the premises returned from the gym. Approximately 15 minutes later a man by the name of Scott Walker arrived at the premises. Walker indicated that he was looking after the premises for the owner however he was not an employee and just a long term guest. During the visit he became very obstructive and raised his voice to the engineer from Electricity Northwest to a point where the police had to be called to prevent a breach of the peace. Walker claimed that he did not have access to the cellar area where the electricity supply was located so Officer Harrison contacted the Owner and DPS of the premises Kamran Iqbal. Mr Iqbal claimed that he was not in Blackpool and that he had the key with him. Approximately 45 minutes later a man called Khadim Khan contacted Officer Harrison claiming that he had recently taken on the lease for the property and was responsible for the electrics. Khan sent a lease via email to Officer Harrison however it was not dated or signed by all parties.

Once the engineers had gained access to the cellar he established that the supply to the premises had been illegally reconnected using a rogue meter not registered on the network and that it had been left in a dangerous condition which could have led to an electrical fire as a copper wire had been used to bridge the fuse which had already showed signs of the outer insulation beginning to melt. Once the meter had been removed and taken away it was explained to Walker how dangerous the installation had been.

The picture below shows the electricity supply connected to the rogue meter with a bypass.



The picture below shows the fuse taken from the installation which has been bridged with a copper earthing wire and the burnt insulation on the cable.



The picture above shows the fuse which had a copper wire allowing the supply to be used.

On 9th August 2016 at approximately 12.30pm I visited Lolly's Hotel following another phone call from Corona Energy Limited claiming that again the electricity supply had been illegally reconnected. I attended the property with my colleague Public Protection Officer Jacqui Harrison, PC Emma Pritchard from Police Licensing, Electricity Northwest engineers and a locksmith. When I arrived the locksmith was sat in his vehicle and he stated that a man had approached him to ask why he was there before going back into the premises and locking the door. After knocking on the door for approximately 30 minutes, shouting through the letterbox and calling the owner on the hotel telephone number with no success we decided to instruct the locksmith to gain entry to the premises as the lights in the front room were on. Once we had gained access Walker who was present at the previous visit came out of the back kitchen area and claimed that he did not hear us.

The engineers from Electricity Northwest went down into the cellar and again found that the meter had been reconnected and was operating in a dangerous condition as the wires had been twisted together with cling film and the fuse had again been bridged with a copper wire which had the potential to cause an electrical fire at the premises.

The photograph below shows the electrical wires twisted together which was used to re connect the supply.



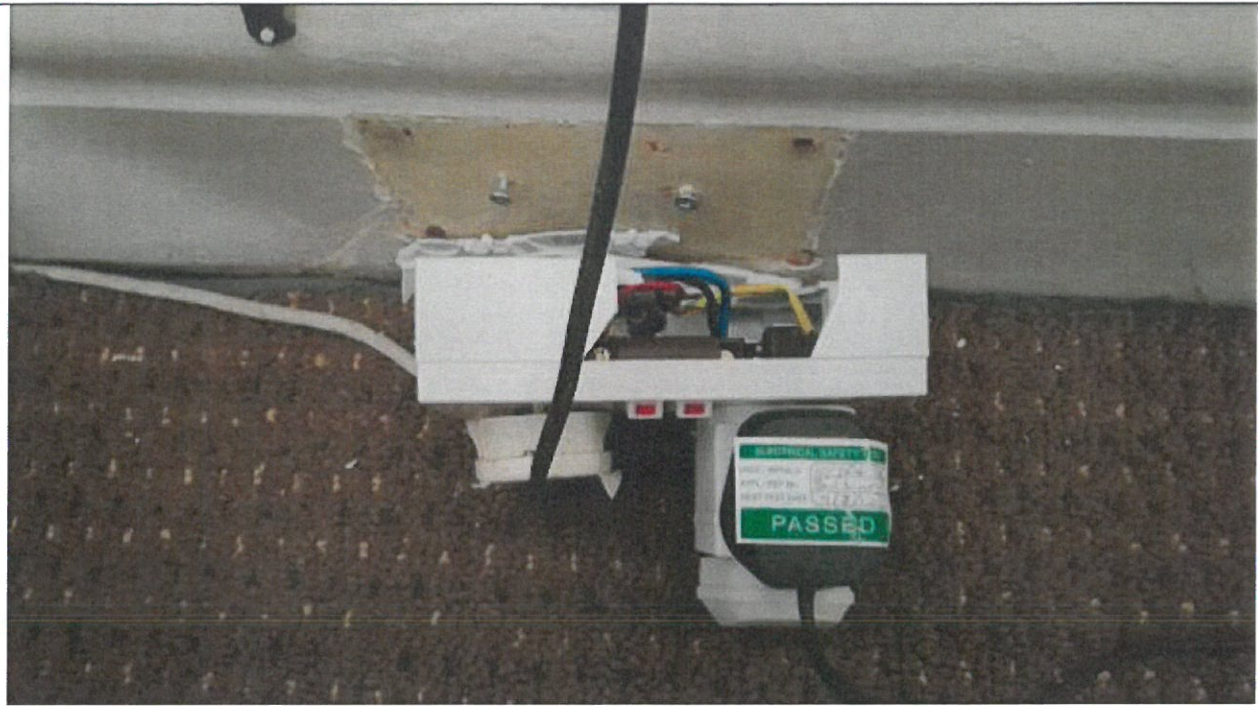
The photograph below shows the fuse which has been bridged with a copper wire.



