

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

HELD: 1 DECEMBER 2011

Start: 7.30pm

End: 9.30pm

PRESENT: Grice (Chairman)

Councillors: Baldock Hodson
Mrs Blake Kay
Blane Moran
Cropper Nolan
Delaney O'Toole
Fillis R A Pendleton
Gibson Pratt
Greenall Sudworth
Griffiths

Officers: Assistant Director Housing & Regeneration (Mr B Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Planner (Mr J Harrison)
Transformation Manager (Mr S Walsh)
Deputy Borough Treasurer (Mr M Kostrzewski)
Borough Solicitor (Mr T P Broderick)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

In attendance:

Councillors: Grant (Leader of the Council)
Fowler (Portfolio Holder – Health and Leisure)
Forshaw (Portfolio Holder – Planning and Technical Services)
Westley (Portfolio Holder – Resources and Transformation)

41. APOLOGIES

There were no apologies for absence.

42. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of Councillors Hennessy, Gagen, G Jones and Pope and the appointment of Councillors Delaney, Hodson, Griffiths and Pratt for this meeting only, thereby giving effect to the wishes of the Political Group.

43. URGENT BUSINESS

There were no items of urgent business. However, in relation to items 13 (Preferred Options Local Plan) and 14 (Core Strategy Preferred Options – Consultation Responses) the Chairman proposed that these items not be considered at this meeting, but be deferred to a Special meeting of the Committee to be held at 6.00pm on Thursday 8 December 2011.

RESOLVED: That a Special meeting of the Committee be held on Thursday 8 December 2011 at 6.00pm to consider the items 'Preferred Options Local Plan' and 'Core Strategy Preferred Options – Consultation Responses'.

44. DECLARATIONS OF INTEREST

During consideration of the Minutes of Cabinet held on 15 November 2011 Councillor Grice declared a personal and prejudicial interest in Minute 87 relating to Beacon Golf Course as a Director of West Lancashire Community Leisure Limited and left the meeting during consideration of this item.

45. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 29 September 2011 be approved as a correct record and signed by the Chairman.

47. CALLED IN ITEMS - NOT VALID

Consideration was given to the following two items, as circulated and contained on pages 599 to 605 of the Book of Reports.

48. ORGANISATIONAL RE-ENGINEERING UPDATE

Consideration was given to the report of the Borough Solicitor which advised of a Call In request received but not validated in respect of Minute No.76 of the meeting of Cabinet held on 15 November 2011 'Organisational Re-Engineering Update'.

The Chairman explained the reasons the 'Call In' was not validated.

There was no further discussion on this item.

RESOLVED: That the report be noted.

49. MANAGEMENT PLANS - BEACON PARK, CORONATION PARK AND RICHMOND PARK

Consideration was given to the report of the Borough Solicitor which advised of a Call In request received but not validated in respect of Minute No.78 of the meeting of Cabinet held on 15 November 2011 'Management Plans – Beacon Park, Coronation Park and Richmond Park.'

The Chairman explained the reasons the 'Call In' was not validated.

In the ensuing discussion Members raised comments/questions in respect of the following:

- The current situation of Tawd Valley Park, including maintenance, the changes affected by "Skelmersdale Vision" and redevelopment/regeneration of Skelmersdale Town Centre and the future plans for the Park.

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- Enhancements to other parks within the Borough and the provision of resources associated with the maintenance of the Borough's parks.
- Use of 106 monies for improvements to open spaces/parks in other areas of the Borough.

RESOLVED: That the report be noted.

(Note: The Chairman varied the order of business so that the item 17 Health and Safety Annual Report 2011, held over from the previous meeting, was considered next. The minutes follows the same order as set down in the agenda.)

50. KEY DECISION FORWARD PLANS - 1 NOVEMBER 2011 - 31 MARCH 2012

There were no items under this heading.

51. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the meeting of Cabinet held on 15 November 2011. Members raised comments/questions in relation to:

Minute 67 (Article 4 Direction – Houses in Multiple Occupation (HMOS) Ormskirk, Aughton and Westhead – Noted the approval of this Direction. Confirmation of the scope of HMSOs.

Minute 71 (Installation of Solar Photovoltaics on Council Owned Buildings). A member sought clarification relating to the proposal that, following a presentation on “solar panels” at a previous meeting of the Corporate Overview and Scrutiny Committee that a report, scheduled to be considered by Cabinet at its meeting on 15 November 2011, on the potential for community-wide benefit from ‘feed-in tariff’ energy efficiency measures would also include consideration of the options to achieve benefits also for tenants and residents in Wards falling within the scope of that report.

Minute 72 (Peer Review – Landlord Services) – The role of elected Members in the process.

Minute 73 (Housing Service Improvement Plan) – Processes relating to presentation of the information.

Minute 86 (Land Disposal – For Affordable Housing) – The various options available relating to land disposal for affordable housing.

RESOLVED: A That the Minutes of the meeting of Cabinet held on 15 November 2011 be noted.

- B. That, in relation to Minute 71 of the Cabinet (Installation of Solar Photovoltaics on Council Owned Buildings) the relevant Portfolio Holder and/or Cabinet be requested to:

- (i) require that the Assistant Director Housing and Regeneration report to the first available Cabinet on the options available to secure the best possible outcome for tenants and residents of Tanhouse Ward and all other wards falling within the scope of the report, such report to include provision for the resource and technical implications of the project.
- (ii) authorise the Assistant Director Housing and Regeneration to consult with relevant ward councillors, SSCF and other potential funders on the proposed project.

(Note: The Chairman left the meeting, having declared a personal and prejudicial interest as he is a Director of West Lancashire Community Leisure Limited, during consideration of Minute 87 relating to Beacon Golf Club whereupon the Vice-Chairman (Councillor Greenall) took the Chair.)

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph(s) 3 (Financial/Business Matters) and 5 (Legal Matters) of Part 1 of Schedule 12A of the Act, and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

Minutes 87 (Beacon Golf Course) – options relating to the long term operation of the Golf Course and other associated issues.

RESOLVED: That the Minute of the meeting of Cabinet held on 15 November 2011 be noted.

(Note: Following consideration of this item members of the public were invited back into the meeting. The Chairman also returned to the meeting and took the chair for the remaining items of business.)

52. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2011/2012

Consideration was given to the report of the Borough Solicitor as circulated and contained on pages 407 to 425, which advised on the decision of Cabinet held on 15 November 2011 in respect of Land Disposal for Affordable Housing and incorporated the revised Appendix A and B to the attached report of the Borough Treasurer. The Borough Treasurer's detailed the revised Capital Programme 2011/2012 and provided an overview on the progress against it at the mid-year point. The Deputy Treasurer advised of a further minor change to Appendix B, circulated at the meeting, as contained on page 607.

During the ensuing discussion Members raised questions/queries relating to:

- The effect on capital expenditure as a result of the economic downturn.
- The Stock Condition Survey 3 year programme.

RESOLVED: That the Report detailing the Revised Capital Programme and progress against it at the mid-year point set out in Appendix 1 and the 'revised Appendix A', attached at Appendix 2, along with the tabled revised Appendix B, be noted.

(Note: Councillors Westley and Fowler left the Chamber following consideration of the this item.)

53. REVENUE BUDGET MID YEAR REVIEW

Consideration was given to the report of the Borough Treasurer which provided a projection on the General and Housing Revenue Accounts to the end of the financial year.

Members raised questions/comments in relation to:

- Variance in Service budget targets – Planning, Local Searches and Car Parks.
- HRA subsidy rebate (£288,000) – capital schemes.
- Savings related to staffing.

RESOLVED: That the financial position of the Revenue Accounts be noted.

(Note: Councillor Grant left the meeting at the conclusion of this item.)

54. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN

Consideration was given to the report of the Borough Planner which proposed that the Borough's local planning policy should be prepared as a single Local Plan document to reflect the proposed policy in the draft National Planning Policy Framework (NPPF) and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

Members noted that the report had also been considered by the Planning Committee at its meeting on 10 November 2011 and Cabinet on 15 November 2011.

RESOLVED: That the report and the decision of Cabinet on 15 November 2011 be endorsed.

55. PREFERRED OPTION LOCAL PLAN

This item was not considered at the meeting held on 1 December 2011 but was deferred for consideration at a Special meeting of the Committee to be held on 8 December 2011.

(Note: The appendices relating to this item are located in the Cabinet Book of Reports after page 1082.)

56. CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION RESPONSES

This item was not considered at the meeting held on 1 December 2011 but was deferred for consideration at a Special meeting of the Committee to be held on 8 December 2011.

(Note: The appendices relating to this item are located in the Cabinet Book of Reports after page 1066.)

57. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Consideration was given to the report of the Borough Solicitor that advised on the consultation response sent to the Department of Communities and Local Government (DCLG) in respect of the Draft National Planning Policy. He reported that at the request of this Committee, at its meeting held on 29 September, 2011, consideration of this item had been deferred in order that an all Member Briefing take place on the subject matter. The briefing subsequently took place on 5 October 2011. Attached as Appendices to the report were the Borough Planner's report (Appendix 1); the Minutes of Cabinet (Appendix 2) and the Planning Committee (Appendix 4); and a response letter to the consultation (Appendix 5).

It was further reported that the deadline for the consultation was 17 October 2011 and in order for the consultation deadline to be met the Borough Planner had submitted the response to the consultation on 10 October 2011.

Members raised questions and comments on the response, including the paragraph within the response on Flood Risk, particularly in light of a recent announcement by the Environment Agency relating to the Hoscar Pumping Station and the Crossens pumped drainage catchment area.

The Borough Planner, who was in attendance, explained the general nature of the Flood Risk response that sought the provision of greater guidance, within the emerging National Planning Policy, in relation to significant risk in the Borough of localised flooding and the lack of capacity in combined sewers.

The Portfolio Holder (Planning and Technical Services) attended the meeting and, at the invitation of the Chairman, also responded to questions related to this item.

RESOLVED: That the report at Appendix 1, the Minutes of the Cabinet and Planning Committee at Appendix 2 and 4 and the response letter to the consultation, attached at Appendix 5, be noted.

(Note: Councillor Forshaw left the meeting at the conclusion of this item.)

58. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION

Consideration was given to the report of the Borough Solicitor, which advised on the item held over from the previous meeting of the Committee in relation to a consultation paper from the DCLG in respect of streamlining council house asset management. In his report, attached at Appendix 1, the Assistant Director Housing and Regeneration,

advised Members of the debate that had been taking place between Officers and the DCLG and included the final response submitted to meet the deadline of 17 November 2011.

The recent announcement by Government in relation to potential changes affecting social housing sales was raised. The Assistant Director Housing and Regeneration advised that once more details emerged these would be assessed.

RESOLVED: That the report of the Assistant Director Housing and Regeneration and final response to the consultation, and the decision of Cabinet, be noted.

59. HEALTH AND SAFETY ANNUAL REPORT 2011

Consideration was given to the report of the Assistant Director Community Services, held over from the previous meeting of the Committee held on 29 September 2011, as contained on pages 553 to 598 of the Book of Reports which updated Members on the progress made in relation to the Health and Safety Management of the Council.

RESOLVED: That the Annual Health and Safety Report 2011 be noted.

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Chairman

PRESENT

Councillor Greenall – Vice Chairman (in the Chair)

Councillors	Baldock	Hennessy
	Mrs Blake	Kay
	Blane	Moran
	Cropper	O'Toole
	Delaney	R Pendleton
	Gagen	Pope
	Gibson	Pratt
	Griffiths	Sudworth

In attendance Councillors: Owens (Deputy Leader & Portfolio Holder - Housing (Finance), Regeneration and Estates)
Ashcroft (Portfolio Holder – Public Realm and Human Resources)
Forshaw (Portfolio Holder – Planning and Technical Services)
Hodgson

Officers: Borough Planner (Mr J Harrison)
Deputy Borough Planner (Mr I Gill)
Legal Services Manager (Mr M Jones)
LDF Team Leader (Mr P Richards)
Assistant Member Services Manager (Mrs J Denning)

60. APOLOGIES

There were no apologies for absence.

61. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of Councillors Fillis, Grice and Jones and the appointment of Councillors Delaney, Pratt and Griffiths for this meeting only, thereby giving effect to the wishes of the Political Group.

62. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

63. DECLARATIONS OF INTEREST

Councillor Sudworth declared a personal interest in Agenda Item 6 'Preferred Option Local Plan' as the report referred to the M58 corridor where a friend of his resides.

64. DECLARATIONS OF PARTY WHIP

There were no declarations of a party whip.

65. PREFERRED OPTION LOCAL PLAN

The Committee considered a report of the Borough Planner which set out the Local Plan Preferred Options document, and its supporting documentation for public consultation in January / February 2012.

Comments and questions were raised in respect of the following:

- Provision of affordable housing
- Edge Hill University - expansion, Masterplan, Travel plan and multi campus options
- The railway infrastructure
- Consultation methods and forum format, venues and length of meetings
- Elm Place – land designation
- Beacon Golf Course – Need to clarify which Ward ie. Tanhouse / Upholland
- Lancashire County Council and West Lancashire Borough Council being listed individually as employers (paragraph 2.22)
- The 'Radburn' estate layout (paragraph 2.26) – not every estate in Skelmersdale
- The removal of the reference to 'poor quality housing' in Skelmersdale and the inclusion of the millions of pounds of investment in the area.
- The need for respite accommodation (Chapter 2.2 ' Key Issues)
- The negative image of Skelmersdale portrayed in the document which should be revised
- Burscough designation as a 'Market Town'
- Lack of reference to Lathom
- Future development in flood risk areas
- Retail development in Scarisbrick

The Committee was advised that the Plan would be submitted to Cabinet and Executive Overview and Scrutiny Committee following the consultation process.

- RESOLVED: A. That Members should forward any minor amendments to the document direct to the Borough Planner, in particular matters in respect of geographical locations/boundaries/designations.
- B. That the following comments be referred to Cabinet for consideration:
- i. That the Plan offers reasonable options in relation to affordable housing, Edge Hill University and Public Transport for members of the public and other interested parties to be consulted on.
 - ii. That Policy EN3 be amended to remove the designation of Elm Place as a Childrens' Play area.
 - iii. That consultation forum events be held for at least 2½ hours to enable general discussion of the whole area of the plan to take place and an additional event be held in Up Holland.

- iv. That Policy SP1 be worded stronger to prevent development in high flood risk areas.
- v. That Policy EC4 be strengthened to ensure that Edge Hill produce a Masterplan for the campus and undertake monitoring of any travel plan and that concern be expressed regarding the insufficient consideration that has been given to a twin site campus.
- vi. That Policy RS2 in respect of the threshold for the provision of affordable housing be reviewed with a view to raising the lower threshold for the provision of affordable housing.
- vii. That Policy IF1 be based on local 'West Lancashire' need rather than need from neighbouring Boroughs.

66. CORE STRATEGY PREFERRED OPTIONS (CSPO) - CONSULTATION RESPONSES

The Committee considered the report of the Borough Planner which detailed the proposed response of the Council to each representation received during the Core Strategy Preferred Options consultation period in May / June 2011.

RESOLVED: That the report be noted.

(Note: This item was considered prior to Agenda Item 6 'Preferred Options Local Plan'.)

THE CHAIRMAN

CABINET**HELD: 17 JANUARY 2012**

Start: 7.30pm

Finish: 9.25pm

PRESENT:

Councillor I Grant (Leader of the Council, in the Chair)

Councillors		<u>Portfolio</u>
I Ashcroft		Public Realm and Human Resources
M Forshaw		Planning and Technical Services
A Fowler		Health and Leisure
Mrs V Hopley		Landlord Services and Community Safety
A Owens		Deputy Leader & Housing (Finance), Regeneration and Estates
D Westley		Resources and Transformation

In attendance Councillors:	Cropper	Griffiths
	Furey	Hennessy
	Gibson	Hodson
	Grice	

Officers

Managing Director (People and Places) (Mrs G Rowe)
Managing Director (Transformation) (Ms K Webber)
Assistant Director Housing and Regeneration (Mr R Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Executive Procurement and Projects Manager (Mr J Ryding)
Deputy Borough Planner (Mr I Gill)
Property Services Manager (Mr P Holland)
Business Development Manager (Mr W Berkley)
Principal Member Services Officer (Mrs S Griffiths)

96. APOLOGIES

There were no apologies for absence.

97. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS

There were no items of urgent business.

98. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Fowler and Westley declared personal and prejudicial interests in agenda item 6(g) (War Memorial, Coronation Park, Ormskirk) in view of them being Custodian Trustees of the Comrades Club Trust. They left the meeting during consideration of this item.

