

Blackpool Council

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

LICENSING ACT 2003

**Review
requested by:**

Lee Petrak

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk/licensing



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	Lee Petrak
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[Insert name of person requesting review]

apply for the review of a premises licence under section 51 / 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 (delete as applicable).

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordnance survey map reference or description.							
Premises Name and Address	The Trades Hotel						
	51-55 Lord Street						
	Blackpool	Post Code	F	Y	1	2	B
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)							
Neil Malcolm Cropper							
Premises Licence or Club Premises Certificate Reference Number (if known)						PL1974	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete A or B below)	Please tick
2) a responsible authority (please complete C below)	X
3) a member of the club to which this application relates (please complete A below)	

(A) 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													

(B) Other Applicant or Representing Body

Name													
Address													
					Post Code								
Telephone No.													
Email Address													

(C) Responsible Authority applicant

Name	Lee Petrak												
Address	Trading Standards & Licensing												
	Municipal Buildings												
	Corporation Street				Post Code	F	Y	1		1	N	A	
Telephone Number	01253 477861												
Email Address	Lee.petrak@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	X
2) public safety	
3) the prevention of public nuisance	
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)

This review is brought on the basis that the operation of the premises has been conducted in a way, which undermines the prevention of crime and disorder objective. The review will provide a detailed background of the licensing history relevant to this review, including steps taken to improve management of the premises in early 2022. The review will focus on recent evidence obtained in relation to the premises supplying alcohol outside its permitted hours.

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

I submit this review on behalf of The Licensing Authority in my capacity as the Trading Standards & Licensing Manager.

Background

These premises, known as the Trades Hotel, are situated on Lord Street in the heart of the LGBTQ community. The hotel operates predominantly as a gay cruising venue and is men only. Our records indicate that the premises has been licensed for the sale of alcohol by retail since at least 2004. Mr Cropper, the current licensee and operator of the hotel, became Designated Premises Supervisor at the premises in June 2008. In January 2010 Mr Cropper transferred the licence to his name to become Licensee. In February 2013 following Mr Cropper's bankruptcy the premises licence lapsed. In July 2013 a third party applied for and restored the licence. In January 2016 Mr Cropper applied to transfer the licence to his name and he has been the licensee since.

These premises were the subject of review proceedings in 2009. At the time, the issues noted in that review included:

- Serving non-resident guests when not authorised
- Allegations a sex cinema was operating in the premises
- Electrical Safety issues subject to Health & Safety enforcement action
- Evidence of the distribution of Kamagra tablets within the premises

The review concluded with 7 new conditions being imposed on the Licence as well as a 7 day suspension being observed.

Similar issues regarding service of alcohol to non-residents surfaced again in 2021. The issues

present at this time can be accurately summarised in my correspondence to Mr Cropper dated 21st December 2021 as appended to this review application marked **Document 1**.

Consequently, following discussion with Mr Cropper, on the 16th February 2022 he applied to vary his licence having the effect of ceasing the sale of alcohol to residents and non-residents at 2am. Conditions relating to the management of serving residents after 2am were also removed from the licence given they were now redundant. Following successful minor variation application, the licence in its current form was granted on the 3rd March 2022.

Circumstances

Despite the changes to the Licence outlined above, the Licensing Service continued to receive complaints about the Trades Hotel, some made anonymously. The complaints made generally relate to allegations that the premises continue to sell or supply alcohol outside their authorised hours.

Due to the nature of the allegations I tasked officers to conduct a Licensing visit at the premises, which was carried out at approximately 02.35 on Saturday 28th May 2022. Mr Verity, a Licensing Enforcement Officer, has provided a statement detailing his recollection of that visit, which is included with this review submission.