Due to the dangerous nature of the installation which had been reconnected on two separate occasions Electricity Northwest took the decision to dig the pavement up outside the premises to and disconnect the supply in the street in order to ensure that it could not be reconnected again.

In addition to the above I entered the bar area of the premises and found a broken plug socket in the immediate vicinity of the bar which presented a high risk of electric shock to the public had they come into contact with it. I also served a prohibition notice which required the electrical installation for the premises to be tested by a competent electrician before the installation can be used once it has been re-connected by the supplier.

The photograph below shows the broken plug socket in the bar area.



Later in the afternoon of the 9th August 2016 I received a telephone call from Kamran Iqbal who was not able to tell me who had reconnected the supply on both occasions. Iqbal stated that he had not been at the premises for the past 6 months and claimed that the hotel was being managed by Khadim Khan. I explained to Iqbal that he was the DPS and should therefore be in day to day control of the premises however Iqbal claimed that the bar area was locked and that alcohol was not being offered for sale.

The photograph below shows that at the time I visited the bar was accessible and that alcohol was on display for sale.



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Throughout our dealings with this premises the persons in control have been very obstructive and the DPS has been absent and not in control and upholding the licensing objectives. Despite the seriousness of the risks involved in relation to the electrical installations the supply had been dangerously reconnected on two occasions with no regard for public safety at the premises or the potential impact on neighbouring properties. I feel that this has severely undermined the Public Safety Objective of the Licensing Act 2003 and I have no confidence in the licence holders ability to manage health and safety effectively as they seem to have no consideration for the seriousness of the risks created.

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
If yes please state the date of that application		
		Year

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	<i>K Marsden</i>
Print Name	Keith Marsden
Capacity	Public Protection Officer
Date	15 th August 2016

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

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.

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Blackpool Council Licensing Service

Representation made by a Responsible Authority
In support of an application for the Review of an existing
Premises Licence or Club Premises Certificate

Responsible Authority making representation

Name of Responsible Authority	Lancashire Constabulary			
Name of Officer <i>(please print)</i>	PC 4107 Emma Pritchard			
Contact telephone number	01253 604007			
Date representation made	14	09	2016	
Do you consider mediation appropriate			YES	NO

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

Keith Marsden (Health & Safety)

Premises Details

Premises Name	Lolly's Hotel			
Address	26 Regent Road			
	Blackpool			
Post Code	FY1 4LY			

Details of your representation in support of the review application

(Please reference & attach supporting any documentation)

Lancashire Constabulary support the review application by Keith Marsden on behalf of The Health & Safety Department at Blackpool Council, on the grounds of the prevention of crime and disorder and the protection of children from harm.