2. Councillor Westley declared a personal interest in agenda item nos. 6(c) (Skelmersdale and UpHolland Demand Responsive Transport System and 6(p) Procurement of Repairs Appointments System, as he is a Member of Lancashire County Council.
3. Councillors Grant, Ashcroft, Fowler, Forshaw and Westley declared personal interests in agenda item 6(i) (Medium Term Capital Programme) in respect of Parish matters, as Members of Aughton, Hesketh with Becconsall, Scarisbrick, Hesketh with Becconsall and Halsall Parish Councils respectively.

**99. INSTALLATION OF SOLAR PHOTOVOLTAICS ON COUNCIL OWNED BUILDINGS-
COMMENTS REFERRED TO CABINET FROM EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE**

Councillor Mrs Hopley introduced the report of the Borough Solicitor which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 1 December 2011 in respect of an item raised under post hoc scrutiny of minute no. 71 of the Cabinet Minutes on 15 November 2011 which considered the report 'Installation of Solar Photovoltaics on Council Owned Buildings'.

Councillor Mrs Hopley circulated a motion which was seconded which indicated further evaluation/investigations be undertaken subject to the availability of finance and resources.

In reaching the decision below, Cabinet considered the comments from Councillor Hopley, the Motion circulated and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED: A. That Minute 71 'Installation of Solar Photovoltaics on Council Owned Buildings' of the Cabinet held on 15 November 2011, attached at Appendix A, and the report of the Assistant Director Housing and Regeneration, attached at Appendix B, be noted.

B. That the extract of Minute 51 'Relevant Minutes of Cabinet' of the Executive Overview and Scrutiny Committee on 1 December 2011, in relation to Minute 71, as set out in paragraph 3 of the report, and the comments from the Assistant Director Housing and Regeneration, detailed in paragraph 4 of the report, be noted.

C. That, in accordance with the original report, the Assistant Director Housing and Regeneration be requested to:

- i) evaluate the use of solar photovoltaics to provide community wide benefit from the feed-in tariff once the market has stabilised following the consultation review and
- ii) continue to investigate district heating systems further once suitable projects are identified
subject to finance and staff resource being available.

- D. That call-in is not appropriate for this item as the matter has previously been considered by the Executive Overview and Scrutiny Committee.

100. MINUTES

RESOLVED: That the minutes of the meetings of Cabinet held on 15 November and 14 December 2011 be received as a correct record and signed by the Leader.

101. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1101 to 1300 and 1329 to 1366 of the Book of Reports.

102. BUSINESS PLAN 2012/13 REFRESH

Councillor Westley introduced the report of the Managing Directors which sought approval for the adoption of the "Business Plan 2012/13 Refresh" (Appendix A).

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the "Business Plan 2012/13 Refresh" (Appendix A) be approved and adopted by Council.
- B. That authority be given to the Managing Director (Transformation) to make any final amendments to the document, prior to publication.
- C. That call-in is not appropriate for this item, as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 2 February 2012.

103. CYCLE TO WORK SCHEME

Councillor Forshaw introduced the report of the Borough Planner which outlined proposals for the implementation of a Cycle to Work scheme.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the Borough Planner be authorised to implement a Cycle to Work scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
- B. That the Cycle to Work policy, eligibility criteria and implementation proposals, as set out in Appendix 1, be approved.

- C. That the Borough Treasurer be authorised to deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.

104. SKELMERSDALE & UPHOLLAND DEMAND RESPONSIVE TRANSPORT SYSTEM

Councillor Forshaw introduced the report of the Borough Planner which advised Members of the progress made regarding provision of a demand responsive transport system linking residential and employment areas in Skelmersdale and Up Holland, and sought approval for a pilot scheme funded through S106 commuted sums.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That authority be given to the Borough Planner to:-

- (i) pilot a scheme to provide a demand responsive transport system to operate initially for 9 months with a review after 6 months linking residential and employment areas in Skelmersdale and Up Holland utilising S106 funds and to take all action necessary in relation to the scheme and
 - (ii) enter into a Service Level Agreement (SLA) with Lancashire County Council to ensure that formal agreement is in place regarding LCC's role in operating this service including how S106 money will be transferred to LCC to operate this service.
- B. That the results of the pilot scheme be subject of a further report to Cabinet after the 6 month review.

105. SELECTIVE HMO LICENSING

Councillor Mrs Hopley introduced the report of the Assistant Director Community Services which provided Members with an understanding of the Selective Licensing process for houses in multiple occupation (HMO) together with the reasons for the preferred Landlord Accreditation Scheme.

Councillor Mrs. Hopley proposed that this item be referred to Executive Overview and Scrutiny Committee for comments prior to Cabinet making a decision.

In reaching the decision below, Cabinet considered the comments of Councillor Mrs. Hopley and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED: That this report be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 2 February 2012 for agreed comments and then referred back to the next meeting of Cabinet with any comments for decision.

106. ORMSKIRK MOTOR FESTIVAL

Councillor Forshaw introduced the report of the Assistant Director Community Services in which he sought funding for the running of a second MotorFest event organised and managed by the Aintree Circuit Club in Ormskirk Town Centre in 2012.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That sponsorship of up to £17,500 for a second MotorFest event in 2012 be funded from contingencies, offset appropriately by commercial sponsorship or other income generated by the event.
 - B. That the Assistant Director Community Services, in consultation with the Portfolio Holders for Planning & Technical Services and Health & Leisure be given delegated authority to approve a suitable date in 2012 for the holding of the event by Aintree Circuit Club and to make all appropriate arrangements as necessary.
 - C. That a full assessment be made after the running of the second MotorFest event as to the feasibility of running future events.

107. ALT CROSSENS: DRAFT FLOOD RISK MANAGEMENT STRATEGIC PLAN - INITIAL CONSULTATION - REFERRAL FROM COUNCIL

Councillor Forshaw introduced the report of the Borough Solicitor which referred the report of the Assistant Director Community Services from Council at its meeting held on 14 December 2011 'Alt Crossens: Draft Flood Risk Management Strategic Plan – Initial Consultation' to this meeting. The consultation document had also been submitted to Planning Committee, at its meeting on 12 January 2012, for comment.

A copy of Minute No. 74 of Planning Committee held on 12 January 2012 was circulated.

Councillor Forshaw circulated a motion which was seconded which sought amendments to the consultation response set out in Appendix B.

In reaching the decision below, Cabinet considered the comments from Councillor Forshaw, the Motion circulated and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the report of the Assistant Director Community Services and the comments of Planning Committee attached as Appendix A and C respectively, be noted.
 - B. That the consultation response set out in Appendix B be endorsed, subject to:
 - i) deletion of the following paragraph as set out on the 3rd bullet point on page 1341 of the Book of Reports:

“It is therefore unlikely that any of the proposed recommendations will impact adversely on the delivery of the new Local Plan for West Lancashire, however, the specific localised needs in parts of Banks and for the western parishes of the Borough may be impeded as a result of the potential effects.” and

ii) substitute “insist” for “advocate” – paragraph 1 – page 1342 of the Book of Reports

C. That call-in is not appropriate for this item as the deadline for the consultation response is 31 January 2012.

108. WAR MEMORIAL, CORONATION PARK, ORMSKIRK

Councillor Grant introduced the report of the Assistant Director Community Services which detailed proposals from the Custodian Trustees of Ormskirk Comrades Club to relocate the War Memorial to Coronation Park, Ormskirk.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That the proposal from the Custodian Trustees to relocate the Comrades Club War Memorial to Coronation Park Ormskirk be accepted

B. That the Assistant Director Community Services be authorised to finalise the location of the War Memorial

C. That the Assistant Director Community Services be authorised to finalise the valuation of the commuted sum and to enter into all necessary agreements to secure the payment.

D. That the Assistant Director Community Services be authorised to take all necessary action, obtain all necessary permissions and consents and to enter into all necessary documentation to enable the relocation of the War Memorial.

Note: Councillors Fowler and Westley declared personal and prejudicial interests in this item and were absent from the meeting during its consideration.

109. DRAFT REVENUE BUDGET 2012-2013

Councillor Westley introduced the report of the Borough Treasurer which provided a summary on the current budget position.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the financial position for 2012-13 and later years be noted.
 - B. That the Portfolio Holder for Resources and Transformation be given delegated authority to submit firm proposals to Council on 29 February 2012 to enable the budget to be set.
 - C. That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 2 February 2012.

