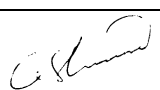


Blackpool Council Licensing Service

Representation made by a Responsible Authority
to an application for the grant / variation of a Premises Licence /
Club Premises Certificate

Responsible Authority

Name of Responsible Authority	Blackpool Council – Health & Safety		
Name of Officer <i>(please print)</i>	Gareth Shaw		
Signature of Officer			
Contact telephone number	01253 478315		
Date representation made	25	06	15
Do you consider mediation to be appropriate	<input type="checkbox"/>	<input type="checkbox"/>	No <input type="checkbox"/>

Premises Details

Premises Name	Bella Pizza,
Address	89 Dickson Road,
	Blackpool
Post Code	FY1 2ET

Reasons for making representations

To bring to the attention of the committee that this premise has had its licence revoked previously for serious failures in safety detailed in the previous review paper below.

It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.

Throughout 2013 the Health and Safety Enforcement section have been carrying out spot checks on electrical installations this has included some joint working with Electricity Northwest.

During inspection of premises it has come to light that the electrical installation on this premise was tampered with in order to abstract electric.

Meter tampering is a criminal offence and in this case rendered the electrical system as extremely dangerous including the electrical system that fed the upstairs flat where a couple lived with their baby.

The Electricity Northwest officer Joseph Taylor outlines his findings in his statement below.

Witness Statement

Form MG 11

(CJ Act 1967, s.9, MC Act 1980, s.5A(3a) and s.5B, MC Rules 1981,r.70)

Statement of JOSEPH MARTIN TAYLOR (insert your full name)

Age if ~~under 18~~ Over 18 (if over 18 'insert over 18'), Occupation. Revenue Protection Inspector

This Statement (consists of * 1 pages 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 not to believe to be true.

Dated the * 19th of * APRIL 2013 Time 10:02 a.m./p.m.

Signature: * J.M. TAYLOR

I am MR J. M. TAYLOR I am employed by ELECTRICITY NORTHWEST LIMITED. My duties are to inspect metering equipment installed in consumer's premises.

On THURSDAY 14th MARCH 2013

I attended 89 DICKSON RD BLACKPOOL FY1 2ET

The Electricity Supplier to this address is NPOWER

The last known consumer at this address is MR MEHDAVI

The meter position is located IN THE CELLAR

I first checked the meter number A0M17412 reading 23043

I then inspected the meter and service position and found THAT THE WIRING HAD BEEN ALTERED TO FORM WHAT IS KNOWN AS A "SWITCHED NEUTRAL" THIS IS WHERE THE EARTH WIRE IS USED AS A NEUTRAL SO POWER USED WILL NOT RECORD ON THE METER. THIS IS EXTREMELY DANGEROUS AS IF THERE IS A BREAK IN THE EARTH CONNECTION THE METALWORK (IE: COOKING RANGE) AND THE UPSTAIRS FLAT WILL BECOME LIVE.

I removed the ~~by-pass~~ meter (delete as appropriate) (Ref. No.....) and fitted a new meter SMT

The electricity supply was left "OFF" SUPPLY AND RESEALED.

The meter/evidence associated with this job was placed into an evidence bag and then later stored in our secure area located at BLACKBURN DEPOT.

