

Document 1

Date: 29 January 2019

Lancashire Leisure Limited
 Unit 24 Highcroft Industrial Estate
 Enterprise Road
 Horndean
 Waterlooville
 PO8 0BT

Our Ref: SD/011601

Your Ref:

Email:

Direct Line:

DX:

Dear Sirs

Re: Cornhill Hotel – review of premises licence

On 28 January 2019 a panel of the licensing committee considered an application submitted by Health and Safety to review premises licence PL1137, Cornhill Hotel, 377-379 Promenade Blackpool.

After considering all of the evidence and representations the panel determined that it was appropriate for the promotion of the licensing objectives to revoke this licence.

This decision will come into effect in 21 days unless notice of appeal is served within that time.

An appeal against this decision may be made by the applicant/any person who has made a relevant representation as applicable or the licence holder (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 the notification of the decision. Any appeal must be lodged in writing, accompanied by a copy of this notice to Lancashire Magistrates' Courts, Lawson Street, Preston, Lancashire PR1 2QT. Please note a fee will be payable to the Magistrates' Court

Reasons for decision

This review was submitted by Health and Safety with supporting representations from the Licensing Service and the Police.

The concerns of the responsible authorities are fully set out in the application, representations and additional information served in advance of this hearing.

Mr Diamond attended the hearing in his capacity of director of the company that currently holds this premises licence. The licence was transferred into Mr Diamond's Company OMG Leisure Limited on 20.03.18, a previous application submitted 01.02.18 having been rejected as it had not been served on the Police.

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 Head of Corporate Legal
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SD/011601/01526651



Mr Maddock on behalf of Health and Safety explained that his department had visited the hotel on a number of occasions in 2018 following complaints received from guests who had stayed there. Attempts were made to gain compliance informally by allowing Mr Diamond the opportunity to list the defects at the hotel and submit a schedule of works by 11 June 2018. By 12 July 2018 this still hadn't been provided and further complaints had been received from members of the public so ten improvement notices were issued. A further visit took place on 27 July 2018 to check that Mr Diamond had received the notices. He confirmed that he had but he had not had the chance to read them. He was advised to do so straightaway as they were legal notices with a deadline. An inspection took place on 22 August 2018 after the notices had expired when it was discovered that of the ten notices only one had been complied with. Perhaps more worrying than the failure to comply with the improvement notices, there was also evidence from the Fire Service before the panel that despite two agreements to close on a voluntary basis and the service of a prohibition notice this hotel continued to take bookings and allow people to stay overnight placing their safety at risk. Failure to pay business rates was also referred to as further evidence of non-compliance.

Mr Petrak from the Licensing Service highlighted further concerns about poor management at the premises. Whilst Mr Diamond paid the outstanding annual fee to lift the licence suspension that had been in place since 2015, he had then failed to pay the annual fee when it became due and the licence was suspended again in September 2018. The licence continues to be suspended. Trip advisor reviews were referred to as evidence that guests had stayed at the hotel during the period since the fire service issued the prohibition.

PC Reynolds on behalf of the police referred to the police logs submitted – in 2018 there had been 38 calls for Police assistance to the hotel which was in his view a high number of calls for a family hotel and more than they would expect to review from a town centre pub. The recent logs in his view showed continued mismanagement and a complete disregard for the licensing objectives.

Mr Diamond told the panel that many of the problems had been caused because he had been in an abusive relationship which result in him going to Manchester for a month – he had put a caretaker in at the hotel so it wasn't taken over by squatters but this caretaker also turned out to be a drunk who had been allowing people to stay at the hotel despite the fire service prohibition.

He also told the panel that a lot of the work had now been done however he had decided to get an experienced management company involved in December 2018 which meant that he would not have involvement in the day to day running of the premises.

Darren Cuddy attended the hearing with Mr Diamond and explained that he operated a number of hotels in Blackpool and he had approached Mr Diamond about becoming involved with the property. He had signed a management agreement in December 2018 but due to the issues he was now only willing to take the property on once the prohibition had been lifted and Mr Diamond had vacated the property. Mr Cuddy had now decided that he would arrange for the contractors to undertake the necessary works. He was planning to do a complete re-brand of the hotel.