I attended the premises on Tuesday 9th August 2016 at 12:30hrs following a request from Blackpool Councils Health and Safety Department. I attended in order to prevent a breach of the peace as I was told by Mark Marshall that on a previous visit a male at the hotel had been aggressive towards staff. I met with Keith Marsden and Jacqui Harrison a short distance from the premises and when we arrived a joiners van was parked on the forecourt of Lolly's hotel. The joiner said that when he arrived the front door was open and that a male asked him if he was there for this hotel, the joiner had told him he didn't know and the male went inside and locked the door. Several attempts were made to access the hotel including knocking, shouting through the letterbox and Keith Marsden attended the rear of the premises. Keith Marsden also attempted to contact the Licence Holder Kamran IQBAL by mobile but was unsuccessful. During this time a female approached me and said that she had paid through 'Booking.com' to stay at this hotel. Keith and Jacqui instructed the locksmith to gain entry and he opened the front door without causing any damage. I entered the property along with Keith, Jacqui and two males from Electricity NorthWest. I repeatedly shouted Hello and eventually at the rear of the premises saw three males making a drink in a kitchen area. Two of the males said they were painters and one male (Scott WALKER) said he wasn't in charge and was just living at the premises. I said that Electricity NorthWest had said the electricity supply had been tampered with and so they would have to

disconnect it as it was unsafe. Scott WALKER said he was nothing to do with the running of the premises but he did have keys to all the rooms and when asked said that guests paid through Booking.com and he would check through the computer system and give them a room. He said that the owner Kamran IQBAL does not attend the premises. I asked Scott WALKER if he was a personal licence holder to which he said no. I saw there was a bar area and asked who had access to the bar. Scott said that although he had keys to the bar he did not supply alcohol to guests. This was a concern as any person could enter the bar and access alcohol. I saw that the bar was fully stocked. The female that had previously said she had paid for a room at the hotel came inside and asked if Scott WALKER would speak to Booking.com which he did. Electricity NorthWest disconnected the power supply and Keith Marsden gave a notice to Scott WALKER. I then left the premises and have not had any dealings since.

The Police are very concerned in regards to the lack of management and control of the premises and there is no evidence that measures are in place to prevent crime and disorder, further more criminal offences of abstracting electricity are being committed on the premises. The Police have no faith in the Licence Holder/ DPS' ability to prevent crime and disorder given the fact that he has allowed if not caused offences to be committed on the premises. There is also a big concern that residents of the hotel including persons under 18 have unlimited access to alcohol. The Police feel that due to lack of management there are no suitable conditions that could be placed on the licence as we have no confidence they would be adhered to and as such would request that the committee consider revocation of this premises licence.

A brief summary of incidents recorded by The Police from 14/09/2015 - 14/09/2016:

LC-20160822-1377: 21st August a domestic assault occurred inside a hotel room, the landlord of the hotel 'Mr Cameron' knocked on the door and gave the victim a separate room to the offender. Police have since interviewed the offender and he has been bailed awaiting Mr Cameron's statement.

LC-20160821-0765: 21st August a hotel guest reports smelling cannabis and that there is an issue surrounding the payment of the room which was a civil matter. Police did not attend the premises and information re cannabis has been put on the police intelligence system.

LC-20160621-0782: 21st June PC White reports Electricity Northwest have found evidence that the electricity meter had been bypassed and they were making it safe. No further Police action.

LC-20160218-0441: 18th February Mr Collier from Corona Energy has an access warrant to enter the property but the male at the hotel is refusing him entry and is being aggressive. Police attended to prevent a breach of the peace and there was no further police action.

LC-20151011-0274: 11th October 2015 at 04:03hrs Scott WALKER contacted police to say he was a member of staff at the hotel and they had a family that had been arguing for over an hour now and thinks that they were fighting each other before. The informant and the 'hotelier' have asked them to leave but they have refused. Police arrive at 04:35hrs and were advised they had left the hotel.

LC-20150919-1412: 19th September 2015 Scott WALKER reports his phone has been stolen; he noticed it had been stolen 3 days ago and it was inside his hotel room which was locked so he doesn't know how it was stolen. Scott WALKER described himself as a member of staff. No CCTV covering offence and no further lines of enquiry.