Due to the observations of officers I subsequently submitted a request to Mr Cropper for CCTV footage of the bar area between 01.45 – 02.45 on the 28th May 2022. I have reviewed the CCTV footage supplied and I believe the footage shows that the supply of alcohol has continued after the terminal hour of 2am. I have observed the following:

- 02.01 – Towel placed over pump to denote end of serving
- 02.05 – Male served with what looks like a pint of beer. Possible cash transaction
- 02.18 – Male served with what looks like a pint of beer. Possible cash transaction
- 02.23 – Male served with what looks like a pint of beer. Transaction via token/receipt system
- 02.28 - Male served with what looks like a pint of beer. Transaction via token/receipt system
- 02.29 - Male served with what looks like a pint of beer. Transaction via token/receipt system
- 02.34 – Licensing Officers enter bar area

In my view the CCTV footage clearly shows the supply of alcohol continuing during unauthorised hours. The bar area remains busy even after 2am the bar staff continue to operate the bar and guests continue to arrive in the bar area after the terminal hour. Five separate transactions can be observed taking place at the bar. I have included with this review a number of stills from the footage evidencing the transactions detailed above. These stills are marked A through to V as follows:

- A – Towel over pump @ 02.01
- B, C – Transaction @ 02.05
- D-F – Transaction @ 02.18
- G-L – Transaction @ 02.23
- M-O – Transaction @ 02.28
- P-U – Transaction @ 02.29
- V – Licensing Officers Attendance @ 02.34

Following the visit on the 28th May 2022 and upon obtaining the CCTV footage from Mr Cropper, I visited the Trades to collect the footage from Mr Cropper on the 7th June 2022. During that visit Mr Cropper volunteered some receipts stating that customers are ordering 4 pint pitchers before 2 am and drinking up after 2am. At the time I did not appreciate the significance of these receipts, which

do carry a date but no time of sale. These receipts accompany this review marked **Document 2**.

I have included the following documents in support of my application:

1. Letter to Mr Cropper dated 21st December 2021
2. Copy of 5 receipts from Trades Hotel
3. Statement of Dave Verity, Public Protection Officer
4. CCTV footage stills marked A-V

Conclusion

Since the variation to the Licence earlier this year I believe that the evidence accompanying this review demonstrates that the operators of this venue have deliberately attempted to work around the change in licensing hours so that alcohol can continue to be supplied well after 2am. Despite the evidence detailing one incidence of this activity, I believe that these practices are part of the normal operation of the premises.

The unauthorised supply of alcohol detailed in this review is clearly being carried out with the knowledge of Mr Cropper since his presence can be seen in the CCTV footage. The conduct evidenced constitutes criminal activity described in section 136 of the Licensing Act 2003, which upon conviction carries a maximum penalty of 6 months imprisonment and/or a fine.

I believe that given all of the information detailed in this application for review, that Mr Cropper has significantly undermined the Licensing objectives in allowing the conduct described above to continue. Furthermore, due to the intervention leading to the minor variation in February this year, I believe that I have no option but to instigate review proceedings on this occasion.

Part 4 – Other relevant information

Have you made an application for review relating to these 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 where and when you made them.

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 5) **If signing on the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Lee Petrak
Capacity	Trading Standards & Licensing Manager
Date	2/9/22.

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)									
Title:	<u>Mr</u>	Mrs	Miss	Ms	Other:				
Forenames	Lee			Surname	Petrak				
Address for correspondence associated with this application	Trading Standards & Licensing								
	Municipal Building, Ground Floor								
	Corporation Street			Post Code	F	Y	1	1	N
Telephone Number	01253477861			Mobile Number	07468472898				
E-Mail Address	Lee.petrak@Blackpool.gov.uk								

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.
6. This is the address that we shall use to correspond with you about this application.

Date: 21 December 2021

Mr Neil Cropper

[Redacted]
[Redacted]
[Redacted]

Our Ref

LKP/PL1974

Your Ref:

Direct Line:

01253 477861

Email:

lee.petrak@blackpool.gov.uk

Dear Mr Cropper

Re: Trades Hotel, 51-55 Lord Street, Blackpool

Further to our recent conversations in connection with the above premises, I think it is entirely appropriate for me to clarify the current position regarding the recent incident recorded at the above Licensed premises.

As you are aware, at approximately 02.40 on Saturday 27th November 2021 two of my Licensing Enforcement Officers attended the above premises in an attempt to gain entry to the bar area after 2am as non-resident paying customers. The reason for the visit was in response to my service having received a substantial amount of complaints alleging such activities are regularly taking place in direct contravention with Licence conditions.

