



William J Taylor BA (Hons), M Soc Sc, FIPD
Chief Executive

52 Derby Street
Ormskirk
West Lancashire
L39 2DF
Telephone 01695 585000
Fax 01695 585021

16 July 2009

TO: COUNCILLORS: **KAY, G M ROBERTS, AINSCOUGH, CARSON,
COLLINSON, GRIFFITHS, JONES, LEA, MRS
MELLING, M PENDLETON, PRATT, W G ROBERTS,
SAXON, MRS STEPHENSON, SWIFFEN**

Dear Councillor,

A meeting of the **LICENSING & GAMBLING COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK, WEST LANCASHIRE, L39 2DF** on **TUESDAY 28 JULY 2009** at **7.00PM** at which your attendance is requested.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'W J Taylor', written over a horizontal line.

William J Taylor
Chief Executive

A G E N D A
(Open to the Public)

1. APOLOGIES

2. MEMBERSHIP OF THE COMMITTEE

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

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

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATIONS OF INTEREST

If a member requires advice on Declarations of Interest, he/she is advised to contact the Council Secretary and Solicitor in advance of the meeting.

Page(s) 1 to 2

5. DECLARATION OF PARTY WHIP

Party Whips are not to be used in respect of decisions by this Committee and each political group on the Council shall declare whether any decision in respect of items on this Agenda have been sought or made by means of a Party Whip.

In accordance with Regulatory Committee Procedure Rule 9 Members must declare the existence of any Party Whip, and the nature of it, when considering any matter in the following categories:-

A matter which relates to a decision of the Cabinet
The performance of any Member of the Cabinet

6. MINUTES OF SUB - COMMITTEES

To receive as a correct record the minutes of the meetings held 26 November 2007, 21 December 2007, 18 January 2008, 25 January 2008, 7 March 2008, 9 April 2008, 15 July 2008, 15 December 2008, 27 March 2009, 20 April 2009 and 11 May 2009.

Page(s) 3 to 28

7. APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005.

To consider the report of the Executive Manager Community Services.

Page(s) 29 to 78

8. INTERNAL OVERVIEW AND SCRUTINY COMMITTEE: ALCOHOL AND ASSOCIATED PROBLEMS REVIEW

To consider the report of the Executive Manager Community Services

Page(s) 79 to End

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off at all meetings.

For further information, please contact:-

Jill Jones on 01695 585017

or email

jill.jones@westlancs.gov.uk

FIRE PRECAUTIONS ACT 1971
FIRE EVACUATION PROCEDURE FOR MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)

PERSON IN CHARGE: Most Senior Officer present
FIRE MARSHAL: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **DO NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the fire marshals and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the **WARDENCALL SECTION** in Westec House in order to ensure that a back-up call is made to the **FIRE BRIGADE**.

4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.
5. Ensure that the **FIRE MARSHAL** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire Brigade on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE BRIGADE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR FIRE MARSHAL

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **FIRE MARSHAL** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	General (not at overview & scrutiny)		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial because it affects my financial position or the financial position of a person or body described in 8 overleaf and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>



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5. Do not leave the door **UNATTENDED**.

4.	I have a personal and prejudicial interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>
5.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority’s area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

or

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

“a relevant person” means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

“body exercising functions of a public nature” means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING SUB-COMMITTEE (A)

HELD: 26 NOVEMBER 2007

Start: 10.00am

Finish: 1.25pm

PRESENT:

Councillor Forshaw
Jones
Kay

Officers Public Protection and Licensing Manager
Assistant Solicitor (JB)
Licensing Officer (SM)
Member Services Officer (JAJ)

8. APOLOGIES

There were no apologies for absence received.

9. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Carson and the appointment of Councillor Jones for this meeting only, thereby giving effect to the wishes of the political groups.

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

There were no urgent items of business.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

13. MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON MONDAY 3 SEPTEMBER 2007.

RESOLVED: That the minutes of the meeting held on the 3 September 2007 be received as a correct record and signed by the Chairman.

14. LICENSING COMMITTEE 2003 - HEARING REVIEW PROCEDURE

The Chairman referred to the above procedure.

15. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF THE BELLAGIO, 20 SPRINGFIELD ROAD, AUGHTON, ORMSKIRK, WEST LANCASHIRE.

Consideration was given to a report of the Executive Manager Community Services (as contained on pages 141 to 236 of the Book of Reports) in relation to the above application in respect of which representations had been made.

The Sub-Committee had regard to its Licensing Policy and the Guidance issued under S.182 of the Act. It considered that the licensing objective on this occasion was the prevention of public nuisance.

The Sub-Committee were satisfied that the objections raised by Environmental Protection, the Police and the public were valid. They believed that the premises, whether it be the Designated Premises Supervisor or the Licence Holder, have had sufficient notices and sufficient time to correct what had become a serious situation.

The Sub-Committee were not convinced by the submissions of Mr. Barry that either the DPS or the Premises Licence Holder were not aware of the problems. The Committee therefore decided to vary the Licence in the hope that the decisions made would satisfy the concerns of Environmental Protection, the Police and the public.

However, the Sub-Committee were encouraged that at last the Management had taken some steps themselves to deal with the problems, and welcomed the efforts that had been made with regard to the meeting held on the 28 October 2007 and hoped that this liaison with the residents would continue.

The Sub-Committee considered all the options available to them, including the suspension of the licence, but decided to take a more moderate view as stated below.

The Sub-Committee reminded the Management of their responsibilities under the Licensing Act with regard to their patrons leaving the premises and still within the immediate vicinity of the premises.

On this occasion the Sub-Committee decided not to reduce the non-standard timings previously approved.

Having taken all the representations into account the Sub-Committee decided that the premises licence be varied as follows:-

The Sub-Committee were satisfied that the objections raised by Environmental Protection, the Police and the public were valid. They believed that the premises, whether it be the Designated Premises Supervisor or the Licence Holder, **had** had sufficient notices and sufficient time to correct what had become a serious situation.

- RESOLVED:-**
- (A) That the standard hours for all regulated entertainment shall be 11.00am until 10.30pm.
 - (B) That the supply of alcohol will cease at 11.30pm
 - (C) That the provision of late night refreshment will also cease at 11.30pm.
 - (D) That patrons shall not be permitted to remain on the premises after 12 midnight.
 - (E) That a designated taxi pick up point at the rear of the restaurant be implemented and monitored as suggested by the Management.
 - (F) That the private transport provided from time to time by the Management shall collect passengers at the adjoining boat yard.
 - (G) That noise shall not emanate from the premises so as to cause nuisance to neighbours.

.....
- CHAIRMAN -

LICENSING SUB-COMMITTEE (A)

HELD: 21 DECEMBER 2007

Start: 10.00am

Finish: 10.02am

PRESENT:

Councillor Forshaw
Carson
Kay

Officers Public Protection and Licensing Manager
Assistant Solicitor (JB)
Senior Licensing Officer (PS)

16. APOLOGIES

There were no apologies for absence received.

17. MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no urgent items of business.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

21. MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON MONDAY 26 NOVEMBER 2007.

RESOLVED: That the minutes of the Sub-Committee held on the 26 November 2007 be received as a correct record and signed by the Chairman.

22. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100(A) 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 they involve the likely disclosure of exempt information as defined in paragraph(s) 3 and 5 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.

**24. APPLICATION FOR A PERSONAL LICENCE
(BUSINESS/FINANCIAL AFFAIRS/LEGAL MATTERS)**

Consideration was given to the report of the Executive Manager Community Services (as contained on pages 245 to 264 of the Book of Reports) in relation to the above application in respect of which an objection notice had been given by the Police.

The Applicant's wife attended the hearing on his behalf as he had been unexpectedly admitted to and detained in hospital.

RESOLVED: That as the applicant was unable to attend the hearing, and with the agreement of all parties concerned, the hearing be adjourned to a date when the applicant is able to attend personally.