110. MEDIUM TERM CAPITAL PROGRAMME

Councillors Westley and Owens introduced the report of the Borough Treasurer which set out a number of options for determining the medium term capital programme in the context of the current difficult financial environment.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the medium term financial position be noted.
 - B. That the Portfolio Holder for Resources and Transformation be given delegated authority to submit firm proposals to Council on 29 February 2012 to enable the capital programme to be set.
 - C. That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 2 February 2012.

111. FEES AND CHARGES POLICY

Councillor Westley introduced the report of the Borough Treasurer which detailed proposals for the introduction of a new Fees and Charges Policy.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: That the Fees and Charges Policy set out in Appendix 1 to the report be approved.

112. QUARTERLY PERFORMANCE INDICATORS (JULY 2011 TO SEPTEMBER 2011)

Councillor Westley introduced the report of the Transformation Manager which detailed performance monitoring data for the quarter ended 30 September 2011.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the Council's performance against the indicator set for the quarter ended 30 September 2011 be noted.
- B. That call-in is not appropriate for this item as the report is to be submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 1 March 2012.

113. ESTATE MANAGEMENT POLICY

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which presented an Estate Management Policy for adoption.

A copy of Minute No. 60 of Landlord Services Committee (Cabinet Working Group) held on 11 January was circulated, endorsing the recommendation.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: That the implementation of the Estate Management Policy attached at Appendix A to the report be agreed.

114. HOUSING SERVICE IMPROVEMENT PLAN

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which explained the arrangements for the scrutinising and monitoring of the Housing Service Improvement Plan.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That no further monitoring reports in relation to the Housing Service Improvement Plan be submitted to Cabinet.
- B. That any residual work from the Service Improvement Plan together with the work that has been identified by the Peer Review, plus further areas of improvement identified, be built into the Service Action Plans for the Housing and Regeneration Service.
- C. That call-in is not appropriate as the report will be presented to the Corporate Overview and Scrutiny Committee on 1 March 2012.

115. SKELMERSDALE TOWN CENTRE REGENERATION - PROGRESS IN 2010 AND 2011

Councillor Grant introduced the report of the Executive Procurement and Projects Manager which summarised the progress made in respect of the Skelmersdale Town Centre Regeneration Project during the two year period (2010-11) and sought delegations in order for the project to progress.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the 'way-forward' as outlined in Section 11 to the report be endorsed.
 - B. That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Housing (Finance), Regeneration and Estates to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 - C. That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Housing (Finance) and Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
 - D. That delegated authority be given to the Managing Director (Transformation), in consultation with the Leader and the Portfolio Holder for Housing (Finance) and Regeneration, to identify an acceptable phased town centre development as outlined in paragraph 5.5 of the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.

116. ASSOCIATION OF RETAINED COUNCIL HOUSING (ARCH)

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which explained the changes the Association of Retained Council Housing (ARCH) would be making to its governance and structural arrangements and the requirement for the Council to nominate Directors to the Board if it wishes to retain ARCH Executive status.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the Council becomes a member of the Association of Retained Council Housing (ARCH) Ltd. (a company limited by guarantee).
 - B. That the Portfolio Holder for Landlord Services and Community Safety and the Assistant Director of Housing and Regeneration become Directors of ARCH Ltd.
 - C. That in accordance with S323(1) of the Companies Act 2006 the Council authorises the Portfolio Holder for Landlord Services and Community Safety and the Assistant Director Housing and Regeneration, or their substitutes, to be the Council's representatives at any meeting of ARCH and execute voting rights on behalf of the Council.

117. PROCUREMENT OF REPAIRS APPOINTMENTS SYSTEM

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which provided an update of the current position in relation to the development of a repairs appointment system.

The Assistant Director Housing and Regeneration circulated additional information and revised recommendations.

In reaching the decision below, Cabinet considered the details set out in the report, the additional information and revised recommendations before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the background and current position regarding development of a repairs appointments system be noted.
 - B. That £48,000 for the delivery of a repairs appointment system utilising One-Connect Ltd. in partnership with EPIX systems Ltd., be approved from the HRA Specified Reserve and that all matters necessary to facilitate the development and procurement of this system be undertaken by the Assistant Director Housing and Regeneration.
 - C. That call in is not appropriate for this item as the matter is one requiring urgent action.

118. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

Councillors Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which advised of the current position on business planning for the Housing Revenue Account (HRA) including available options.

A copy of Minute No. 61 of Landlord Services Committee (Cabinet Working Group) held on 11 January was circulated.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the current position be noted.
 - B. That the information in this report be used for consultation purposes prior to Council considering this matter in February.
 - C. That the Housing Finance Portfolio Holder be given authority to bring proposals to the Council meeting on 29th February 2012 for the Housing Revenue Account Business Plan and the budget for 2012/13 as a minimum.
 - D. That call-in is not appropriate as the matter will be considered by the Executive Overview and Scrutiny Committee on 2 February 2012.

119. REINVIGORATING THE RIGHT TO BUY AND ONE FOR ONE REPLACEMENT – CONSULTATION

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which sought views on the proposed response to the above-mentioned consultation paper which has been issued by the Government.

A copy of Minute No. 62 of Landlord Services Committee (Cabinet Working Group) held on 11 January was circulated.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the response at Appendix A to the consultation concerning Reinvigorating the Right to Buy and One for One Replacement, be approved.
 - B. That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders be authorised to amend the response at Appendix A in the light of any agreed comments made by the Executive Overview and Scrutiny Committee at its meeting on 2 February 2012.
 - C. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 2 February 2012.

120. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

121. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1301 to 1327 of the Book of Reports:

122. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which provided an update on the progress of the Strategic Asset Management Project, advised on the outcomes of the Birch Green and Wrightington Wards and sought authority to dispose of assets.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the contents of the report, including the work undertaken by officers to date, and the progress on the assets previously identified for disposal be noted.
- B. That the Borough Economic Regeneration and Strategic Property Officer be authorised to take the actions recommended in Appendices A and B in relation to the 115 sites in Birch Green ward and the 24 sites in Wrightington ward, together with Elmers Green which is an opportunity site.
- C. That the Borough Economic Regeneration and Strategic Property Officer be authorised to dispose of all of the sites marked in bold with an * in Appendix A, together with land at Elmers Green, as referred to in paragraph 4.4 of the report on the attached plan.

123. FURTHER UPDATE ON SHOPMOBILITY LTD. ORMSKIRK

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which detailed the current position regarding the Shopmobility tenancy on the unit located in the Two Saints Place Car Park, Ormskirk.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the contents of the report be noted.
- B. That the Borough Economic Regeneration & Strategic Property Officer continue to negotiate the terms, conclude and enter into the lease with Shopmobility at Two Saints Car Park, at market rent under her delegated authority.
- C. That Shopmobility be permitted to hold over on the existing terms and conditions for a period up to 30 April 2012, or such other period as agreed by the Borough Economic Regeneration & Strategic Property Officer in consultation with the Portfolio Holder for Housing (Finance), Regeneration and Estates.

LEADER

PRESENT: Grice (Chairman)

Councillors: Baldock Hennessy
Mrs Blake Kay
Blane Ms Melling
Cropper Moran
Fillis Nolan
Gagen O'Toole
Gibson R A Pendleton
Greenall Mrs Pollock
Griffiths

Officers: Assistant Director Housing & Regeneration (Mr B Livermore)
Technical Services Manager (Mr C Brady)
Partnership and Performance Manager (Ms C McNamara)
Homelessness & Private Sector Housing Manager (Ms L Gee)
Deputy Borough Treasurer (Mr M Kostrzewski)
Planning Officer (Mr D Carr)
Group Accountant – Housing Finance (Mr D McCulloch)
Borough Solicitor (Mr T P Broderick)
Principal Overview & Scrutiny Officer (Mrs C A Jackson)

In attendance:

Councillors: Owens (Portfolio Holder – Housing (Finance), Regeneration and Estates)
Fowler (Portfolio Holder – Health and Leisure)
Westley (Portfolio Holder – Resources and Transformation)

67. APOLOGIES

There were no apologies for absence.

68. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of Councillors G Jones, Pope and Sudworth and the appointment of Councillors Griffiths, Ms Melling and Mrs Pollock for this meeting only, thereby giving effect to the wishes of the Political Group.

69. URGENT BUSINESS

There were no items of urgent business.

