

Blackpool Council Licensing Service
Representation made by a Responsible Authority

Responsible Authority

Name of Responsible Authority **Health and Safety**

Name of Officer *(please print)* Gareth Shaw

Signature of Officer **G Shaw**

Contact telephone number **478315**

Date representation made **11 02 2014**

Do you consider mediation to be appropriate Yes No

Premises Details

Premises Name **Maryport Marras Bed and Breakfast**

Address
18 York Street
Blackpool
Lancashire

Post Code FY1 5AQ

Details of your representation (Please refer and attach any supporting documentation)

The Health and Safety Section would like to bring to the attention of the committee serious concerns in relation to the applicants history and his ability to manage and maintain premises in a safe manner within current minimum legal requirements.

A chronological list of this departments interactions with Mr Formosa are detailed below;

16th April 2014

Officer Kieth Marsden visits Formosa' hotel known as the Adam and Eve 16 York Street finds issues with flooring, bunk beds and shower units and in addition found a broken socket in room 8 and an extension lead with exposed live electrical connections photographs exhibited with the statement of Keith Marsden **Document 1**. Prohibition notices were served at the time.

21st May 2014

Officer Keith Marsden visits to assess progress and finds another Broken socket in room 6 and issued a further prohibition notice.

5th December 2014

Visit by myself in company with Mark Marshall Licensing Health and Safety Manager and Mark Dutch Counter Fraud Officer and details are included in the statement of Mark Dutch **Document 2** and the exhibit of myself **Document 3**.

A prosecution report has been submitted in relation to the electrical offences.

12th December 2014

In light of our findings on the 5th December and combined with complaints from other property owners on York street myself and Mark Marshall proceeded to visit other properties we knew to be under the control of Formosa and photographs of our findings are included in **Document 4**.

The condition of one property the York Street Hotel at 43 York Street was so shocking the entire property was prohibited until significant improvement is made.

Formosa is currently undergoing a community protection process.

Conclusion

It is the opinion of this department that any property that Formosa is involved with tends to start off in a reasonable state of repair and safety but it is not long through lack of investment before the properties fall into disrepair denigrating to the point of being dangerous. It is without exception to date that these issues are left until noted by an enforcement officer before any action is taken.

Attached:

Document 1 Statement of Officer Keith Marsden.

Document 2 Statement of Officer Mark Dutch.

Document 3 Photographic Evidence from the 5th of December 2014

Document 3 Photographic Evidence from the 18th of December 2014

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of Keith Marsden

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation Public Protection Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have willfully stated anything which I know to be false or do not believe to be true

Signature *K Marsden* Dated 10/2/2015

I am Keith Marsden and I am currently employed as a Public Protection Officer in Health and Safety for Blackpool Council, I exhibit a copy of my authorisation as KM01. On the 16th April 2014 following an anonymous complaint I conducted a visit to the Adam and Eve hotel, 16 York Street, Blackpool, FY1 5AQ. I introduced myself to a man who told me he was called Joseph Formosa and explained the purpose of my visit. Mr Formosa informed me that he was the owner of the hotel and therefore responsible for rectifying any issues I may come across. I then proceeded to conduct an inspection of the premises which revealed a number of issues in relation to the flooring, bunk beds and shower units. In addition to this there was a broken plug socket in room 8 of the hotel and an extension lead in the entrance hall which had been modified by extending further using a chocolate block connector, this resulted in live terminals being exposed which in my opinion presented imminent danger. Exhibit KM02 is a photograph of the broken plug socket and the extension lead. In order to deal with the plug socket in room 8 and the extension lead in the entrance hall I took the decision to serve 2 separate prohibition notices one which prohibited the use of room 8 and one to prohibit the extension lead from being used, a copy of these notices is shown as exhibit KM03.

Signature *K Marsden* Signature witnessed by

Formosa removed the extension lead immediately and agreed to get the socket replaced that day, I then explained to Formosa that in order to establish whether the remaining electrical installations and appliances were safe for continued use I would write to him and require documentary evidence to be provided by a competent electrician. Exhibit KM04 is a copy of the letter that I sent on 22nd April 2014. On 21st May 2014 I returned to the Adam and Eve hotel where I met with Joseph Formosa to establish if he had complied with my letter sent on 22nd April 2014 and he showed me that the appliances had been tested and that a full electrical conditions report had been carried out. During my visit Formosa showed me around his property to point out the remedial works that he had carried out. Whilst we were looking around the hotel I came across another broken plug socket this time in room 6, I felt it necessary to serve a prohibition notice for this which I exhibit as KM05. I agreed that Formosa could contact me once the socket had been replaced and I then left the premises. Later that day Formosa contacted me to inform me that the plug socket in room 6 had been replaced and I was able to lift the notice.

Signature  Signature witnessed by

Photographs taken by Public Protection Officer Keith Marsden on 16th April 2014 at The Adam and Eve Hotel, 16 York Street, Blackpool, FY1 5AQ



The photograph above shows a broken plug socket in room 8

EXHIBIT: KMO2

PAGE 1 OF 2

Photographs taken by Public Protection Officer Keith Marsden on 16th April 2014 at The Adam and Eve Hotel, 16 York Street, Blackpool, FY1 5AQ



The photograph above shows and extension lead which has been modified using a chocolate block connector

EXHIBIT: KM02

PAGE 2 OF 2

**BLACKPOOL COUNCIL – BUILT ENVIRONMENT
SCHEDULE OF STATUTES**

EXHIBIT: KMO1
PAGE 1 OF 1

All Blackpool Council Public Protection Officers are:

- (i) appointed authorised officers for the appropriate exercise of all the Council's powers and duties under the Schedule of Statutes reproduced below and any Statutes amending or extending the same, and appropriate Statutory Instruments, Regulations, By-Laws or Orders made there under, and -
- (ii) authorised under Sections 101, 222 and 223 of the Local Government Act 1972 to institute and appear in, on behalf of the Council, any proceedings before any Magistrates' Court under the appropriate Acts set out in the Schedule of Statutes.