.....
- CHAIRMAN -

LICENSING SUB-COMMITTEE (C)

HELD: 18 JANUARY 2008
Start: 10.00am
Finish: 10.50am

PRESENT:

Councillor Jones
Forshaw
M. Pendleton

Officers: Assistant Solicitor (JB)
Licensing Officer (SM)
Member Services Officer (JAJ)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no urgent items of 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 OF MEETING OF LICENSING SUB-COMMITTEE (C) HELD ON FRIDAY 09 DECEMBER 2005.

RESOLVED: That the minutes of the meeting held on the 9 December 2005 be received as a correct record and signed by the Chairman.

7. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

8. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF HILLDALE VILLAGE HALL, CHORLEY ROAD, HILLDALE, PARBOLD, WEST LANCASHIRE

Consideration was given to a report of the Executive Manager Community Services (as contained on pages 7 to 39 of the Book of Reports) in relation to the above application.

The Sub-Committee had regard to its Licensing Policy and the Guidance issued S.182 of the Act. It considered that the licensing objectives on this occasion were the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee considered the presentation by the Applicant. They also took into account the representation which had been received from the adjacent property to the premises raising various concerns.

RESOLVED: That the application for a premises licence to provide for regulated entertainment be approved with the following amendments:-

1. That functions outside the building i.e. in the car park and playing fields, shall be limited to 10 events a year, and such events will be notified in writing to the Licensing Department.
2. That all regulated entertainment outdoors shall cease by 10 p.m. on all occasions, and that such events will be notified in writing to the Licensing Department
3. That all regulated entertainment indoors shall cease by 11p.m. on all occasions with the exception of New Year's Eve when this will be extended until 1 a.m.
4. That any temporary structures including marquees shall be approved in advance by the Local Authority.

- CHAIRMAN -

LICENSING SUB-COMMITTEE (A)

HELD: 25 JANUARY 2008
Start: 10.00 a.m.
Finish: 10.45 a.m.

PRESENT:

Councillors Forshaw
 Mrs. Blake

Officers:
 Assistant Solicitor (JB)
 Senior Licensing Officer (PS)
 Member Services Officer (JAJ)

25. APOLOGIES

Apologies for absence were received from Councillor Carson.

26. MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no urgent items of business.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. DECLARATIONS OF PARTY WHIP

There were no declarations of Party Whip.

30. MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON FRIDAY 21 DECEMBER 2007.

RESOLVED: That the minutes of the meeting held on the 21 December 2007 be received as a correct record and signed by the Chairman.

31. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

32. 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 involves the likely disclosure of exempt information as defined in paragraph(s) 3 and 5 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.

33. APPLICATION FOR A PERSONAL LICENCE

Consideration was given to the report of the Executive Manager Community Services (as contained on pages 269 to 288 of the Book of Reports) in relation to the above application in respect of which an objection notice had been given by the Police.

The Licensing Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objective under the Licensing Act on this occasion was the prevention of crime and disorder.

The Sub-Committee considered very carefully the representations from the Applicant and from the Police. They also referred, firstly, to the relevant Section in the Licensing Act with regard to criminal records; and, secondly, to the guidance regarding exceptional circumstances. On this occasion the Sub-Committee were not satisfied that the Applicant had put forward exceptional and compelling circumstances to support his application.

RESOLVED: That, the application for a personal licence be refused due to the serious and recent nature of the relevant offence committed by the Applicant.

.....
- CHAIRMAN -

LICENSING SUB-COMMITTEE (A)

HELD: 9 APRIL 2008
Start: 10.00 a.m.
Finish: 10.45 p.m.

PRESENT:

Councillors: Forshaw
Carson
Kay

Officers: Public Protection and Licensing Manager
Principal Solicitor (LG)
Licensing Officer (SM)
Member Services Officer (JAJ)

43. APOLOGIES

There were no apologies for absence received.

44 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

45 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

46 DECLARATIONS OF INTEREST

There were no declarations of interest.

47 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

48 MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON 7 MARCH 2008

RESOLVED: That the minutes of the meeting held on the 7 March 2008 be received as a correct record and signed by the Chairman.