70. DECLARATIONS OF INTEREST

1. Councillor Grice declared a personal interest in item 11 (Business Plan 2012/13 Refresh) in matters within the Plan which referred to the Leisure Trust Board in view of his appointment to that Board.

2. Councillor Griffiths declared a personal and prejudicial interest in item 10 (Selective HMO Licensing) as he is a landlord and left the Chamber during consideration of this item.

71. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

72. MINUTES

RESOLVED: That the minutes of the meeting held on 1 December 2011 and the Special meeting held on 8 December 2011 be approved as a correct record and signed by the Chairman.

73. KEY DECISION FORWARD PLANS - 1 JANUARY 2012 TO 31 MAY 2012

There were no items under this heading.

74. RELEVANT MINUTES OF CABINET

Consideration was given to the following Minutes of Cabinet.

75. MINUTES OF THE SPECIAL MEETING OF CABINET HELD ON 14 DECEMBER 2011

Consideration was given to the minutes of the special meeting of Cabinet held on 14 December 2011.

RESOLVED: That the Minutes of the Special Meeting of Cabinet held on 14 December 2011 be noted.

76. MINUTES OF THE CABINET MEETING HELD ON 17 JANUARY 2012

Consideration was given to the minutes of the meeting of Cabinet held on 17 January 2012. Members raised questions/comments in relation to:

Minute 99 (Installation of Solar Photovoltaics on Council Owned Buildings – Comments referred to Cabinet from Executive Overview and Scrutiny Committee). Update on current position relating to the initiative.

Minute 104 (Skelmersdale & Up Holland Responsive Transport System). Detail in relation to the pilot scheme, use of funds and potential pitfalls of the operation of the scheme.

Minute 113 (Estate Management Policy). Consultation processes with tenants/Members prior to implementation.

Minute 115 (Skelmersdale Town Centre Regeneration – Progress in 2010 and 2011). Delegation relating to matters necessary to facilitate the development and the reporting processes.

RESOLVED: That the Minutes of the meeting of Cabinet held on 17 January 2012 be noted.

77. CALLED IN ITEMS

Consideration was given to the following two items, as circulated and contained on pages 643 to 668 of the Book of Reports. Consideration of the Call-in Item relating to Strategic Asset Management Project was taken as the last item of business.

78. CALL-IN ITEM ORMSKIRK MOTOR FESTIVAL

Consideration was given to the report of the Borough Solicitor which advised that a decision of Cabinet in relation to the above item (minute 106 refers) had received a call in requisition signed by five members of the Committee. The report set out the reason given for the call in, together with a different decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained why funding of the Ormskirk Motor Festival should be limited to £10,000 and the other £7,500 identified in the report, of the Assistant Director Community Services, be provided for a West Lancashire Show.

In the ensuing discussion the following comments/questions were noted in relation to:

- The costs associated with the running of a MotorFest.
- Its potential to attract commercial sponsorship.
- Other initiatives, across the Borough, that could be undertaken to promote/assist small businesses.
- The success of the inaugural event.

The Technical Services Manager responded to questions, referencing details contained in the Assistant Director of Community Services report. He explained, the costs associated with the running of the event; the potential within the next event to attract sponsors; the part Aintree Motor Club had played in the inaugural event and the publicity, both locally and nationally, that the previous event had generated.

RESOLVED: That the Committee does not wish to ask for a different decision.

79. CALL-IN ITEM SKELMERSDALE & UPHOLLAND DEMAND RESPONSIVE TRANSPORT SYSTEM

As this call-in item had been withdrawn prior to the meeting, there was no further discussion on this item.

80. SELECTIVE HMO LICENSING - ITEM REFERRED BY CABINET

Consideration was given to the report of the Borough Solicitor advising of a decision by Cabinet at its meeting on 17 January 2011 to refer the above item to this Committee for consideration and that any agreed comments be referred to Cabinet for consideration on 13 March 2012.

The Homelessness and Private Sector Housing Manager was in attendance and at the invitation of the Chairman explained the purpose of the accreditation scheme which aimed to raise standards in the private rented sector. She stated that a launch event with landlords is planned for 28 February 2012.

In discussion comments questions were raised in respect of the following:

- The application of the proposed selective licensing scheme.
- The optional rather than mandatory registration into the scheme.
- The mechanisms currently available to tenants where accommodation is sub-standard.
- The availability of information packs for private sector tenants.
- Publicity for and promotion of the scheme and accredited landlords.
- Operation of an accreditation scheme.

RESOLVED: That the report of Assistant Director Community Service on Selective HMO Licensing be noted.

(Note:

1. Councillor Griffiths, having declared a personal and prejudicial interest, left the Chamber during discussion of this item.
2. Councillor Westley (Portfolio Holder – Resources and Transformation) left the Chamber during consideration of this item.
3. Councillor Baldock left the meeting at the end of this item.)

81. BUSINESS PLAN 2012/13 REFRESH

Consideration was given to the report of the Managing Directors as circulated and contained on pages 677 to 710 of the Book of Reports which provided details of the Business Plan that had been refreshed to reflect refinements in Members' aspirations and priorities.

The Partnership and Performance Manager was in attendance and at the invitation of the Chairman responded to questions related to the use of visual aids, within the document, to explain the how the Council's income was made up.

RESOLVED: That the Business Plan 2012/13 Refresh at Appendix A to the report be noted.

82. DRAFT REVENUE BUDGET 2012-2013

Consideration was given to the report of the Borough Treasurer as set out at pages 711 to 718 of the Book of Reports which provided a summary of the current budget position.

The Deputy Borough Treasurer was in attendance and at the invitation of the Chairman gave an overview of the current budget position and responded to questions.

Members raised questions/comments in relation to:

- The significant reduction in funding for West Lancashire in comparison to the other Lancashire Districts.
- The Budget Position for 2012-13
- Proposals within the Localism Bill relating to the impact of referendums.

RESOLVED: That the budget position be noted.

83. MEDIUM TERM CAPITAL PROGRAMME

Consideration was given to the report of the Borough Treasurer contained on pages 719 to 726 of the Book of Reports which set out a number of options for determining the medium term capital programme in the context of the current difficult financial environment.

The Deputy Borough Treasurer was in attendance and at the invitation of the Chairman gave an overview of the Medium Term Capital Programme and responded to questions.

Members raised questions/comments in relation to:

- Alternative sources of funding.
- Sale of assets.

RESOLVED: That the report be noted.

84. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

Consideration was given to the report of the Assistant Director Housing and Regeneration as contained on pages 727 to 746 of the Book of Reports which advised of the current position on business planning for the Housing Revenue Account (HRA) including available options.

It was noted that a presentation to Members on the Plan had taken place on 1 February 2012.

Members raised questions/comments in relation to:

- Changes in the Government's formula rent from April 2012.
- Generation of income to assist with improvements to homes and service delivery.
- The proposed increase in services charges.
- The proposal relating to target rent as part of the Business planning process.

- Methodology to be used in relation to consultation with tenants linked with the standards associated with improvement needs.
- The proposal that in year 1 the rent retained by the Council would be invested in the housing stock.
- Proposals relating to the longer term business plan from year 2.

The Assistant Director Housing and Regeneration responded to questions referring to details in his report highlighting particularly the need for flexibility to allow for known economic/social changes to be taken into account, particularly those anticipated changes to the welfare benefit system.

The Portfolio Holder Housing (Finance), Regeneration and Estates was in attendance and at the invitation of the Chairman the Portfolio Holder for Housing (Finance) commented on the Business Plan and its detail which was in the early stages of development.

In response to a Member's question regarding why the Employee costs within the draft 2012-13 HRA Budget within Property Services had increased from 2011-12, the Assistant Director Housing and Regeneration undertook to provide a response that would be circulated to all Members of the Committee.

RESOLVED: That the position be noted.

85. REINVIGORATING THE RIGHT TO BUY AND ONE FOR ONE REPLACEMENT - CONSULTATION

Consideration was given to the report of the Assistant Director Housing and Regeneration that sought views on the proposed response to the above-mentioned consultation relating to the Government's wish to make amendments to the provisions of the Right to Buy legislation.

Members noted that the consultation document had also been considered by the Landlord Services Committee (Cabinet Working Group).

RESOLVED: That the proposed response to the consultation paper approved by Cabinet on 17 January 2012 be noted.

86. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph(s) 3 (Business/Financial Affairs) of Part 1 of the Schedule 12A to the Act, and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

87. CALL-IN - (PART II) STRATEGIC ASSET MANAGEMENT PROJECT

Consideration was given to the report of the Borough Solicitor which advised that a decision of Cabinet in relation to the above item (Minute 122 refers) had received a call in requisition signed by five members of the Committee. The report set out the reason for the call in, together with a different decision put forward by the five Members concerned on the requisition note. The report of the Assistant Director Housing and Regeneration provided an update on the progress of the Project and advised on the outcomes relating to the Birch Green and Wrightington Wards.

RESOLVED: That the Committee does not wish to ask for a different decision.

.....
Chairman

ASSESSMENT SUB-COMMITTEE

HELD: 6 APRIL 2011
Start: 2.30pm
Finish: 3.05pm

PRESENT:

Independent Member: J Cailes (Chairman)

Councillor: R Pendleton

Parish Councillor: A Cheetham

Officers: Assistant Legal Services Manager (Mr M Jones)
Assistant Member Services Manager (Mrs J Denning)

1. APPOINTMENT OF CHAIRMAN

RESOLVED: That Independent Member, Mr J Cailes, be appointed Chairman for the meeting.

2. APOLOGIES

There were no apologies for absence.

3. MEMBERSHIP OF THE SUB-COMMITTEE

There were no changes to the membership.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/50

The Sub-Committee considered the report of the Director Designate (Council Secretary and Solicitor) to decide whether any action should be taken on a complaint she had received, attached at appendix 1 to the report, in respect of potential breach of the Code of Conduct.

The Sub-Committee considered the Pre-Assessment report attached at Appendix 2 to the report and the recommendations contained therein.

RESOLVED: A. That the decision notice now agreed be issued.

B. That a written summary of the allegation be provided to the subject member.

ASSESSMENT SUB-COMMITTEE

HELD: 4 MAY 2011

Start: 11.00am

Finish: 11.45am

PRESENT:

Independent Members: P Hanmer
P Rogan

Councillors: R Pendleton

Officers: Acting Borough Solicitor (Mr T Broderick)
Assistant Member Services Manager (Mrs J Denning)

6. APPOINTMENT OF CHAIRMAN

RESOLVED: That Independent Member, Mr P Hanmer, be appointed Chairman for the meeting.

7. APOLOGIES

There were no apologies for absence.

8. MEMBERSHIP OF THE SUB-COMMITTEE

There were no changes to the membership.

9. DECLARATIONS OF INTEREST

Councillor Pendleton advised that he had been present at the meeting of the Planning Committee held on 10 March 2011.

10. COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/51

The Acting Borough Solicitor referred to the Local Assessment Procedures and described the steps the Sub-Committee were required to take in order to make a decision.

The Sub-Committee considered the report of the Acting Borough Solicitor to decide whether any action should be taken on a complaint she had received, attached at appendix 1 to the report, in respect of potential breach of the Code of Conduct.

The Sub-Committee considered the Pre-Assessment report attached at Appendix 2 to the report and the recommendations contained therein. Members noted the receipt of the e-mail attached at Appendix 3, which was not be taken into account when making the decision.

RESOLVED: A. That the decision notice now agreed be issued.

B. That a written summary of the allegation be provided to the subject member.

PRESENT:

Members: Independent Member Mr P Hanmer
Councillor Davis
Parish Councillor J Citeralla

Officers: Acting Borough Solicitor (Mr T Broderick)
Principal Member Services Officer (Mrs S Griffiths)

1. APPOINTMENT OF CHAIRMAN

RESOLVED: That Mr P Hanmer be appointed Chairman for the meeting

2. APOLOGIES

There were no apologies for absence.

3. MEMBERSHIP OF THE SUB-COMMITTEE

There were no changes to the Membership of the Sub-Committee.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. REVIEW OF COMPLAINT OF BREACH OF CODE OF CONDUCT – LG5/50

The Review Sub-Committee considered the report of the Director of People and Places to review a decision of the Assessment Sub-Committee taken on 6 April 2011 when no findings of fact were made.

The Sub-Committee also considered the review report at Appendix 5 and the recommendations therein.

RESOLVED: A. That the original decision of the Assessment Sub-Committee in relation to the allegation be upheld.

B. That the Review Decision Notice now agreed be issued.

PRESENT: Councillor Kay (In the Chair)

Councillors: Delaney
Jones

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)

In attendance: Mr. C. Brookes - Walsh (Applicant)
Mr. M. Braham (Solicitor)
Mr S. Hopkins (Area Manager – Lancashire Manor Hotel)
Mr. P. Ruane (Objector)

10. APOLOGIES

There were no apologies for absence received.

11. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

12. URGENT BUSINESS

There were no items of urgent business.

13. DECLARATIONS OF INTEREST

There were no declarations of interest.

14. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

15. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

16. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held 2 July 2010 be received as a correct record and signed by the Chairman.

17. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF LANCASHIRE MANOR, PRESCOT ROAD, SKELMERSDALE

Consideration was given to the report of the Executive Manager Community Services as contained on pages 53 to77 of the Book of Reports in respect of the above application for a new Premises Licence.

The Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives under the Licensing Act on this occasion were the Prevention of Public Nuisance, Public Safety and the Prevention of Crime and Disorder.

Having taken all the representations from the Applicant, their representatives and member of the public into consideration the Sub – Committee decided: -

- RESOLVED:
- A. That the premises shall be open to the public Monday to Saturday between 07.00 hours and 02.00 hours and Sunday between 07.00 hours and midnight.
 - B. That recorded music and performance of dance shall be permitted Monday to Saturday between 11.00 hours and 01.00 hours and Sunday between 11.00 hours and midnight.
 - C. That the performance of plays, live music and the provision of facilities for dancing shall be permitted between midday and 01.00 hours and Sunday between midday and midnight.
 - D. That late night refreshment shall be permitted Monday to Saturday between 23.00 hours and 01.00 hours and Sunday 23.00 hours and midnight.
 - E. That the sale of alcohol shall be permitted Monday to Saturday midday to 01.00 hours and Sunday midday to midnight.
 - F. That the CCTV System should include the bar areas in addition to all entrances and shall have 31 day digital recording. A member of staff is to be available to download images upon request by police personnel during licensable hours.
 - G. That the patio area to the side of the Great Hall is only to be accessible to guests up to 22.00 hours. The doors leading to this area should remain closed from this time to eliminate any noise emanating to nearby residents. Staff shall regularly clear this area of any glasses or bottles and no glasses or bottles shall remain in this area after 22.00 hours.
 - H. That noise from music and associated sources (including D.J.s and amplified voices) shall not be audible at the boundary of any neighbouring residential premises at any time.
 - I. That all external doors and windows shall be kept closed, other than for access and egress at all times during regulated entertainment. A management system will be in place to ensure this situation remains.
 - J. That the volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.

- K. That the licence holder or his representative shall conduct an assessment of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is audible at the boundary of any neighbouring residential premises. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- L. That no regulated entertainment shall take place outside the premises in any areas within the licence holders control at any time, with the exception of special events, which require written notification to and agreement in writing from the licensing authority. No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.
- M. That there shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- N. That during any period of time where amplified sound is played in any part of the premises, suitable noise limiters shall be installed and operated to the satisfaction of the Council, including agreeing the appropriate noise level, so as to prevent disturbance at neighbouring premises.
- O. That the fire door exits situated in the Lathom Suite shall be fitted with audible and visual alarms and when opened shall cut off any music playing at the time, and that these doors be fitted with additional noise dampening measures.
- P. That any deliveries from Chequer Close to the rear of the premises shall only take place daily between 09.00 hours and 17.00 hours.
- Q. That the entrance to the car park from Chequer Close be permanently closed by the erection of a fence no more than one metre high.

-CHAIRMAN-

PRESENT: Councillor Kay (In the Chair)

Councillors: Ms Melling
M Pendleton

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs J. Brown)

In attendance: Mr R. Thompson (Gosschalks Solicitors)
Mr C. Leather (Manager – Morrisons Ormskirk)
Two members of the public (Objectors)

18. APOLOGIES

There were no apologies for absence received.

19. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

20. URGENT BUSINESS

There were no items of urgent business.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

23. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held 19 October 2010 be received as a correct record and signed by the Chairman.

24. APPLICATION FOR VARIATION IN RESPECT OF MORRISONS, PARK ROAD, ORMSKIRK.

Consideration was given to the report of the Executive Manager Community Services as contained on pages 119 to 155 of the Book of Reports in respect of the above application for a variation in respect of Morrison's, Park Road, Ormskirk.

The Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives under the Licensing Act on this occasion was the Prevention of Public Nuisance.

Having taken all the representations from members of the public and the Applicant into consideration the Sub – Committee decided:-

- RESOLVED:
- A. That the sale by retail of alcohol be permitted from 06.00 hours to 23.00 hours Monday to Sunday.
 - B. That the premises be permitted to open from 06.00 hours to 23.00 hours Monday to Sunday inclusive.
 - C. That the mandatory conditions at Annex 1 of the existing Licence numbered 1 to 4 be removed.

- CHAIRMAN -

PRESENT: Councillor Kay (In the Chair)

Councillors: Jones
Mrs Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs J. Brown)
Environmental Protection and Community Safety Manager
(Mr. A. Hill)

In attendance: Mr J. Coen (Ford & Warren Solicitors)
Ms. J. Short (Applicant)
One member of public (Objector)

25. APOLOGIES

There were no apologies for absence received.

26. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

27. URGENT BUSINESS

There were no items of urgent business.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

30. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

31. APPLICATION FOR VARIATION IN RESPECT OF THE RAILWAY HOTEL, DERBY STREET, ORMSKIRK

Consideration was given to the report of the Executive Manager Community Services as contained on pages 161 to 201 of the Book of Reports in respect of the above application for a variation at The Railway Hotel, Derby Street, Ormskirk.

The Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives under the

Licensing Act on this occasion was the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Having taken all the representations from The Council's Environmental Protection Manager, member of the public and the applicant into consideration the Sub – Committee decided:-

- RESOLVED: A. That the hours the premises are open to the public shall be:-
Monday – Saturday 11.00 hours to 02.30 hours
Sunday 11.00 hours to 01.30 hours
- B. That Licensable Activities including the sale of alcohol shall be permitted to take place:-
Monday – Saturday 11.00 hours to 02.00 hours
Sunday 11.00 hours to 01.00 hours.
- C. That the premises shall have a CCTV system, which will be installed, operated and maintained to the satisfaction of Lancashire Constabulary.
- D. That at all times licensable activity is provided, there shall be a member of staff on duty who will be capable of operating the CCTV system and able to download footage to give to any responsible authority upon reasonable request.
- E. That patrons shall not be permitted to take open receptacles beyond the boundary of the premises on Derby Street at any time.
- F. That if smoking occurs at the front of the premises, receptacles should be provided, attached to the building in order to prevent littering.
- G. That all conditions relating to children's certificate be removed at Annex 1.
- H. That at Annex 2, conditions 1 and 2 be removed.
- I. That at Annex 2, condition 3 be amended to apply to all licensable activities and opening hours.

-CHAIRMAN-

PRESENT: Councillor Kay (In the Chair)

Councillors: Jones
Ms. Melling

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)
Environmental Protection and Community Safety Manager
(Mr. A. Hill)

In attendance: Mr. J. Coen (Ford & Warren Solicitors)
Police Sergeant 1506 A. Bushell (Lancashire Constabulary)
Mr S. Leatherbarrow (DPS, Waters Edge)
Mrs. Leatherbarrow (Waters Edge)

32. APOLOGIES

There were no apologies for absence received.

33. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

34. URGENT BUSINESS

There were no items of urgent business.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

37. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

38. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committees held 16 and 22 December 2010 be received as a correct record and signed by the Chairman.

39. APPLICATION FOR A REVIEW IN RESPECT OF A PREMISES LICENCE IN RESPECT OF WATERS EDGE, MILL LANE, APPLEY BRIDGE.

Consideration was given to the report of the Executive Manager Community Services as contained on pages 211 to 272 of the Book of Reports in respect of a review of the Premises Licence at Waters Edge, Mill Lane, Appley Bridge.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives on this occasion was the prevention of Public Nuisance and the Prevention of Crime and Disorder.

On hearing evidence from the Complainants, Environmental Health Officers and Police, the Sub – Committee concluded that the complaints arose since the appointment of the present Designated Premises Supervisor. The Sub – Committee found that the Designated Premises Supervisor was failing to control the premises and patrons up to the required standard, a conclusion supported by the Police who recommended that the Designated Premises Supervisor be removed.

There was an issue on whether the Premises Licence Holder received a copy of the Noise Abatement Notice, which it would appear that the Designated Premises Supervisor had breached, however since the instigation of this review the situation had not improved and therefore gave the Sub – Committee no indication that Punch Taverns could resolve the issues with the Designated Premises Supervisor if he was kept in position.

The Sub – Committee also heard from Environmental Health Officers that the current Designated Premises Supervisor did not appear to be taking seriously the need to resolve the difficulties referred to in the report from the Executive Manager Community Services, and that had led Officers to doubt the suitability of the Designated premises Supervisor to continue to manage the premises.

The Sub - Committee concluded that, despite the service of a Noise Abatement Notice, there had been no improvement in relation to the problems experienced on the site and this led to the view that it was unlikely that the site owners, Punch Taverns, would be able to resolve the issues while the Designated Premises Supervisor remained in position.

In reaching its decision the Sub – Committee noted that the possession of a Licence meant that the Human Rights Act 1988 applied and took this into consideration as well as all representations made by the Council's Environmental Protection Manager, Lancashire Constabulary, members of the public and representatives of Punch Taverns and the Designated Premises Supervisor.

RESOLVED: A. That In accordance with the Licensing Act 2003 Section 54 (4) (c) the Designated Premises Supervisor be removed within 21 days.

B. That the present Premises Licence be amended as follows:-

1. That no equipment capable of amplifying sound shall be used in the outside covered area. For the avoidance of doubt this includes television and speakers.
2. That the condition allowing live music (including karaoke) is revoked.
3. That the sale of alcohol and supply of recorded music on Friday and Saturday nights shall be reduced from 00.30 hours to 00.00 hours (midnight)
4. That the hours the premises are open to the public shall be reduced on Friday and Saturday nights from 01.00 hours to 00.30 hours.
5. That the Designated Premises Supervisor or a senior member of staff shall be present on the premises at all times patrons are present.
6. That no alcohol shall be taken or consumed outside the premises from 22.00 hours on any day.
7. That under Annex 2, section starting 'where a supper hours certificate is in force', where there is a children's certificate and the paragraph starting 'in this condition "bar" be removed.
8. That under the section headed 'conditions attached regarding a Minor Variation on 19 January 2010', all conditions relating to live music and D.J's and amplified voices be removed.
9. That under Annex 3, the condition relating to music and D.J's and amplified voices remain in place subject to the time being amended to 21.00 hours.

-CHARMAN-

LICENSING SUB-COMMITTEE

HELD: 3 MARCH 2011

Start: 10.15am

Finish: 12.50pm

PRESENT: Councillor Kay (In the Chair)

Councillors: Ms. Melling
M. Pendleton

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)

In attendance: Police Sergeant 1506 A. Bushell (Lancashire Constabulary)
Mr B. K. Holland (Aaron and Partners Solicitors LLP)
Mrs. R. Birket (Designated Premises Supervisor – Wayfarer)
Mr. J. Birket (Wayferer)
Mr. B. Arnold (Objector)
Ms. R. Wess (Objector)

40. APOLOGIES

There were no apologies for absence received.

41. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

42. URGENT BUSINESS

There were no items of urgent business.

43. DECLARATIONS OF INTEREST

There were no declarations of interest.

44. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

45. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 11 January 2011 be received as a correct record and signed by the Chairman.

46. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

47. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF THE WAYFARER, 1-3 ALDER LANE, PARBOLD.

Consideration was given to the report of the Executive Manager Community Services as contained on pages 281 to 383 of the Book of Reports in respect of a review of the Premises Licence at the Wayfarer, 1-3 Alder Lane, Parbold.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives on this occasion was the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

On hearing evidence from the Premises' Designated Premises Supervisor and their legal representative, Police and objectors into consideration the Sub – Committee:-

RESOLVED: A. That Regulated Live Entertainment (Band Nights) shall cease at 01.30 hours.

B. That date and time stamped CCTV recording be installed at the premises' so as to record all persons in any conditions entering. The images shall be retained for 28 days and copies supplied to any responsible authority within 24 hours of request. The system is to operate 24 hours of every day and to the reasonable requirements of Lancashire Constabulary. A monitor shall be placed behind the main bar which is visible to staff and patrons.