Administration of Justice Act 1970	Fraud Act 2006
Agriculture Act 1970	Gaming Act 1968
Animal Health Act 1981	Gambling Act 2005
Anti-social Behaviour Act 2003	Gas and Electricity (Consumer Complaints Handling Standards) Regulations 2008
Business Names Act 1985	Hallmarking Act 1973
Business Protection from Misleading Marketing Regulations 2008	Health Act 2006
Cancer Act 1932	**Health & Safety at Work Etc Act 1974
Children & Young Persons Act 1933	Highways Act 1835
Children & Young Persons (Protection from Tobacco) Act 1991	Highways Act 1980
Children and Young Persons (Sale of Tobacco etc) Order 2007	Insurance Brokers (Registration) Act 1977
Clean Air Act 1993	Licensing Act 1964 Section 169
Clean Neighbourhoods & Environment Act 2003	Licensing Act 2003
Consumer Credit Act 1974	Local Government (Miscellaneous Provisions) Act 1976
Consumer Credit Act 2006	Local Government (Miscellaneous Provisions) Act 1982
Consumer Protection Act 1987	Medicines Act 1968
Consumer Protection from Unfair Trading Regulations 2008	*Merchant Shipping Act 1979
Consumers, Estate Agents and Redress Act 2007	Mock Auctions Act 1961
Control of Pollution Act 1987	Motor Cycle Noise Act 1984
Copyright Designs and Patents Act 1988	Motor Cycle Noise Act 1987
Copyright etc & Trade Marks (Offences & Enforcement) Act 2002	Offensive Weapons Act 1996
County of Lancashire Act 1984	Package Travel, Package Holiday & Package Tours Regs 1992
Criminal Attempts Act 1981	Poisons Act 1972
Criminal Justice Act 1988	Prices Act 1972
**Criminal Justice & Police Act 2001	**Proceeds of Crime Act 2002
Development of Tourism Act 1988	Property Misdescriptions Act 1991
Disability Discrimination Act 1995	Protection from Harassment Act 1997
Education Reform Act 1988	Public Health (Control of Disease) Act 1984
Energy Conservation Act 1981	Public Order Act 1994
Enterprise Act 2002	Road Traffic Act 1988
Enterprise Act 2002 (amendment) Regs 2006	Sunbeds (Regulation) Act 2010
Estate Agents Act 1979	Telecommunications Act 1984
European Communities Act 1972	Theft Act 1968/1978
Explosives Act 1875/1923	Timeshare Act 1992
Farm & Garden Chemicals Act 1967	Tobacco Products Duty Act 1979
Fireworks Act 2003	Tobacco Advertising and Promotion Act 2002
Food & Environmental Protection Act 1985	Town Police Clauses Act 1847
Food Safety Act 1990	Trade Descriptions Act 1968
Forgery & Counterfeiting Act 1981	Trade Marks Act 1994
	Trading Representations (Disabled Persons) Act 1958
	Unsolicited Goods and Services Act 1971/1975
	Video Recordings Act 1984
	Violent Crime Reduction Act 2006
	*Weights and Measures Act 1985

* Enforceable by Trading Standards Officers only ** Appropriate qualification required

This is to certify that **Keith Marsden** is a Public Protection Officer and is a duly authorised officer for the purposes of the Statutes listed in the above Schedule.

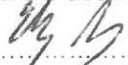

Signed  Date 3/2/2014
 Signed  Date 3/2/2014
 (Holder)

EXHIBIT: KM03

PAGE 1 OF 2

Blackpool Council

REF: PN/KM12 /2004

HEALTH AND SAFETY AT WORK ETC ACT 1974
(Sections 22, 23 and 24)

PROHIBITION NOTICE

To: Joseph Formosa
Trading as Adam & Eve hotel
1 Keith Maiden

Public Protection Officer for the Health and Safety
Enforcement, Progress House, Clifton Road, Blackpool
FY4 4US Tel. no. (01253) 478315 hereby give you notice
that I am of the opinion that the following activities, narr

Use of Room 8

which are being carried on by you/likely to be carried on
you/under your control*

at 16 York St. Blackpool

FYI SAQ

involve, or will involve, a risk of serious personal injury &
that the matters which give rise/will give rise* to the said
risks are:

Risk of electric shock

I am further of the opinion that the said matters involve/v
involve* contraventions of the following statutory provisic

The Health & Safety @ Work etc
1974 Section 2(1), 2(2)(a), 3(1)

because

The electrical installation is
not maintained without danger

and I hereby direct that the said activities shall not be carri
on by you or under your control **immediately**.

Signature Keith Maiden Date 16/4/14

Being an inspector appointed by an instrument in writing
made pursuant to Section 19 of the said Act and entitled t
issue this notice.

A Prohibition Notice is also being served on

of

related to the matters contained in this notice. This is a
relevant notice for the purpose of the Environment and
Safety Information Act 1988. YES/NO*

HEALTH AND SAFETY AT WORK ETC ACT 1974
(Sections 22, 23 and 24)

PROHIBITION NOTICE

To: *Joseph Formoza*
Trading as *Adam e Eye Hotel*
Keith Mander

Public Protection Officer for the Health and Safety Enforcement, Progress House, Clifton Road, Blackpool, FY4 4US Tel. no. (01253) 478315 hereby give you notice that I am of the opinion that the following activities, namely:

One of the extension lead in the entrance to the premises

which are being carried on by you/likely to be carried on by you/under your control*

at *16 York st. Blackpool*

FY1 SAQ

involve, or will involve, a risk of serious personal injury and that the matters which give rise/will give rise* to the said risks are:

Risk of electric shock

I am further of the opinion that the said matters involve/will involve* contraventions of the following statutory provisions:-

The Health e Safety at Work etc Act 1974 Sections 2(1), 2(2), 3(1) because

The electrical installation is not maintained without danger

and I hereby direct that the said activities shall not be carried on by you or under your control **immediately**.

Signature *[Signature]* Date *16/4/14*

Being an inspector appointed by an instrument in writing made pursuant to Section 19 of the said Act and entitled to issue this notice.

