

LICENSING SERVICE

11 JUN 2014

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

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

UNDER THE LICENSING ACT 2003

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



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I	Caroline Hannon
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[insert name of applicant]

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

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Bar 137									
Premises Name and Address	137 Church St, Blackpool.		F	Y	1		3	N	U
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL0658	

Part 2 – Applicant details

I am:

	Please tick
1) an interested party (please also complete sections 2A and 2B below)	<input type="checkbox"/>
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	X
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	<small>Other</small>	I am 18 years old or over	<small>Please tick</small>				
							Yes	No			
Forenames						Surname					
Home address											
						Post Code					
Telephone Number						Mobile Number					
E-Mail Address											

(2B) Other Applicant or Representing Body

Name											
Address											
						Post Code					
Telephone Number											
E-Mail Address											

(2C) Responsible Authority applicant

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

Part 3 – Reason for Review

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

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

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

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

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

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

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

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

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

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

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

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

The issues of concern are as follows:-

Friday 23rd May 2014.

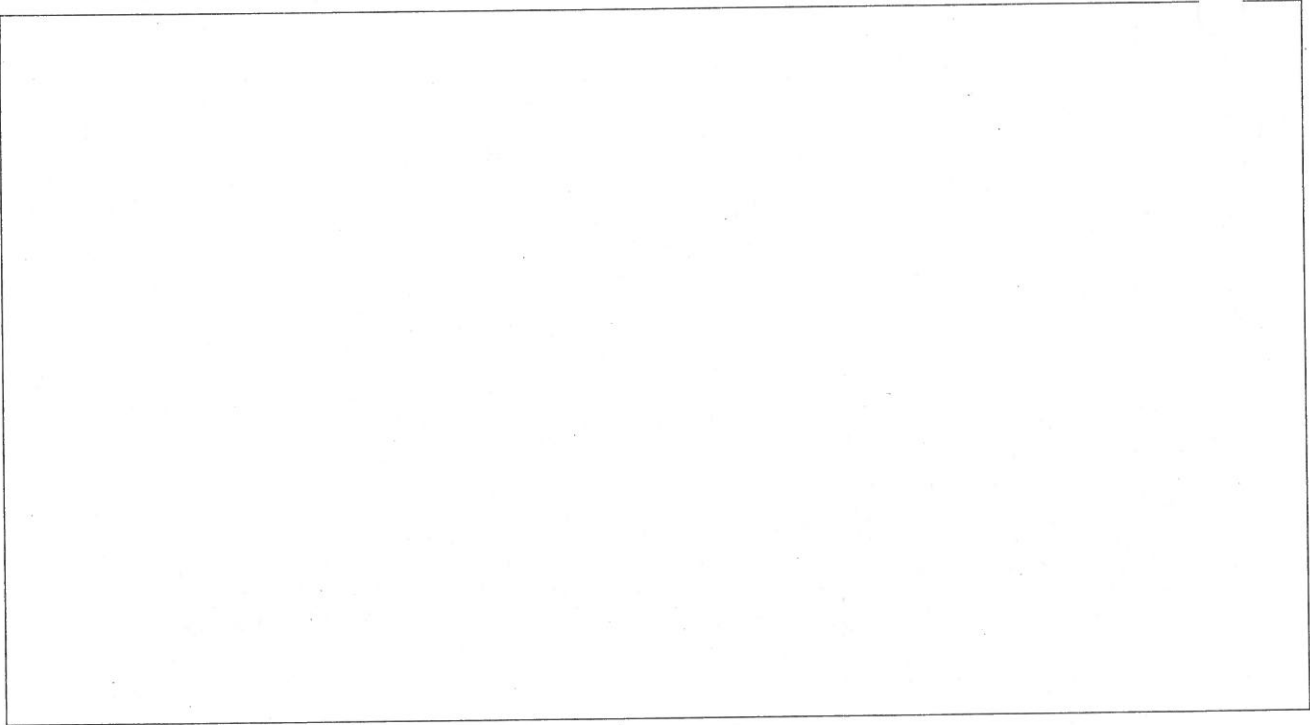
Information was received that Bar 137, Church St, Blackpool was selling alcohol outside of their licensed hours and letting patrons smoke inside the premises. Council Licence Enforcement Officer Mark Marshall will provide a supporting review and CCTV footage/still to support this.
Statement from PC 3842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

10th May 2013

Copy of decision notice for interim steps.

4th January 2013

Notice of review.



Part 4 – Other relevant information

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

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

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

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

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

Part 5 – Signatures (please read guidance note 3)

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

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

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 5)

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

Notes for Guidance

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

Witness Statement

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

Statement of **Lisa Evans**

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

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

Dated the **2ND** day of **June 2014**Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature



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

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

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

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

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

Signature



Signature witnessed by

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

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

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

Signature



Signature witnessed by

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

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

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

Signature



Signature witnessed by

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

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

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

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

Signature



Signature witnessed by

Continuation of Statement / Interview of **Lisa Evans**

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



Signature



Signature witnessed by

Blackpool Council

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

Consideration of representations against interim steps

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

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

Decision

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

Date: 15th May 2013

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

REVIEW OF PREMISES LICENCE

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

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

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

Reasons

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

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

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

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

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

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

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

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

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

We have based our decision on the following:

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

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

Date: 5th March 2013

Signed.....

Please address any communications to:

Licensing Service
Municipal Buildings
PO Box 4
Blackpool
FY1 1NA

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

LS/D/005/19/1