During the course of the above Licensing visit officers were able to evidence breaches of annex 2 conditions 26, 28 and 30. Essentially officers noted that approximately 25-30 patrons were visible in the licensed area with alcoholic drinks visible with no controls in place to determine whether customers were hotel guests or otherwise. No guest book could be produced to the officers as required by condition 30 nor was any form of Bar Pass Card scheme evident as required by condition 28.

You may recall that the conditions referred to above were imposed following a review of the premises licence in 2009 when similar issues regarding serving of non-residents after the permitted hours were evidenced. I appreciate that although you indicated you have worked at these premises since 2004, that you were not the licensee at that stage. However, it is my understanding that the nature of the business has not fundamentally changed throughout this period, therefore there can be no reasonable excuse for not having systems in place that safeguard against the concerns that resulted in the conditions referred to above being inserted into the premises licence following review. It is therefore extremely disappointing that conditions imposed over a decade ago are clearly not being followed.

You will appreciate that it is part of my responsibility to consider what action is appropriate when breaches of Licence conditions are detected. In this case I have given due consideration to the events described



above, whilst balancing that with the number of complaints received regarding the activities described above as well as the historical intervention from 2009. I have also considered whether additional conditions would improve the situation, but in this instance I am unable to suggest additional conditions since the existing conditions ought to be sufficient.

It is therefore my view that the terminal hour for the provision of alcohol ought to be brought forward to 00.00 hours regardless of the status of the guests. It would be my preference to deal with this by way of your application to vary the Licence with agreed changes. If we are unable to proceed on this basis I must consider whether review is appropriate in the circumstances. I appreciate you may wish to take advice in relation to these matters, therefore can I suggest you indicate your intentions by the 10th January 2022 to allow this to take place bearing in mind the Christmas and New Year break.

Yours sincerely

Mr L Petrak
Trading Standards and Licensing Manager



**Community & Environmental
Services**

Public Protection
No 1 Bickerstaffe Square,
Talbot Road
Blackpool, FY1 3AH

Contact

T: (01253) 477 477

www.blackpool.gov.uk



Trades Hotel
51-55 Lord Street
FY1 2BJ
TEL: 01253 626401

STEPH REG MASTER T1
FRIDAY 27 MAY 2022 051463
3 HS VODKA £10.50
Vat Reg. no.

HOPE YOU ENJOYED YOUR VISIT
SEE YOU AGAIN SOON



Trades Hotel
51-55 Lord Street
FY1 2BJ
TEL: 01253 626401

CARL REG MASTER T1
FRIDAY 27 MAY 2022 051464
1 4-PINT PITCHER £12.00
Vat Reg. no.

HOPE YOU ENJOYED YOUR VISIT
SEE YOU AGAIN SOON



Trades Hotel
51-55 Lord Street
FY1 2BJ
TEL: 01253 626401

CARL REG MASTER T1
FRIDAY 27 MAY 2022 051407
1 4-PINT PITCHER £12.00

TOTAL £12.00
CASH £12.00
Vat Reg. no.

HOPE YOU ENJOYED YOUR VISIT
SEE YOU AGAIN SOON



Trades Hotel
51-55 Lord Street
FY1 2BJ
TEL: 01253 626401

NEIL REG MASTER T1
TUESDAY 24 MAY 2022 051084
1 4-PINT PITCHER £12.00

TOTAL £12.00
PAY by BANK CARD £12.00
Vat Reg. no.

HOPE YOU ENJOYED YOUR VISIT
SEE YOU AGAIN SOON

Handwritten scribbles

KAOS

Trades Hotel
51-55 Lord Street
FY1 2BJ
TEL: 0 252 626491

STEPH	REF	MASTER CH
FRIDAY 27 MAY 2002		051405
4-PINT PITCHER		£12.00
Vat Reg. no.		