A Prohibition Notice is also being served on

of

related to the matters contained in this notice. This is a relevant notice for the purpose of the Environment and Safety Information Act 1988. YES/NO*

EXHIBIT: KM03

PAGE 2 OF 2

Date: 22 April 2014

Joseph Formosa
Adam & Eve Hotel
16 York Street
Blackpool
FY1 5AQ

Our Ref: KM/SMC
Your Ref:
Direct Line: (01253) 478341
Email: keith.marsden@blackpool.gov.uk

Dear Sir

HEALTH AND SAFETY AT WORK ETC. ACT 1974

Re: Adam & Eve Hotel, 16 York Street, Blackpool FY1 5AQ

An inspection of the above premises on 16 April 2014 revealed certain contraventions of the Health and Safety Statutes, which are detailed in the schedule hereto. The inspector will revisit these premises after 1 month.

In addition to the schedule this letter may include recommendations and advice where additional information or guidance is available to assist you there will be details on how to obtain it.

In order to satisfy Section 28(8) of the Health and Safety at Work etc Act 1974 the contents of this letter should be brought to the attention of your employees.

Yours faithfully

Keith Marsden
Public Protection Officer Health & Safety

SCHEDULE**Re: Adam & Eve Hotel, 16 York Street, Blackpool FY1 5AQ**

Date of visit: 16 April 2014

Name of inspecting officer: Keith Marsden

1. Electrical installations and equipment must be maintained so as to prevent so far as is reasonably practicable any danger.

The following matters require your attention: -

It is a requirement of the Electricity at Work Regulations 1989 that electrical installations are safely maintained. In order to do so it is necessary to regularly subject it to a full test and inspection. The Institute of Electrical Engineers (IEE) in the guidance to the current edition of their regulations (17th – BS7671) suggest that this should be carried out every 5 years.

A limited visual inspection of your electrical installation suggests that such a test is urgently required.

Compliance with the current edition of the IEE (Institute of Electrical Engineers) wiring regulations will satisfy this legislation.

2. Electrical installations and equipment must be maintained so as to prevent so far as is reasonably practicable any danger.

The following matters require your attention: -

To ensure that all portable electrical appliances are adequately maintained you should have a suitable inspection system in place.

The leaflet "Maintaining Portable Electrical Equipment in low-risk environments" INDG 236 gives advice on the requirements of such a system. Leaflets are available free on the HSE website or at these offices.

Compliance with the current edition of the IEE (Institute of Electrical Engineers) wiring regulations will satisfy this legislation.

3. In particular the seals require making good in the shower units.
4. The floor should be properly maintained and kept free from obstruction, or substance likely to cause persons to slip, trip or fall.
5. The bunk beds in several areas require maintenance to ensure that they are secure with no loose fixings.

Note 1:

Failure to comply with the provisions of the Act will almost certainly result in further enforcement action being taken.

Currently, following summary conviction, a fine of up to £20,000 may be imposed in respect of each offence.

EXHIBIT: KMOS

PAGE 1 OF 1

Blackpool Council

REF: PN/KM23 /2004

HEALTH AND SAFETY AT WORK ETC ACT 1974
(Sections 22, 23 and 24)

PROHIBITION NOTICE

To: *Joseph Formosa*
Trading as *Adam and Eve Hotel*
I *Keith Morrison*

Public Protection Officer for the Health and Safety
Enforcement, Progress House, Clifton Road, Blackpool,
FY4 4US Tel. no. (01253) 478315 hereby give you notice
that I am of the opinion that the following activities, namely:

Use of room 6

which are being carried on by you/likely to be carried on by
you/under your control*

at *16 York Street Blackpool*

P21 SAG

involve, or will involve, a risk of serious personal injury and
that the matters which give rise/will give rise* to the said
risks are:

Risk of Electric shock

I am further of the opinion that the said matters involve/will
involve* contraventions of the following statutory provisions:-

*The Health & Safety at Work
etc Act 1974 Section 2(2)(b)(13)*

because

*The electrical installation
is not maintained without danger*

and I hereby direct that the said activities shall not be carried
on by you or under your control **immediately**.

Signature *[Signature]* Date *21/5/14*

Being an inspector appointed by an instrument in writing
made pursuant to Section 19 of the said Act and entitled to
issue this notice.

A Prohibition Notice is also being served on

of

related to the matters contained in this notice. This is a
relevant notice for the purpose of the Environment and
Safety Information Act 1988. YES/NO*

