

# LICENSING SERVICE

<i>For Office use only</i>	
<b><i>LalPac Application No.</i></b>	
<b><i>Licence Number</i></b>	PL1113

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

LICENSING ACT 2003

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



**Blackpool Council**

BUILDING A BETTER COMMUNITY FOR ALL

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

<b>I</b>	Gareth Shaw
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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***

<b>Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.</b>							
<b>Premises Name and Address</b>	Empress Hotel						
	59 Exchange Street						
	Blackpool	<b>Post Code</b>	F	Y	1	2	D
<b>State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)</b>							
Richard Crawley							
<b>Premises Licence or Club Premises Certificate Reference Number (if known)</b>						PL1113	

### ***Part 2 – Applicant details***

**I am:**

Please tick

<b>1) an interested party (please also complete sections 2A or 2B below)</b>	
<b>a) a person living in the vicinity of the premises</b>	
<b>b) a body representing persons living in the vicinity of the premises</b>	
<b>c) a person involved in business in the vicinity of the premises</b>	
<b>d) a body representing persons involved in business in the vicinity of the premises</b>	
<b>2) a responsible authority (please also complete 2C below)</b>	√

3) a member of a club to which this application relates (also complete section 2A below)

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

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

**(2B) Other Applicant or Representing Body**

<b>Name</b>									
<b>Address</b>									
						<b>Post Code</b>			
<b>Telephone Number</b>									
<b>E-Mail Address</b>									

**(2C) Responsible Authority applicant**

<b>Name</b>	Gareth Shaw								
<b>Address</b>	Progress House								
	Clifton Road								
	Blackpool					<b>Post Code</b>	F	Y	4
<b>Telephone Number</b>	01253 478349								

**E-Mail  
Address**

Gareth.shaw@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 checked="" type="checkbox"/>
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

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

This review is brought by the Health and Safety Enforcement section following concerns about the conditions found within the premises.

The premises have been a concern for well over 12 months, so much so that in June 2013, an application for Review was submitted, the application died following the transfer of the licence from Harris Properties to Richard Crawley, although this authority is confused as to what provision actually makes a Review in such circumstances void, it is our understanding that the incoming licence holder would inherit a Licence that is under review and the a hearing should be arranged.

That being said we did not decide to resubmit the application on the basis that some promises of re investment were made by Kevin Scott who was to be the DPS and currently still holds the position to this date,

A synopsis of the circumstance which led to the 2013 application are found below;

The Premises Licence Holder for the Empress Hotel was Harris Properties who are based in Burton-Upon-Trent, Staffordshire.

The Designated Premises Supervisor was Paul Greenwood and from recent visits to the Empress Hotel he appears to have no involvement in the running of the premises and he has never been present during any of the inspections.

Kevin Scott describes himself as the manager of the Empress Hotel and appears to control the day to day running of the pub. The authorities are informed Mr Scott has an arrangement whereby he deposits £200 weekly into a PO Box as rent for the premises and has no other contact with Harris Properties.

Four visits have been carried out so far in 2013 and standards deteriorate further as time goes on. Assurances are given regarding improvements but they never seem to materialise.

The guidance issued under Section 182 of the Licensing Act states the following

*10.26 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...*

*10.27 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.*

After considering the guidance is it of concern that neither the licence holder nor DPS have any involvement in the day to day operation of the licensed premises.

On 29<sup>th</sup> January 2013 a multi-agency visit to the premises was carried out by Public Protection Officers Jacqui Harrison and Kevin Summerfield in Health and Safety, also Police and Fire Safety. Intelligence received suggested there was illegal drug cultivation in the cellar to the property, an inspection of the property revealed many failings with the property but no drugs were discovered. During the visit a gas safety certificate, electrical installation condition report, portable appliance testing and an asbestos survey were requested.

The following photographs were taken during the visit.



Photographs of the ice machine in poor state of cleanliness and corroded internally



The cellar cooler in a poor state of cleanliness and combustible materials in the cellar



Loose wires to the fire alarm above combustible materials and a leaking water pipe



Leaking pipe has flooded the cellar and gas boiler with cover missing



Electricity meter has missing security seals indicating possible evidence of meter tampering

On 28<sup>th</sup> March 2013 a further multi-agency visit was undertaken by Licensing and Health and Safety Manager Mark Marshall and Senior Public Protection Officer Gareth Shaw along with a Fire Safety officer. The same issues were still evident as in the January visit. The remains of an illegal drug cultivation setup were discovered in a disused part of the cellar, this has left the electrical installation in a dangerous condition. Gareth Shaw again requested gas and electrical reports and an asbestos survey as they were not produced following the previous visit.