HOPE YOU ENJOYED YOUR VISIT
SEE YOU AGAIN SOON

Witness Statement

(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 David Verity

Age if under 18: (if over 18 insert "over 18"). Occupation: **Public Protection Officer**

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 23rd day of August 2022

Tick if witness evidence is visually recorded
(supply witness details on rear)

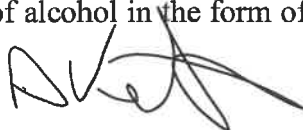
Signature



I am David Verity and I am currently employed as a Public Protection Officer, Licensing Enforcement (PPO) within the Public Protection Division of Blackpool Council,

On Friday 27th May 2022 I was on duty working in company with my colleague Public Protection Officer (PPO) Ryan Ratcliffe. As part of our duties we were conducting visits to licensed premises. We had been tasked by my line manager Lee Petrak with checking on a premises I know to be trades hotel located not far from the town centre at 51-55 Lord Street. Trades Hotel benefits from a premises licence issued by Blackpool Council, PL1974. The authority had received complaints in relation to the bar at Trades Hotel being operated in breach of licence conditions by the Designated Premises Supervisor (DPS) who is Neil Malcolm Cropper who it was alleged was allowing non-residents to continue purchasing and consuming alcoholic drinks after 02.00hrs. Annex 2 condition 3 of premises licence PL1974 states: *Non-residents are permitted on the premises and may be supplied alcohol between 10.00 and 02.00.* On arrival at the premises at approximately 02.35 hrs the front door was locked and I rang a bell after approximately three to five minute the door was opened by a male who goes by the name of Steph as the door was opened both PPO Ratcliffe and I walked into the premises unchallenged. We made our way the short distance to the bar area and I immediately observed approximately nine males some of the males were in possession of pint glasses of alcohol in the form of beer most of the glasses were virtually full which indicated to

Signature



Signature witnessed by

myself the pints had not long been pulled. The males were dotted around the bar area some sitting at the bar with others around the pool table with some playing pool and one male was seen standing near the bar wearing nothing but a cap and a pair of shorts. I asked the male known as Steph to speak to Neil Cropper the DPS. He left and a short time later Neil Cropper appeared. I have met Neil Cropper on previous occasions and immediately recognised him. I asked why these people were still in the bar some thirty five minutes after the bar should be closed. Neil then stated he was under the impression that there was an hours drinking up time. I advised him this was not the case and there was nothing in the licence conditions to reflect this, and after thirty five minutes it would be reasonable to say all the males in the bar would have finished their drinks unless they had been recently purchased. I pointed out one male who had virtually a full pint on the bar in front of him as we stood in the bar. Neil Cropper made no reply to this. I then requested to see the CCTV footage for the bar area and stated I needed to see footage from 02.00hrs to establish if any alcohol had been served. Neil Cropper then stated he did not have the keys to the office with him therefore was unable to show the CCTV footage to us. This is in breach of annex 2 condition 4 which states: ***CCTV will be installed internally and externally at the premises and will comply with the following:***

- ***The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each entrance doors and will be capable of providing an image which is regarded as identification standard.***
- ***The system will display on any recording the correct time and date of the recording.***
- ***The system will make recordings during the hours the premises are open to the public.***

Signature



Signature witnessed by

- *VCR tapes or digital recording shall be held for a minimum of 31 days and 28 days respectively, after the recording is made and will be made available to the police or any authorised persons acting for a Responsible Authority for inspection upon request.*
- *The system will, as a minimum, record images of the head and shoulders of all persons entering the premise.*

Furthermore premises licence condition 5 was also breached in that there was no keys available to open the office in the event of the DPS not being present condition 5 states:

A staff member who is conversant with the operation of the CCTV system will be on the licence premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police officer or to a Local Authority Enforcement Officer.

On looking at the CCTV monitor located in the bar area it showed the single camera which covered the bar was not adequate to capture any incidents that may take place around this area. Neil Cropper was told it would be a good idea to check all cameras and install extra cameras to ensure there were no blind spots. PPO Ratcliffe and I had no further dealing with Neil Cropper we then left the premises at approximately 02.55hrs.



Signature

Signature witnessed by