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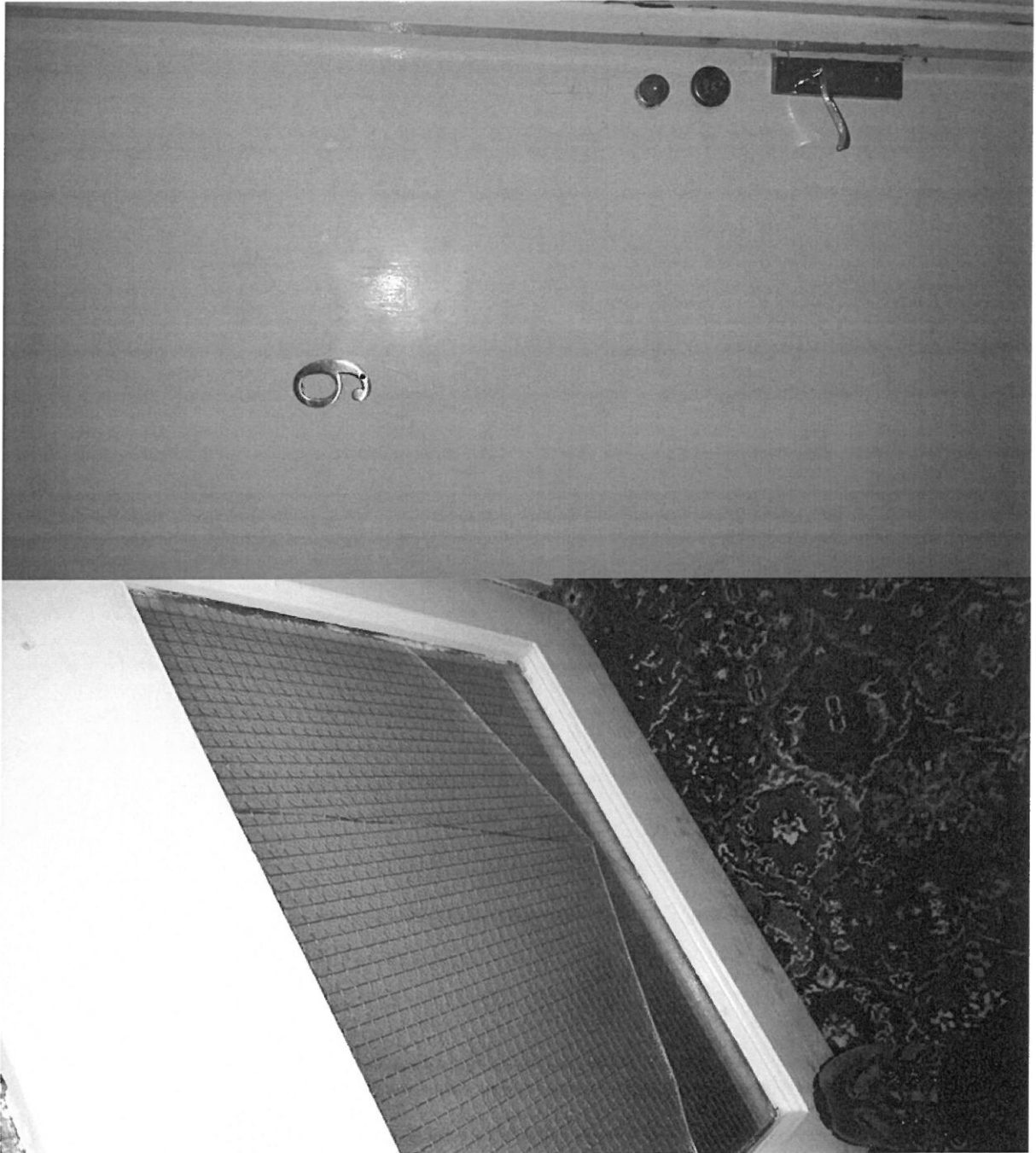
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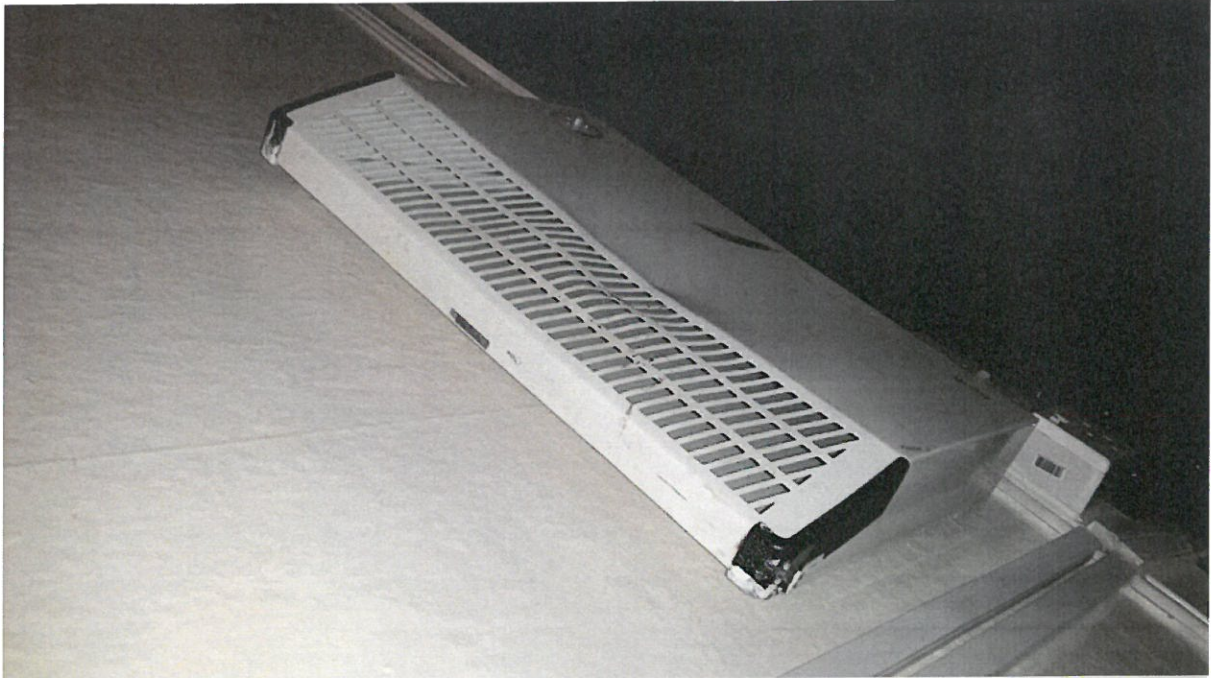
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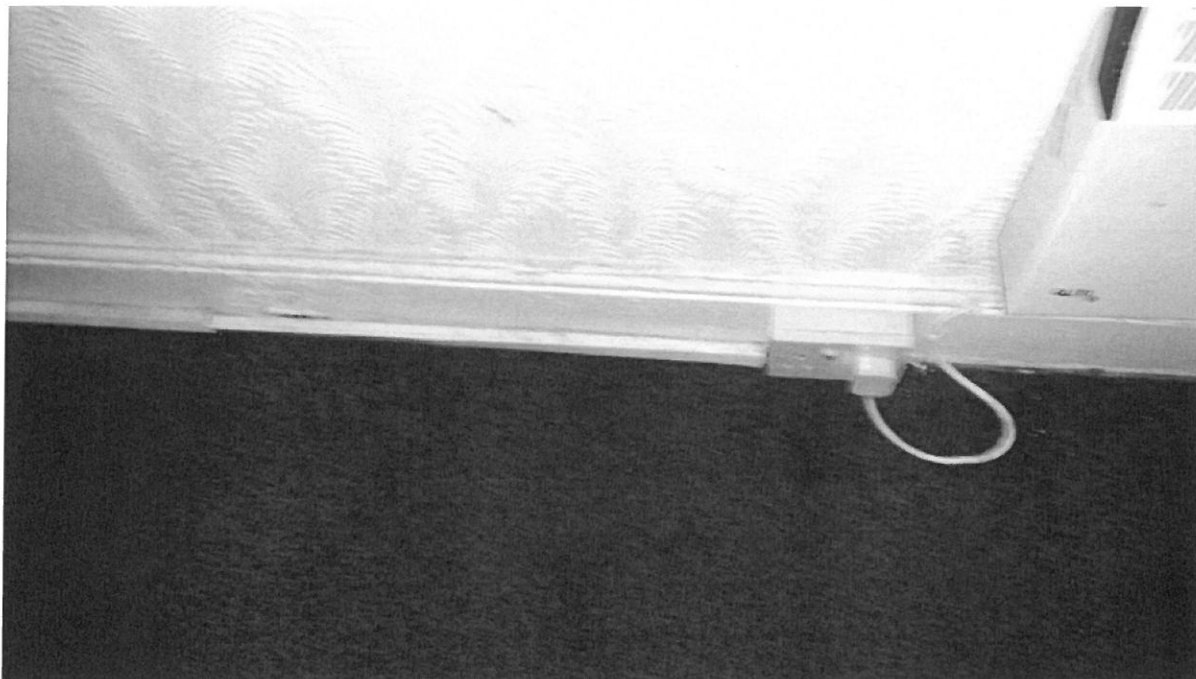
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Photographic Evidence taken By Senior Public Protection Officer Gareth Shaw on the 18th of December 2014 at properties known to be under the control of Jo Formosa