The following photographs were taken during the visit.





An accumulation of packaging materials for items potentially used in drug cultivation including boxes from lighting and bags from growing medium along with fans and heater

On 13<sup>th</sup> April 2013 a visit was undertaken by Mark Marshall, Licensing and Health & Safety Manager. The property had its water supply disconnected on 9<sup>th</sup> April 2013; by the time of Mr Marshall's visit the water had been reconnected. It is concerning that poor management at the premises has resulted in an essential utility being disconnected.

The following photographs were taken during the visit which shows an accumulation of rubbish in the yard area which is blocking a fire escape route.





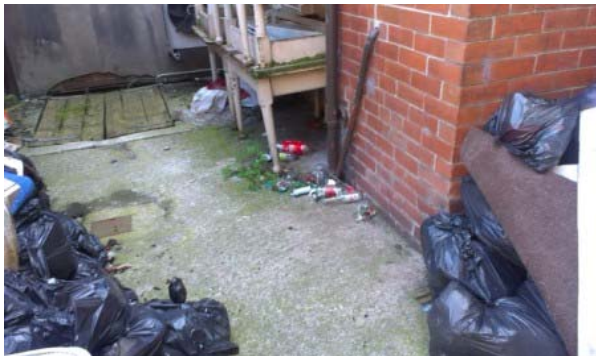


On 19<sup>th</sup> June 2013 a visit was undertaken by Mark Marshall Licensing and Health & Safety Manager and Public Protection Officer Jacqui Harrison.

The following photographs were taken during the visit.



The fire door marked up as a fire escape then the accumulation of rubbish blocking the egress route



Further photographs of the rubbish in the yard area. There has been an increase in the amount of waste deposited in the yard since Mr Marshall's visit on 13<sup>th</sup> April. The bottom right photograph shows a dead pigeon amongst the rubbish.





Photographs showing the damp issue in the customer toilets and evidence of a water leak from the ceiling



The fire alarm panel is showing a fault and in room 16 next to the faulty alarm panel we are informed a relative of Kevin Scott (Manager) is living there



Dangerous electrics



An emergency light with no light bulb in it



Electric cable wrapped around a copper gas pipe, if the electric cable was to be damaged it may result in the gas pipes conducting electricity leading to potential electric shocks



A gas boiler in the cellar with no evidence of annual testing, which is also a requirement of Annex 2 Condition 22 on the Premises Licence.





The remnants of drug cultivation equipment is still evident in the cellar, the photographs showing the wall insulation and ducting still present along with the dangerous electrics.



Evidence of smoking in the dining room and a store room with a freezer containing food and discarded mattresses



The cellar cooler still in a poor state of cleanliness and leaking water pipe pouring with water resulting in the flooded cellar



The accumulation of water on the cellar floor.



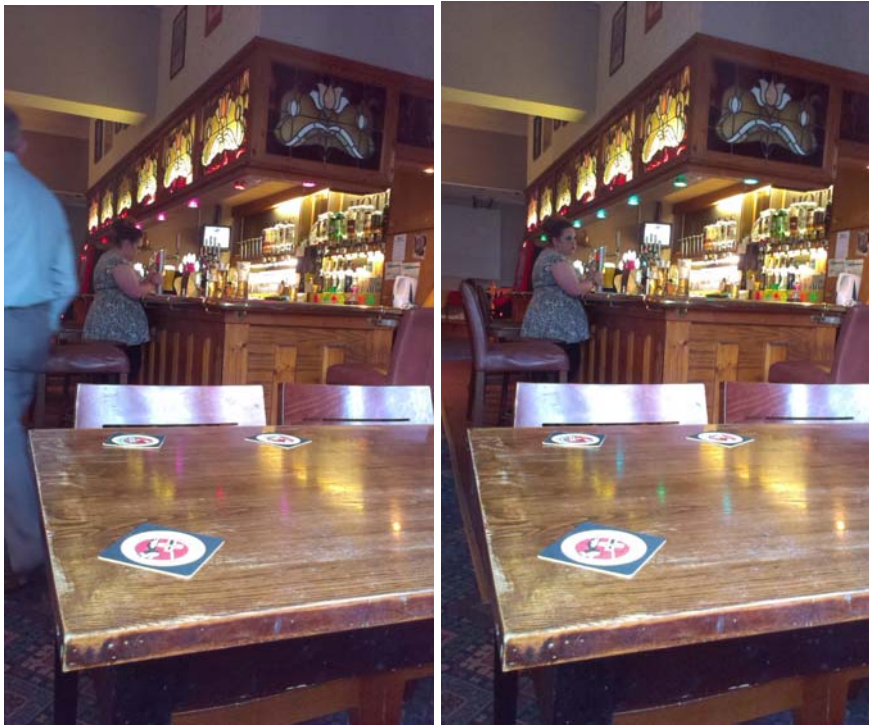
Unchained gas cylinders and an accumulation of rubbish behind the bar