49 LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

50 APPLICATION FOR A PROVISIONAL STATEMENT IN RESPECT OF 16-22 FAIRSTEAD, SKELMERSDALE, WN8 6RD

Consideration was given to the report of the Executive Manager Community Services (as contained on pages 327 to 374 of the Book of Reports) in relation to the above application in respect of which an objection had been received.

The Licensing Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Sub-Committee took into consideration the letter of objection and representations from the Applicant's Solicitor. They also took into account the recommendations suggested by Lancashire Constabulary, the Think 21 Policy and the use of CCTV installation at the property.

RESOLVED: (A) That the provisional licence be granted with the recommendations by the Lancashire Constabulary, the Think 21 Policy and the use of CCTV installation at the property be included as a condition of the Licence.

(B) That the premises be open to the public:-

Monday to Saturday 7.00 a.m. to 9.00 p.m.
Sunday 8.00 a.m. to 9.00 p.m.

(C) That the supply of alcohol off the premises:-

Monday to Saturday 9.00 a.m. to 9.00 p.m.
Sunday 10.00 a.m. to 9.00 p.m.

- CHAIRMAN -

LICENSING SUB-COMMITTEE (A)

HELD: 7 MARCH 2008

Start: 10.00 a.m.

Finish: 10.55 a.m.

PRESENT:

Councillors: Forshaw
M. Pendleton
Swiffen

Officers: Assistant Solicitor (JB)
Senior Licensing Officer (MM)
Member Services Officer (JAJ)

Retirement of Mr. J. Birchall, Assistant Solicitor

At the commencement of the meeting the Chairman announced the forthcoming retirement of Mr. Birchall on 31 March 2008. Led by the Chairman, the Members thanked him for his service to the Committee and wished him well in retirement.

34. APOLOGIES

There were no apologies for absence received.

35. MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

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

There were no urgent items of business.

37. DECLARATIONS OF INTEREST

There were no declarations of interest.

38. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

39. MINUTES OF MEETING OF LICENSING SUB-COMMITTEE (A) HELD ON FRIDAY 25 JANUARY 2008.

RESOLVED: That the minutes of the meeting held on the 25 January 2008 be received as a correct record and signed by the Chairman.

40. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

41. 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 involves the likely disclosure of exempt information as defined in paragraph(s) 3 and 5 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.

42. APPLICATION FOR A PERSONAL LICENCE

Consideration was given to a report of the Executive Manager Community Services (as contained on pages 295 to 316 of the Book of Reports) in relation to the above application in respect of which an objection notice had been given by the Police.

The Licensing Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objective under the Licensing Act on this occasion was the prevention of crime and disorder.

The Sub-Committee considered very carefully the representations from the Applicant and from the Police. They also referred, firstly to the relevant Section of the Licensing Act with regard to criminal records; and, secondly, to the guidance regarding exceptional circumstances. On this occasion the Sub-Committee were not satisfied that the Applicant had put forward exceptional and compelling circumstances to support his application.

Despite the discussion regarding the Applicant's spent convictions, the Sub-Committee made it clear that they had been disregarded in arriving at their decision. However, the declared conviction was a relevant offence for the purposes of the schedule to the Act to which the Sub-Committee are bound.

RESOLVED: That the application for a personal licence be refused due to the nature of the relevant offence committed by the Applicant which the Sub-Committee considered to be both serious and current.

- CHAIRMAN -

PRESENT:

Councillors: Kay (Chairman)
Carson
Forshaw

Officers: Public Protection and Licensing Manager
Senior Licensing Officer (PS)
Principal Solicitor (LG)
Member Services Officer (JAJ)
Member Services Officer (JR)

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, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no urgent items of 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 OF LICENSING SUB-COMMITTEE HELD ON 9 APRIL 2008

RESOLVED That the Minutes of the meeting held on the 9 April 2008 be received as a correct record and signed by the Chairman.

6. LICENSING COMMITTEE 2003 - HEARING REVIEW PROCEDURE

The Chairman referred to the above procedure.

7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF THE SKELMERSDALE SOCIAL CLUB, WITHAM ROAD, SKELMERSDALE.