The panel were concerned that the ownership of the hotel was unclear. The only facts that could be confirmed were that OMG Leisure Limited had signed a 25 year lease with the freeholder in November

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2017. An agreement was signed between Roomsonline Limited and BHQ Business and Investments Limited (whose sole directors were Mr Diamond and Mr Cuddy respectively). The premises licence was transferred to Lancashire Leisure Limited, a further company whose sole director was Mr Diamond. Although the licence agreement was signed on 10 December 2018, Mr Diamond told the panel that the lease for the hotel had been transferred to Roomsonline Ltd only last Monday. Mr Diamond was unable to explain to the panel why the premises licence was transferred into the name of another of his companies if Mr Cuddy was going to take over the running of the hotel.

When reviewing a licence, a panel must consider the conduct of the licence holder and consider what action is appropriate to be taken to promote the licensing objectives. It would appear that a number of attempts to gain compliance informally had been taken by both the Fire Service and Health and Safety and Mr Diamond demonstrated a complete disregard for the authorities by continuing to trade and failing to undertake the works. Mr Diamond says that most of the work has been done now but no documentary proof of this has ever been produced. Mr Cuddy spoke of his plans for the premises however he had come to the hearing with no formal plans to back up what he had to say. Indeed the only piece of documentary evidence produced was a licence agreement which did not make much sense signed between Mr Cuddy's company (created in October 2018) and Mr Diamond's company which at that stage had no interest in the property and therefore were not in a position to grant a licence to anyone. In the panels view this cast serious doubt over the due diligence that Mr Cuddy had entered into before reaching this agreement with Mr Diamond. It appears to the panel that Mr Cuddy has given very little thought to the problems that exist at this premises.

In reaching their decision the panel took into consideration their own licensing policy and the Secretary of State's guidance issued under section 182 Licensing Act 2003. Mr Diamond had in their opinion shown a blatant disregard for the licensing objectives and the authorities attempting to ensure public safety, his answers to questions were vague and unsatisfactory as was his explanation about how his various companies were involved with the hotel. Mr Cuddy gave the panel no confidence for the future showing no understanding of the issues and problems at the property. They would have expected an experienced businessman to have a clear view of what he was committing himself to before he entered a licence agreement.

Considering everything before them today the panel were satisfied that the only way to promote the licensing objectives would be to revoke this licence.

Yours faithfully

Sharon Davies

Sharon Davies
For Head of Corporate Legal

Lexcel Accredited

Dawn Goodall
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Prohibition Notice (Article 31)

In Force

Organisation Name: Cornhill Hotel

Date of Issue: 2018-08-06

ID of Premises: W3700510

Premises Type: Hotel (E)

Address:

377-379

Promenade

Blackpool

FY1 6BH

Issuing Fire & Rescue Service: Lancashire Fire And Rescue Service

Reason Issued:

Article 31

(1) If the enforcing authority is of the opinion that use of premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the responsible person or any other person mentioned in article 5(3) a notice (in this Order referred to as a prohibition notice).

(2) The matters relevant to the assessment by the enforcing authority, for the purposes of paragraph (1), of the risk to relevant persons include anything affecting their escape from the premises in the event of fire.

(3) A prohibition notice must

(a) state that the enforcing authority is of the opinion referred to in paragraph (1);

(b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and

(c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.

(4) A prohibition notice may include directions as to the measures which will have to be taken to remedy the matters specified in the notice and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the matters.

(5) A prohibition or restriction contained in a prohibition notice pursuant to paragraph (3)(c) takes effect immediately it is served if the enforcing authority is of the opinion, and so states in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case takes effect at the end of the period specified in the prohibition notice.

(6) Before serving a prohibition notice in relation to a house in multiple occupation, the enforcing authority shall, where practicable, notify the local housing authority of their intention and the use which they intend to prohibit or restrict.

(7) For the purposes of paragraph (6)

house in multiple occupation means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004(1), as they have effect for the purposes of Part 1 of that Act (that is,

without the exclusions contained in Schedule 14 to that Act); and

local housing authority has the same meaning as in section 261(2) of the Housing Act 2004.