18 York Street



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43 York Street



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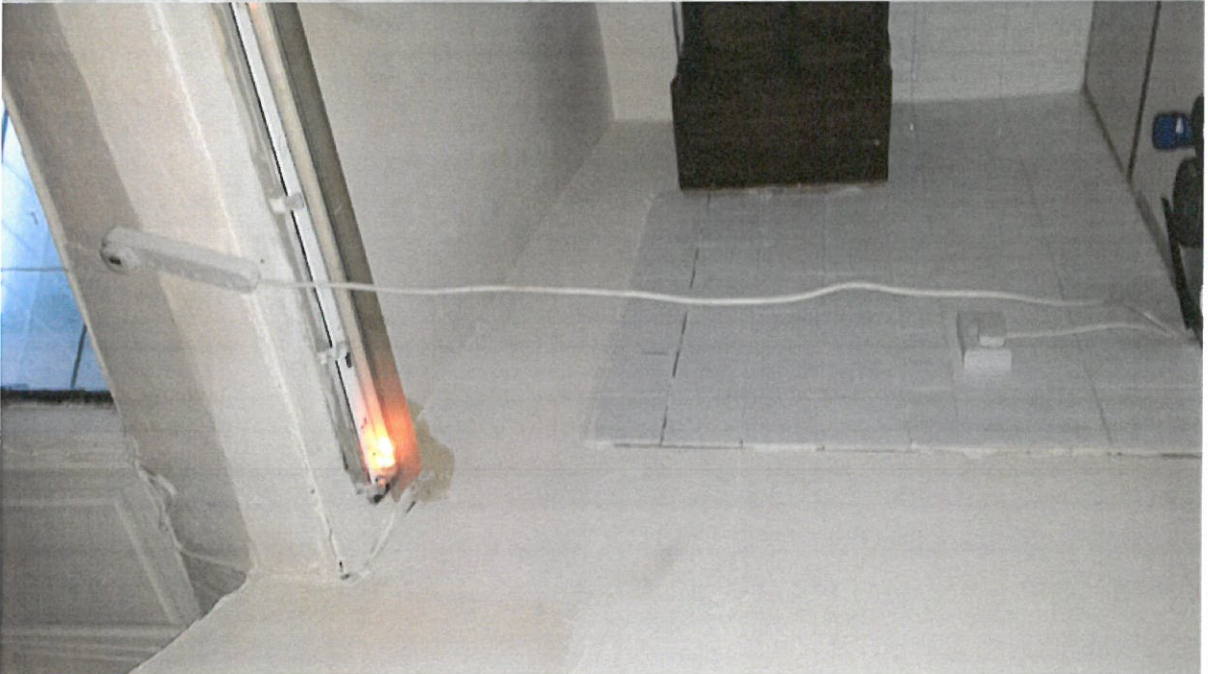
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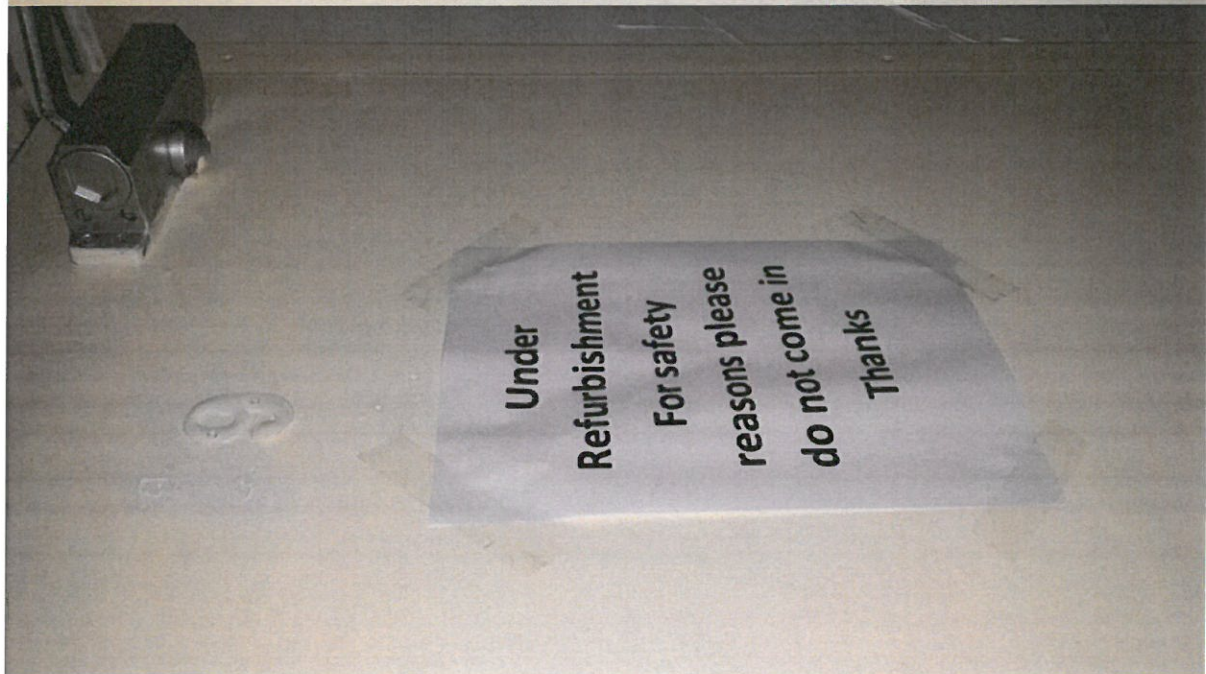