The Health and Safety team are of the opinion that revocation is the only option with this licence as there appears no financial means or the will to improve standards within this licensed premises. Repeated requests for safety documentation have been ignored. There is a licence holder who simply collects his rent and a DPS who has no involvement in the premises. The manager of the business is neither licence holder nor DPS, Health and Safety have never seen a formal lease arrangement between Kevin Scott and Harris Properties so are unable to determine who is responsible for which aspects of maintenance.

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

The text and photos above paint a fairly drastic picture and as of summer last year the position was that a Revocation would be the only way to adequately safeguard the public safety objective.

7th June 2013- serving without a licence on the 7th June 2013, licence had been suspended due to non-payment.



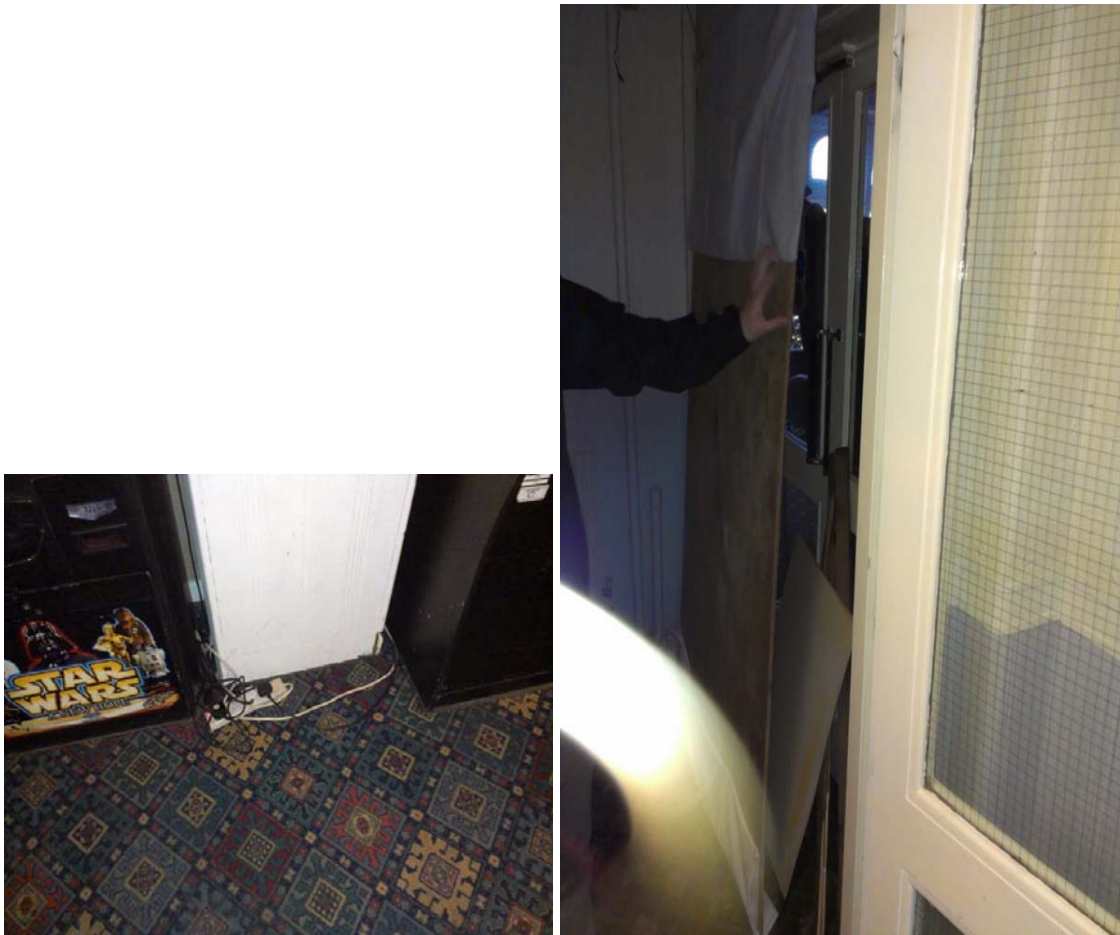
16th August 2013 Mark Marshall visits at 22.30hrs only note in his book is STILL IN BAD ORDER