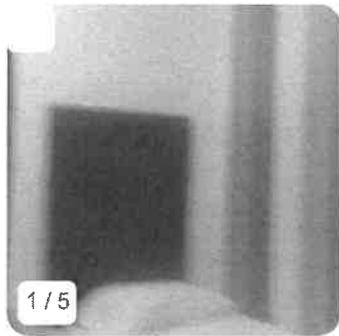
(8) Without prejudice to the power of the court to cancel or modify a prohibition notice under article 35(2), no failure on the part of an enforcing authority to notify under paragraph (6) makes a prohibition notice void.

(9) Where a prohibition notice has been served under paragraph (1) the enforcing authority may withdraw it at any time.

(10) In this article, premises includes domestic premises other than premises consisting of or comprised in a house which is occupied as a single private dwelling and article 27 (powers of inspectors) shall be construed accordingly.

FRS: Lancashire Fire And Rescue Service

Document 3.



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Coastal Bay Hotel

Hotel

5.2 (25 reviews)



Select dates to see available deals

Select dates

Overview

Info

Photos

Reviews

Deals via link X

Rating overview

5.2

trivago Rating Index[®] based on 25 reviews from:
Hotels.com(3.0/10)Expedia(3.0/10)

Location

N/A

Rooms

N/A

Service

N/A

Recent guest reviews

Guest rating

All reviews (9)

Languages

English (9)

Showing 9: All reviews, English [Reset all filters](#)

2.0

Traveller Date of review: N/A Date of stay: November 2019

"Don't know what photos they use to put on website"

So poor no hotel name anywhere asked people in the street said didn't know asked someone parking in front of what actually was the hotel and they said don't know we are staying at the hotel Athol but told could park here!!! Only hotel on the Promenade no lights on in reception at night. Rooms basic compared to the website photos on trivago that goes for whole hotel no bar no dining room reception area and lobby nothing like photos on the site!!!W

2.0 Traveller Date of review: N/A Date of stay: November 2019

staff very helpful as ecpedia had booked up wrong rooms , hotel very dirty and smelly carparking poor bathroom toilet didnt flush no tv in room

Verified review from 

4.0 Traveller Date of review: N/A Date of stay: October 2019

Nice room but scruffy no breakfast just told about a cafe down the road i thaught a hotel or b and b was bed and breakfast for the price we paid

Verified review from 

6.0 Traveller Date of review: N/A Date of stay: October 2019

"OK if you're not spending much time in here"

Good points: The beds were comfy and clean, friendly host Bad points: Strong musky smell, very old decor, doors hanging off cupboards, wallpaper peeling off, crammed parking, no TV.

Genuine review from 

4.0 Traveller Date of review: N/A Date of stay: October 2019

Not clean at all Carpets badly stained, wallpaper hanging off walls. Barely any toilet roll. Room very cold as holes in walls covered with cardboard or wood. Worst sleep I've ever had the bed was extremely uncomfortable could feel every spring. Supposed to be a double bed more like a single bed. Car parking awful cars blocking everyone in. Owner just telling you to dump your car. Would not recommend this hotel at all. May be ok for stag nights if

Verified review from 

2.0 Traveller Date of review: N/A Date of stay: October 2019

"Should be closed down."

We thought this place was shut down. Maybe it had been. No sign. No lights on (the light in the photo is the light I left on). All black and in darkness. Went to the door and a man unlocked it. No sign of any computers in reception etc. or signage. Not even a sheet of A4 in the window Bar closed and grill over the bar. Breakfast area desolate. Carpet filthy. Bedroom small and damaged furniture. Parking situation a little unusual. No spaces either

Genuine review from 

2.0 Traveller Date of review: N/A Date of stay: October 2019

Got there, hotel looks at the moment in total renovation,

Genuine review from 

2.0 Traveller Date of review: N/A Date of stay: October 2019

"Absolutely Discusting."