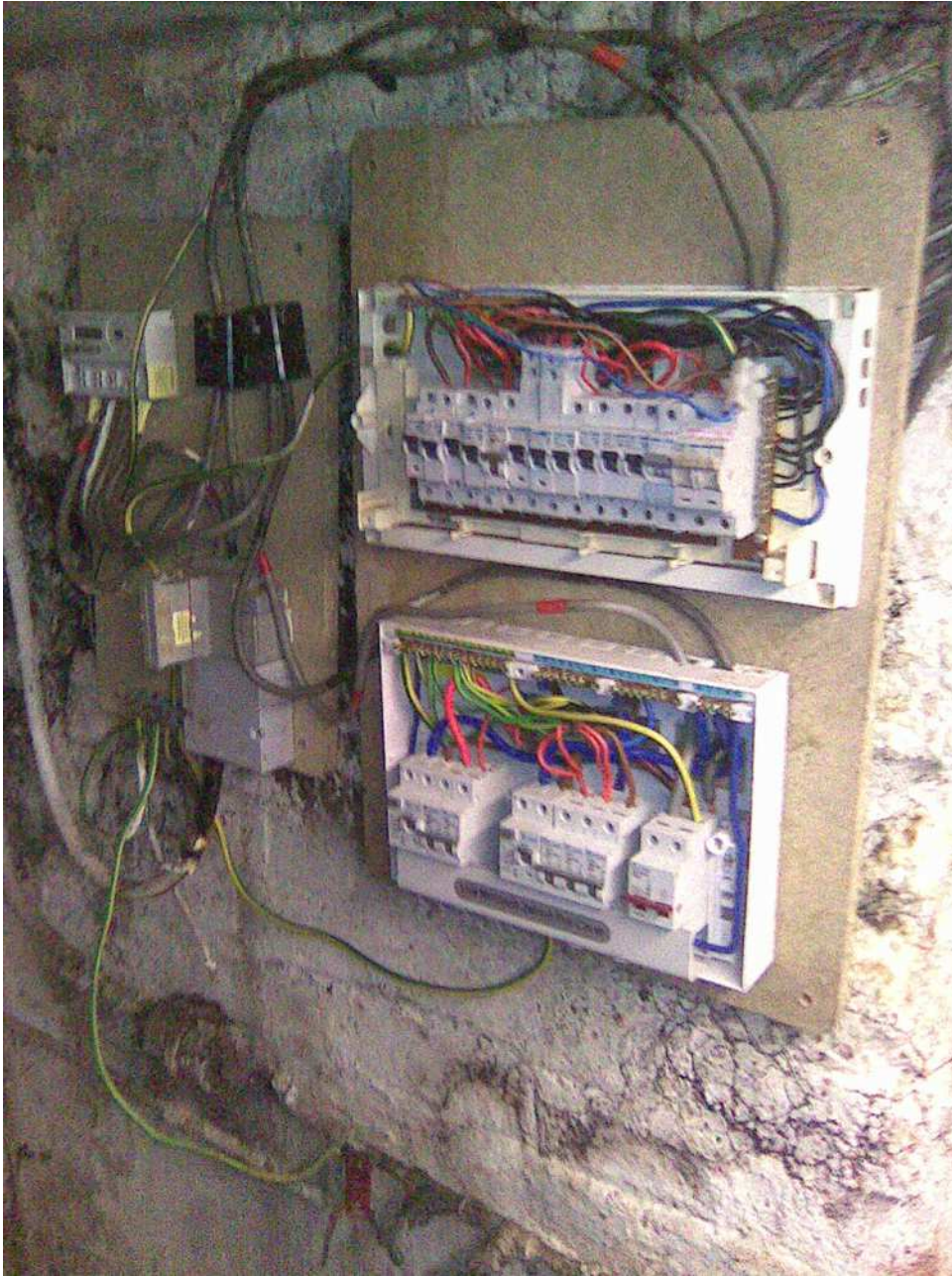
NO PERSON HAS ANY RIGHT OR AUTHORITY TO TAMPER OR INTERFERE WITH ANY METERS AND EQUIPMENT BELONGING TO ELECTRICITY NORTHWEST LIMITED.

Signature * J.M. TAYLOR Signature witnessed by * Self

Statement Taken by (rank/PIN/name).....

Division..... Station.....

The photograph below shows the tampered electrical system:



Karen Ainsworth, revenue protection manager for Electricity North West, comments below:

“We take meter tampering very seriously and electricity abstraction is a criminal offence and puts the safety of tenants, businesses and the general public at great risk.

“We will continue to crack down on local businesses as it is unacceptable that honest bill-paying residents across the North West are effectively having to pay for others to have free electricity.”

In addition to the electrical issues Mark Marshall, Licensing and Health and Safety Manager outlines in the statement below his dealings with the premise in relation to operating whilst the licence for the premise is suspended.

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: Mark Marshall

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

Occupation: Licensing and Health & Safety Manager

This statement (consisting of 2 pages 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  Dated 12th November 2013

I am Mark Marshall and I am currently employed as a Licensing and Health and Safety Manager for Blackpool Council. On Friday 25th October 2013 I was on duty checking premises on the 'suspended list'. The suspended list is a list of premises that have failed to pay their annual renewal fees. In accordance with the legislation the premises are advised 21 days before the suspension is due to effect in writing. They are clearly told that if the fee is paid within the 21 days then the suspension will not take effect. At 23.20 I visited 89 Dickson Road, which is recorded on the licensing system as Nelsons Chip Shop, The premises license was suspended on the 24th September 2013, 1 month prior to my visit. I went into the premises at which point I saw 2 customers inside. One male was being served with food as I entered and I saw a cash exchange for the goods. The next male who I would describe as in him mid 60's wearing smart clothes was waiting for his order which was clearly on the hot plate behind the counter. 2 males were behind the counter, I asked who was in charge and neither of the males took responsibility. I asked to see the license which indicated that Nasser Mahdavi was the License holder.

Signature  Signature witnessed by

On the **2nd of February 2015** in company with officer Lloyd Anderson I visited as I had noted staff smoking in the rear of the premise on entering the staff rushed to the rear of the premise and there evidence of smoking into a bin the operator was formerly warned about the need to work with authorities and also in relation to smoking legislation on the night. As we were leaving the premise a customer took offence at me issuing this warning and became extremely verbally abusive to the point myself and officer Lloyd had to retreat some distance from the property with the offender continuing his abuse all the way and it wasn't for some time until the operators and his staff came to our assistance. Fortunately we were able to leave without the incident escalating to physical violence.

After receiving this licence application Officer Jacqui Harrison visits and noted the following.

Filters on extraction missing and this is directly above flats.

Last electrical certification only relates to a dead test after the meter was taken out and no further checks have been made before continuing operations of the business.

Gas equipment not included on the gas safety certification.

Operator unable to confirm what hot water system was in place. Historically this has always been a gas system from the upstairs flat and again this was not included on the current gas safety certification.

Conclusion

I have concerns about the level of management in relation to safety and have seen little produced to reassure me that this premise will do anything other than continue to operate on a reactive basis rather than being proactive.