However as we moved through 2013 re visits were paid to see if Mr Scott was as good as his word. His responses were basic often requiring legal notices to be issued before a response was seen, that pattern certainly follows through to the most recent visit which was on Wednesday 2<sup>nd</sup> April 2014.





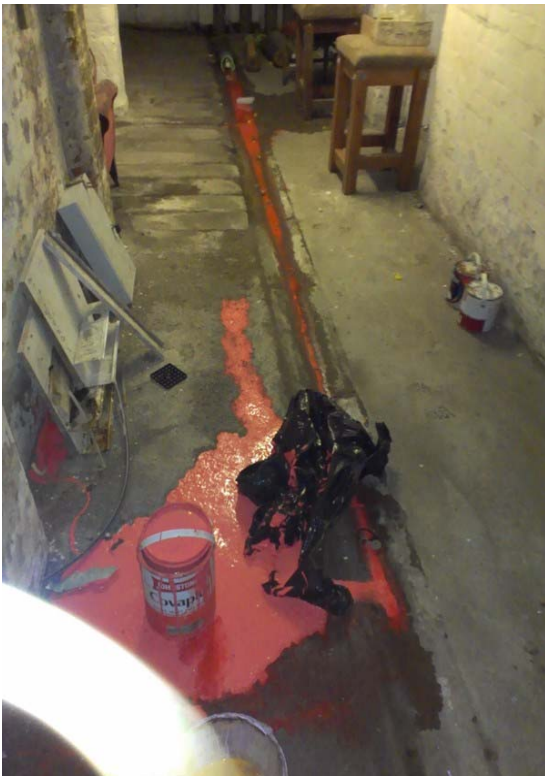
1) Smashed socket cover with signs of burnt electrics



2) Overloaded extension lead and left large wooden panelling left at risk of falling over.



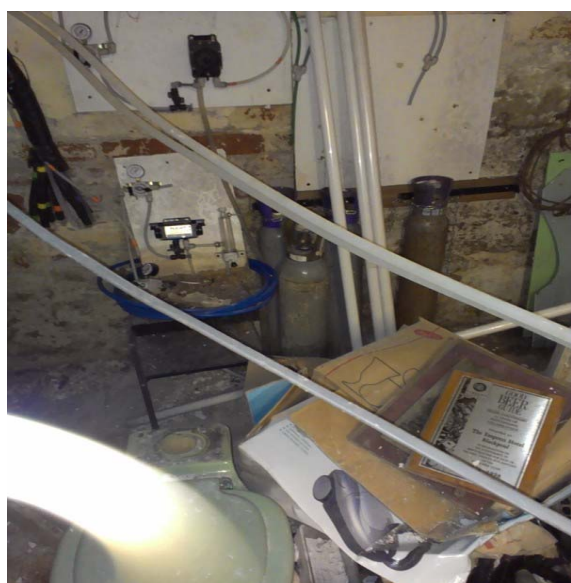
3) Public toilet facilities in a very poor state of repair.



4) Untidy and cluttered cellar area and left the electric meter with seals missing.



5) Live electrical conductors exposed at >200 volts.



6) Further cluttered and untidy cellar areas with high pressure CO2 cylinders left unchained.