Everything was discusting. I was given a false advertisement. I had 2 young children with me and the room was dirty and smelly. I didn't even want to let my children walk around the place it was that bad. the beds and furniture are all falling apart. The wall where the window was had wallpaper all coming off with mould growing underneath and the ceiling looked like it was going to collapse, it is a health Hazard for adults never mind young childr

Genuine review from  Hotels.com

2.0 Traveller Date of review: N/A Date of stay: October 2019

There was nothing to like. The place was so run down even the bugs were leaving. Their alcohol licence had been withdrawn, the name on the hotel had been removed, there were no lights on, couldn't get access in to the hotel, tried from 2.30 on Saturday afternoon until 5.30 then gave up and had to go and find other accommodation as the granddaughter was getting more and more upset

Document 4.

Lee Petrak

From: Sarah Longden
Sent: 27 July 2022 13:35
To: Lee Petrak
Subject: Coastal Bay (Prev. Cornhill)

On 12/7/2018, following numerous health and safety complaints and an inspection carried out by Health and Safety Officers from Blackpool Council, a total of 10 Improvement Notices were served under the Health and Safety at Work etc Act 1974, on the owner of the Cornhill Hotel, 377-379 Promenade, FY1 6BH.

Most of these notices were not complied with within the timescale allocated and the hotel closed, preventing Officers from making further contact with the owner.

During a conversation with the Licensing Manager, Lee Petrak on Wednesday 20th July 2022, I was informed that an application for a new premises licence had been submitted by Alan Diamond as he intended to open the newly named, Coastal Bay Hotel.

I contacted Mr Diamond that afternoon and made an appointment to visit him on Friday 22nd July 2022.

I used the previously served Improvement Notices as a starting block for my visit;

- 1) PAT Testing – there was a log provided of equipment PAT tested in the guest bedrooms including televisions and kettles. I was informed that some televisions are still required to be PAT tested, but he is awaiting work being carried out before he puts them in the rooms.
- 2) Electrical Installation Condition Report – survey carried out in 2019, stated it was unsatisfactory. Mr Diamond informed me he is currently in the process of having a full re-wire across the entire property. This work is not yet completed and an EICR must be presented to this Department once the new survey has been carried out.
- 3) Gas Safety – Building Regulation Compliance Gas Safety Certificate provided. Served on 09.06.2022. I was informed that 3 new boilers have been installed in the last 12 months.
- 4) Windows – I was unable to carry out a full inspection due to the electrical work that was being carried out, however from external inspection they look in poor condition. Need to revisit and inspect condition of windows and window restrictor requirements.
- 5) Traffic routes – previous notices stated that carpets throughout the hotel were in such condition to present trip hazards to guests and staff. I was informed that the hotel has been fitted with all new carpets, this will be checked on revisit.
- 6) Lifting Operations and Lifting Equipment Regulations – no valid LOLER report, informed that the lift is out of service and will be for the foreseeable due to the cost of maintenance. Advised it cannot be used until a report has been produced.
- 7) Legionella Risk Assessment – Survey carried out by Euro Environmental Water in 2019. New boilers have been installed and due to the hotel being closed and the system not being flushed in a long time, a new updated survey is required. This was booked for 28th July 2022.
- 8) Asbestos Survey – carried out by Euro Environmental Asbestos in 2019. Appears from conversation that not all required remedial action has been carried out. New survey booked for 28th July 2022.

Therefore, a number of legally required health and safety surveys and reports are still outstanding; without these the premises currently presents a risks of harm and/or ill-health to potential staff, visitors or guests.

Sarah Longden
Public Protection Officer
Food Control and Health & Safety

Document 5.

Lee Petrak

From: SHQ - Priestley, Alan
Sent: 08 August 2022 11:23
To: Lee Petrak
Subject: FW: Coastal Bay Hotel, 377-379 Promenade, Blackpool, FY1 6BH

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Hi Lee

The Prohibition Notice is still in place.

Mr Diamond has had a further Fire Risk Assessment carried out, but the risk is still substantial.

I agreed with Mr Diamond that I would consider withdrawing the notice once the risk was reduced from substantial to tolerable.

I have informed Mr Diamond that I will re-visit the premises at the end of August to re-assess the status of the premises.

Please get in touch if you require any further information.

Kind Regards



Watch Manager
Alan Priestley *MIFSM*
Primary Authority Officer
Lancashire Fire and Rescue Service