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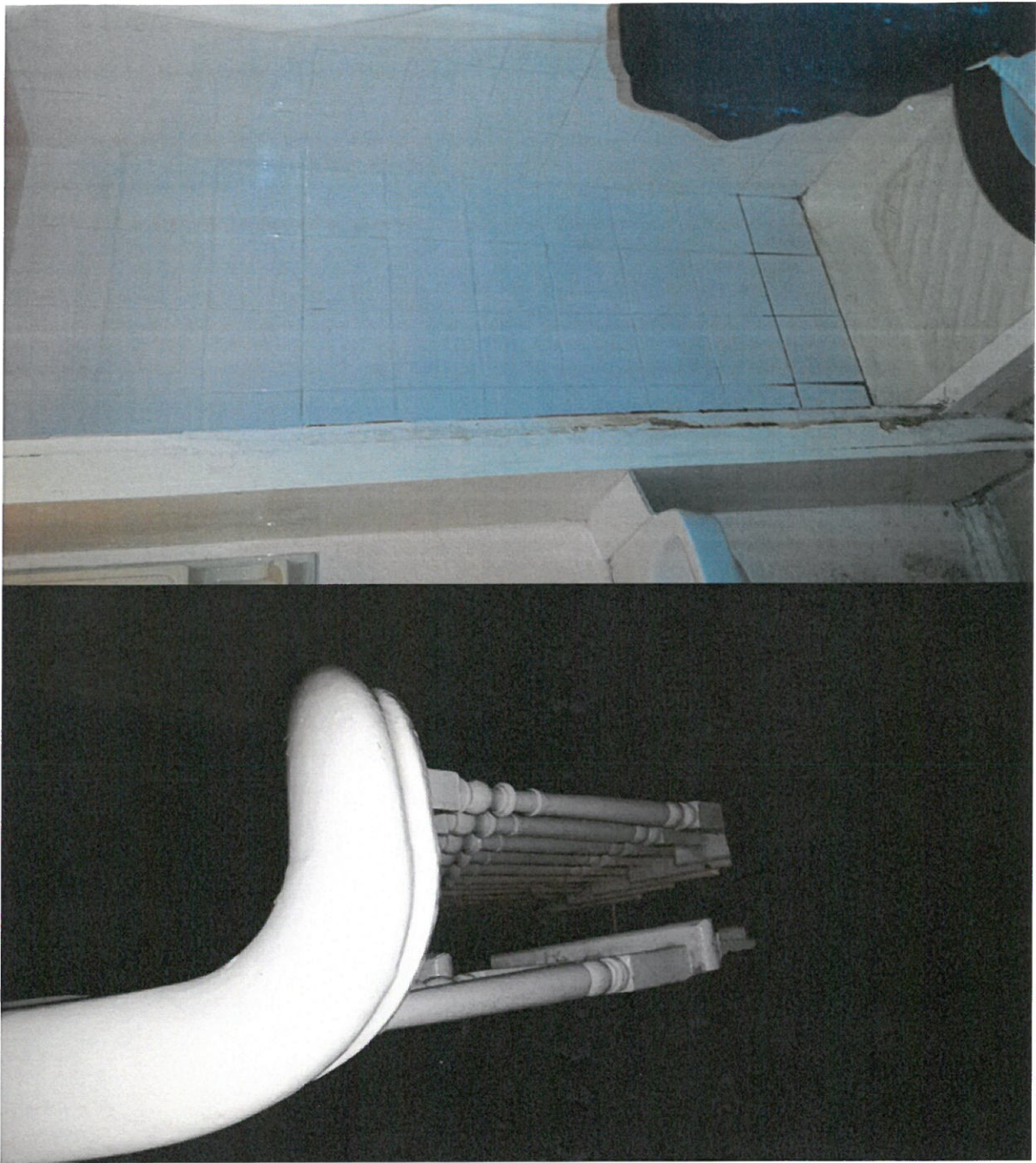
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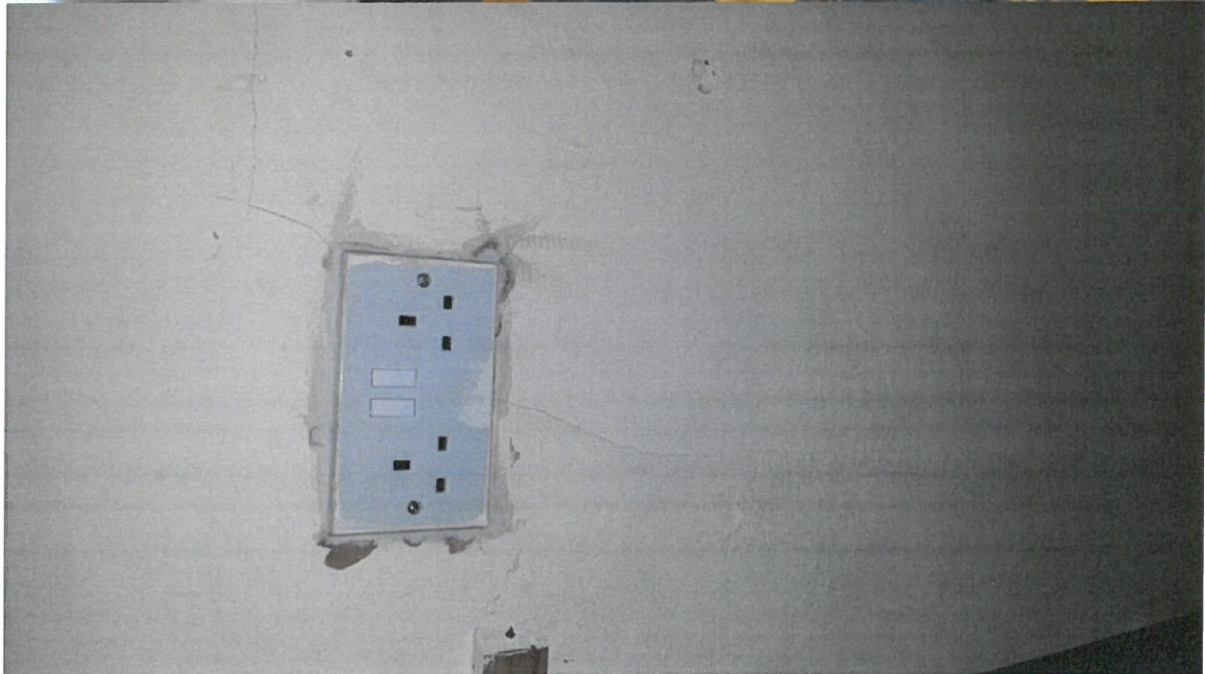
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