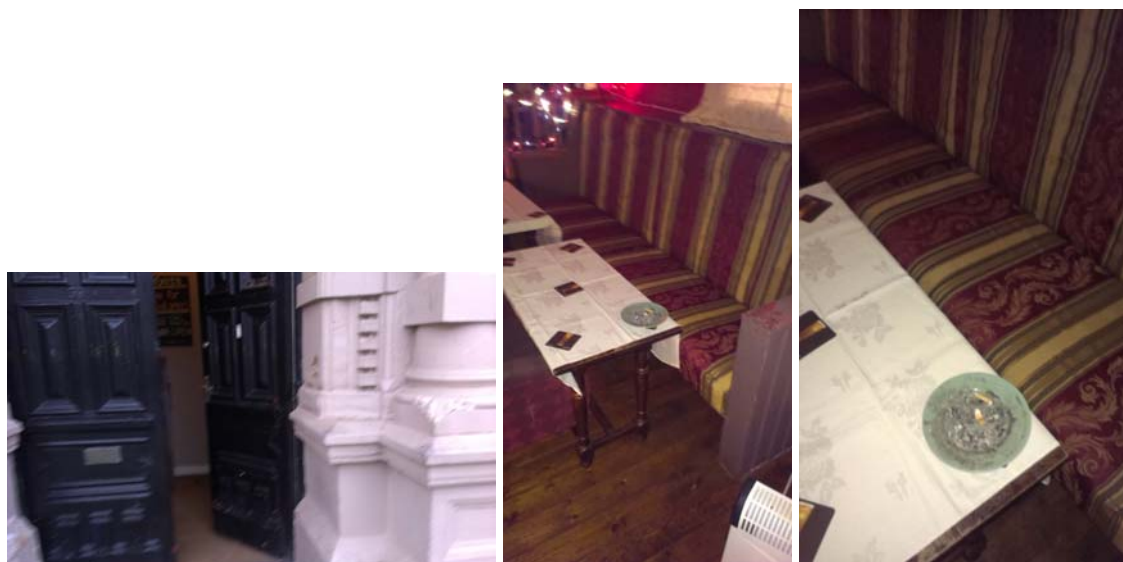
7) Incoming air and flue arrangements that are damaged blocked by cans and debris



8) Electrical connections to outside lighting that require further investigation.



9) Accumulation of waste



10) The premises has failed to display a statutory No Smoking Notice and in addition there was evidence of smoking in the premise.

The DPS Kevin Scott was present throughout the visit and maintained a very obstructive and agitated manner. He gave us little confidence that the electrics would be made safe and in addition refused to produce any documentation stating that he had his documentation but would not be showing it to any of us.

A prohibition notice was issued in respect of the electrical issues.

During the visit Mr Scott eluded to planning issues and delays to development that he seemed to be intimating were the fault of the council. further checks were made to these allegations and the letter below explains the current position. but in short an application has not yet been received by the council to date.

A further visit was carried out to assess the electrical repairs and also to have the meter correctly sealed this was in company with Officer Keith Marsden and Electricity Northwest Officers.

The socket cover had been replaced but the exposed conductors shown above in 5) were impossible to assess as safe as they seem to have been pushed back into the ceiling and a piece of cardboard stuck over the hole.

Mr Scott was present during the visit and smelt heavily of drink and appeared to be drunk. Mr Scott stated he had had an electrician to do the works but Mr Scott refused point blank to give us any contact details for the electrician. This placed us in the position that we were unable to ascertain whether the electrics were safe and the prohibition notice remained in place.

**Part 4 – Other relevant information**

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

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

Representation made 8<sup>th</sup> January 2008 to support a Police review of the licence.



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Please tick

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	√
I understand that if I do not comply with the above requirements my application will be rejected	√

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

**Part 5 – Signatures** (please read guidance note 3)

**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.**

<b>Signed</b>	Gareth Shaw
<b>Print Name</b>	Gareth shaw
<b>Capacity</b>	Senior Public Protection Officer- Health and Safety
<b>Date</b>	7 <sup>th</sup> June 2014

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)</b>					
<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>
<b>Forenames</b>				<b>Surname</b>	

<b>Address for Correspondence associated with this application</b>										
		<b>Post Code</b>								
<b>Telephone Number</b>					<b>Mobile Number</b>					
<b>E-Mail Address</b>										

### 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.