C. That 7 days notice in writing be given to the local Community Beat Manager of any Live Entertainment (Band Nights) at the premises and that on such occasions the Designated Premises Supervisor will personally be in control of the premises or his representative.

D. That on days where Live Entertainment (Band Nights) is provided sufficient staff members shall be deployed to ensure that:-

1. No customers shall be admitted after 23.00 hours except those who have been using the smoking shelter.
2. Other than those using the smoking shelter and intending to return to the premises, no customers shall leave with glasses or bottles.
3. That in the car park area customers are reminded to leave quietly and to have consideration for local residents.
4. That a door supervisor shall be positioned at the entrance/exit to the premises to ensure that clauses D1. to D3. are complied with.

E. That Regulated Live Entertainment (Band Nights) shall be restricted to no more than six per year and no more that one event per calendar month.

- F. That fire doors shall be kept closed except for the event of emergencies after 22.00 hours on the occasions of Regulated Live Entertainment (Band Nights).
- G. That there shall be placed in all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly which includes the exit to the premises' car park.

The Committee considered that due to the problems of providing Regulated Live Entertainment (Band Nights) and controlling patrons leaving the premises that under its Licensing Policy the Committee issued a yellow card warning with regards to the provision of Regulated Live Entertainment. If a further review is received regarding problems from Regulated Live Entertainment the presumption of that review will be to revoke the right to provide Regulated Live Entertainment.

-CHAIRMAN-

LICENSING SUB-COMMITTEE

HELD:29 MARCH 2011

Start: 10.15am

Finish: 12.30pm

PRESENT: Councillor Kay (In the Chair)

Councillors: Jones
Mrs. Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)
Environmental Protection & Community Safety Manager (Mr A. Hill)

In attendance: Mr Granite (The Old Toby)
Mr. Ray (Objector)

48. APOLOGIES

There were no apologies for absence received.

49. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

50. URGENT BUSINESS

There were no items of urgent business.

51. DECLARATIONS OF INTEREST

There were no declarations of interest.

52. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

53. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 3 March 2011 be received as a correct record subject to Minute 47 C, where the wording 'or his representative' should be after the Community Beat Manager and not after the Designated Premises Supervisor.

54. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

55. APPLICATION FOR VARIATION IN RESPECT OF THE OLD TOBY, ASHLEY ROAD, SKELMERSDALE.

Consideration was given to the report of the Executive Manager Community Services as contained on pages 393 to 426 of the Book of Reports in respect of a variation in respect of The Old Toby, Ashley Road, Skelmersdale.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives on this occasion was the Prevention of Public Nuisance and Prevention of Crime and Disorder.

On hearing evidence from the Council's Environmental Protection Manager, Representative of the Premises Licence holder and Member of Public into consideration the Sub – Committee:-

- RESOLVED:
- A. That the sale of alcohol shall be permitted between 09.00 hours and 02.00 hours on Fridays, Saturdays and all bank holidays, with the exception of New Years eve to New Years day, which shall remain as per the existing licence.
 - B. That the premises shall be open to the public between 09.00 hours and 02.30 hours on Fridays, Saturdays and all bank holidays, with the exception of New Years eve to New Years day, which shall remain as per the existing licence.
 - C. That the existing condition regarding recorded music outside the premises shall be removed and shall be replaced with the condition 'That there shall be no recorded music permitted outside the premises'.
 - D. In the event of the provision of Regulated Live Entertainment, a noise limiter shall be fitted and set in liaison and agreement with the Council's Environmental Department.
 - E. That bottles and receptacles shall only be allowed in the outside area of the premises when confined to the beer garden.
 - F. That the fencing surrounding the beer garden shall be maintained to ensure that it will be an enclosed secure area.
 - G. That the premises shall install, operate and maintain a CCTV to the satisfaction of Lancashire Constabulary.
 - 1. That the system shall cover all internal and external areas including entry/exit points to enable frontal identification of each person entering in any light conditions.
 - 2. That the system shall record for 24 hours, the images of which shall be accurately time and date stamped and that all recordings shall be stored for a minimum of 28 days.

3. That at all times the premises are open to the public, there shall be at all times a member of staff on duty who will be conversant with the operation of the system and able to provide a copy of any footage to any responsible authority upon reasonable request.

56. CONDITIONS ATTACHED TO THE WAYFARER, 1-3 ALDER LANE, PARBOLD

Consideration was given to the report of the Director Designate (Council Secretary and Solicitor) as contained on pages 427 to 431 of the Book of Reports, the purpose of which was to clarify the conditions attached to the Premises License at the Wayfarer, as agreed at the Licensing Sub – Committee held on 3 March 2011.

RESOLVED: That the Licensing Sub – Committee acknowledge that in Minute 47 C the wording ‘or his representative’ should appear after the Community Beat Manager and not after the Designated Premises Supervisor.

-CHAIRMAN-

PRESENT: Councillor Kay (In the Chair)

Councillors: S Jones
Pratt

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Ms. M. Murray)
Member Services Officer (Mrs. J. Brown)

In attendance: Mr E. Lloyd (Clerk to Bickerstaffe Parish Council)
Ms. M. Sumner (Vice Chair Bickerstaffe Parish Council)
Supporters of Bickerstock Festival
Objectors of Bickerstock Festival

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

6. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 29 March 2011 be received as a correct record and signed by the Chairman.

7. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

8. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF BICKERSTAFFE PARISH FIELD, FOOTBALL PAVILLION AND CAR PARK, HALL LANE, BICKERSTAFFE, L39 0EH

Consideration was given to the report of the Director of People and Places as contained on pages 9 to 45 of the Book of Reports in respect of an application for a premises licence in respect of Bickerstaffe Parish field, football pavilion and car park, Hall Lane, Bickerstaffe, L39 0EH.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act. It considered the relevant objectives on this occasion were the ‘prevention of public nuisance’ and ‘prevention of crime and disorder’

On hearing evidence from the Clerk to Bickerstaffe Parish Council and members of the public into consideration the Sub – Committee:-

- RESOLVED:
- A. That the Premises Licence shall be GRANTED for THREE events per year and that an event shall be no longer than three days or seventy-two hours.
 - B. That the following conditions shall apply as restrictions only during the currency of any of the authorised events as per A above.
 - C. That the event organiser must contact the Police Licensing Unit and Licensing Authority at least two months prior to each event with details of the event management plan which will include the emergency evacuation plan.
 - D. That the event organiser must inform neighbours prior to each event with details of the event.
 - E. That the use of Licensed Security shall be determined by a written risk assessment agreed between the DPS/Premise Licence Holder and security provider which will use a minimum of two security personnel and thereafter the ratio of one security personnel per 100 customers.
 - F. That the risk assessment shall be in written format and available upon request by any responsible authority.
 - G. That alcohol shall only be served in plastic containers and all bottles shall be decanted and that no glass containers or alcohol to be brought on site by members of the public.
 - H. That a challenge 25 Policy shall be in place which will be advertised at the entrances to the site and within any alcohol sales areas. The only forms of acceptable ID shall be a valid passport, driving licence or PASS accredited card.

- I. That persons who appear 25 or over, or who can prove they are at least 18 shall be issued with a coloured 'alcohol wrist band'.
- J. That all bar staff shall operate under the Challenge Policy and will refuse to serve alcohol to anyone who appears to be under 25 and cannot provide valid proof of age, even if they are wearing a coloured 'alcohol wrist band'.
- K. That staff will be trained and have knowledge of fire precaution measures, illegal sales of alcohol, first aid and drugs policy. Staff training records will be in a written format and available upon request by any responsible authority.
- L. That there shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- M. That the mandatory conditions for supply of alcohol and door supervision as contained in Sections 19 and 21 of the Licensing Act 2003 apply to this Licence.
- N. That the Premises Licence shall be open to the public between 1200 hours and 00.00 hours, Monday to Saturday and 12.00 hours to 18.00 hours on Sunday
- O. That the sale of alcohol shall be permitted between 12.00 hours and 23.00 hours, Monday to Saturday and 12.00 hours to 17.00 hours on Sunday
- P. That the provision of live music, recorded music, performance of dance, provision of facilities for making music and provision for facilities for dancing shall be permitted between 12.00 hours and 23.30 hours, Monday to Saturday and 12.00 hours to 17.30 hours on Sunday
- Q. That during the currency of any event as per A above, the maximum attendants shall be no more than 750 (excluding members of staff and performers) at any one time.

- CHAIRMAN-