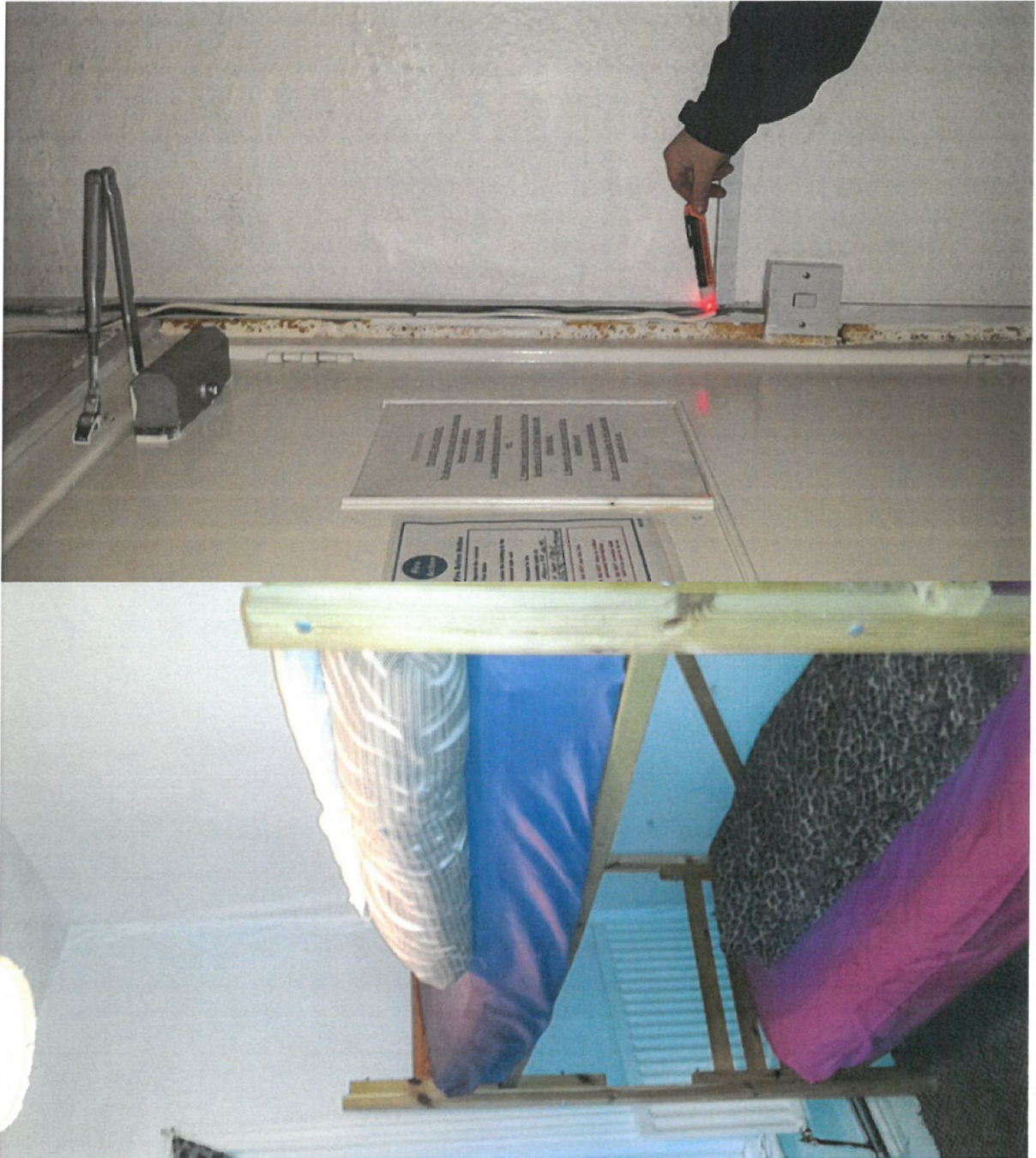
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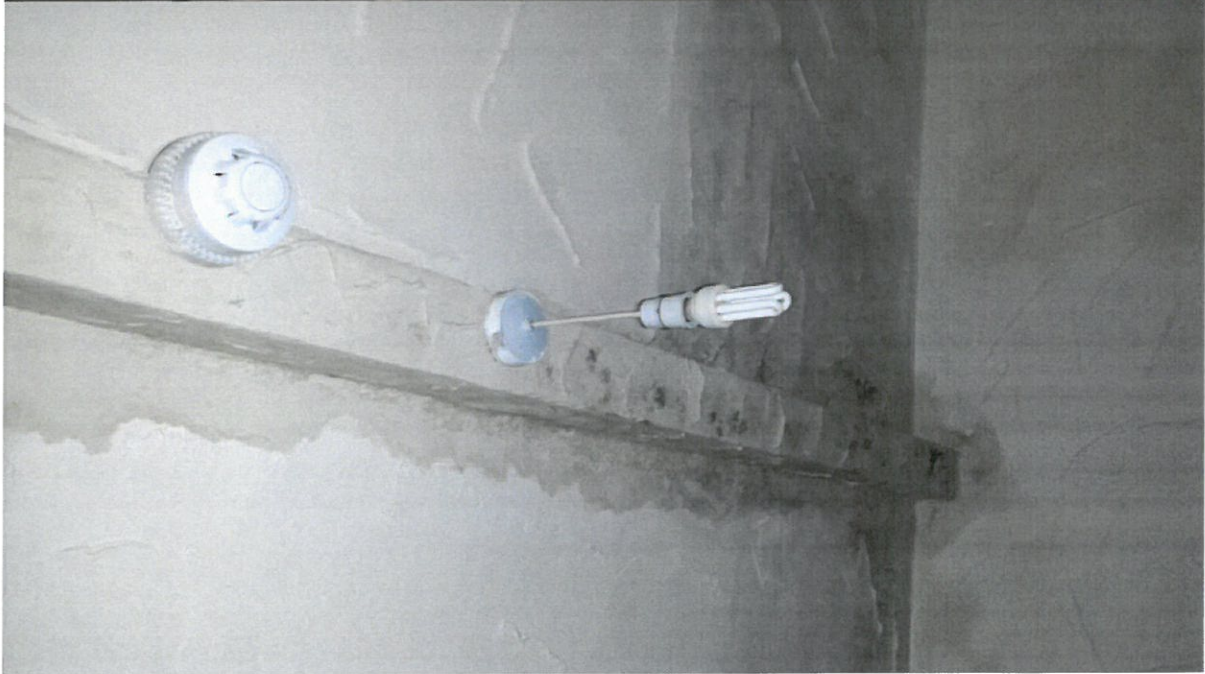
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Silverdene Hotel Shannon Street



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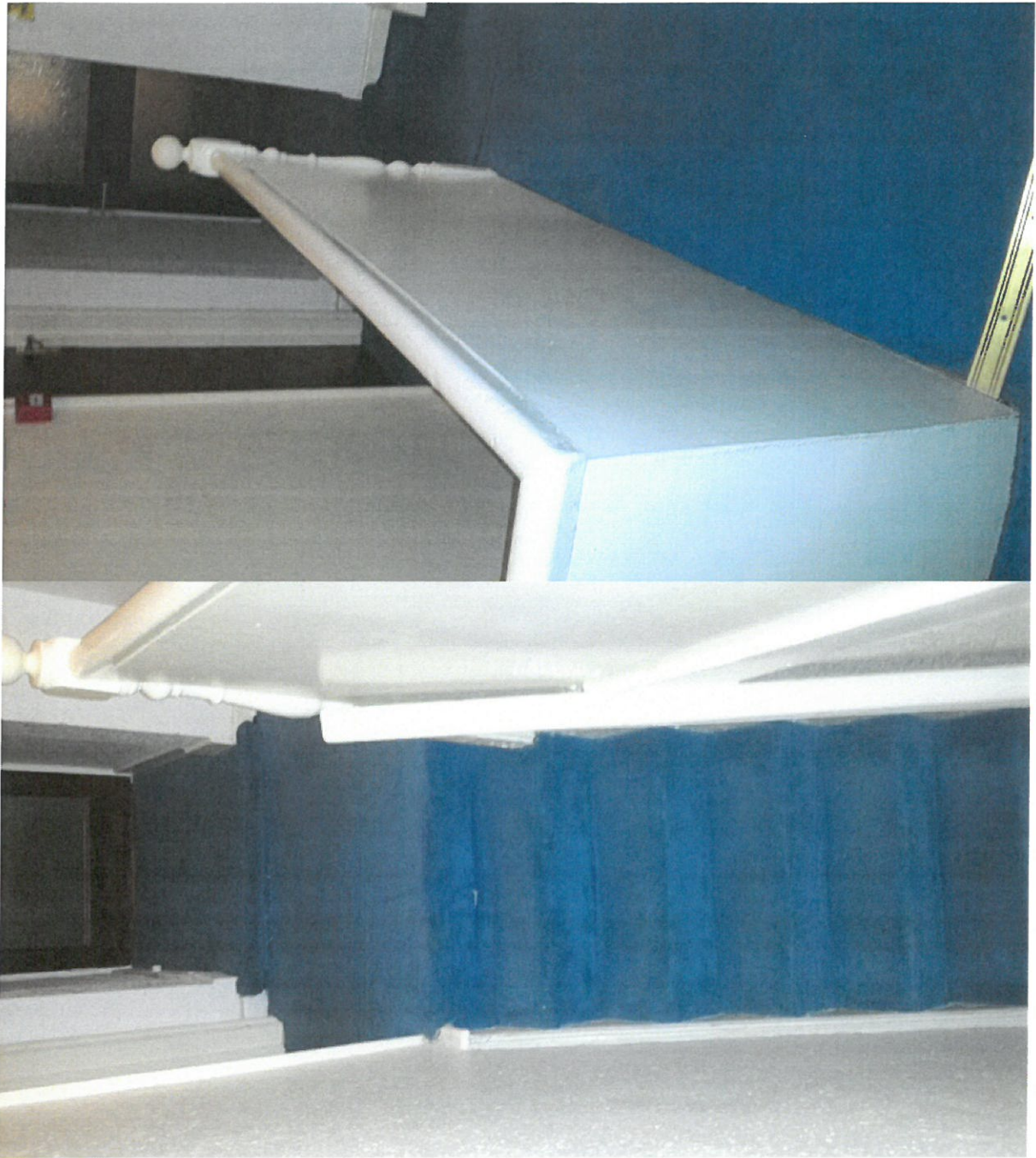


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