Consideration was given to the report of the Executive Manager Community Services (as contained on pages 7 to 109 of the Book of Reports) in relation to the above application in respect of a review of the Premises Licence.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were for the prevention of noise nuisance.

The Sub-Committee took into consideration all of the evidence and the information they were presented with from the Environmental Protection Unit, the objections made from the members of the public in close proximity to the premises and the representations made in support of the premises.

Having taken all the representations into account the Sub-Committee decided that the premises licence be varied as follows:-

- RESOLVED:
- (A) That no live entertainment be permitted on these premises. All other forms of regulated entertainment shall be controlled by a noise limiting device, and that the permitted noise level shall be determined by a Senior Environmental Health Officer.
 - (B) That it be recommended that the designated smoking area be repositioned to another area on the site so as not to cause nuisance to neighbouring properties. The exact location of this area is to be determined after consultation with all the necessary statutory authorities.
 - (C) That it also be reinforced that there is a condition on the licence that no alcohol purchased for consumption on the premises shall be taken outside, this includes the designated smoking area.
 - (D) That the management be reminded of their duties to make sure that patrons leave the premises, do so in a quiet and orderly manner.

- CHAIRMAN -

LICENSING SUB-COMMITTEE

HELD: 15 DECEMBER 2008
Start: 10.00 A.M.
Finish: 12.15 P.M.

PRESENT:

Councillors: Kay
Jones
G.M. Roberts

Officers: Public Protection and Licensing Manager
Senior Licensing Officer (PS)
Principal Solicitor (LG)
Member Services Officer (JAJ)

8. APOLOGIES

There were no apologies for absence received.

9. MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

10. URGENT BUSINESS

There were no urgent items of business.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

13. MINUTES OF LICENSING SUB - COMMITTEE

RESOLVED: That the minutes of the meeting held on the 15 July 2008 be received as a correct record and signed by the Chairman.

14. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

15. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF THE WINDMILL, 3 MILL LANE, PARBOLD, WEST LANCASHIRE

Consideration was given to the report of the Executive Manager Community Services (as contained on pages 139 to 197 of the Book of Reports) and to pages 199 to 204 of the addendum in relation to the above application in respect of the above premises licence.

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

The Sub-Committee took into consideration all of the evidence and the information they were presented with from the Police and the Environmental Protection Unit. They also took into account the objections made from members of the public and noted the recommendations from the Police and the Environmental Protection Unit must be complied with.

Having taken all the representations into account the Sub-Committee decided that:-

- RESOLVED:
- A. That the licensable activities, regulated entertainment, late night refreshment and opening hours of the premises be permitted as outlined in the application.
 - B. That noise shall not emanate from the premises so as to cause nuisance to neighbours.
 - C. That there shall be placed at all exits from the premises in a place where they can be easily seen and read by the public, notices requiring customers to respect the residential properties in close proximity to the premises particularly when using the designated smoking area, and to leave the premises and particularly the car park and all other external areas quietly.

- CHAIRMAN -

PRESENT: Councillor Kay (Chairman)

Councillors: Jones
Swiffen

Officers: Senior Licensing Officer (MM)
Principal Solicitor (LG)
Member Services Officer (JJ)
Member Services Officer (JB)

16.. APOLOGIES

There were no apologies for absence received.

17. MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

18. URGENT BUSINESS

There were no urgent items of business.

19. DECLARATIONS OF INTEREST

There were no declarations of interest.

20. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

21. MINUTES OF LICENSING SUB-COMMITTEE

RESOLVED: That the Minutes of the meeting held 15 December 2008 be received as a correct record and signed by the Chairman.

22. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

23. APPLICATION FOR A NEW PREMISES LICENCE - BICKERSTAFFE SERVICE STATION, FOUR LANE ENDS, BICKERSTAFFE

Consideration was given to the report of the Executive Manager Community Services as contained on pages 227 to 295 of the Book of Reports in relation to 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 Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of public nuisance and the licensed operating hours.

The Sub-Committee took into consideration all the written representations received from the Police and a member of the public.

Having taken all the representations into account the Sub-Committee decided:

- RESOLVED: (A) That the premises were deemed not to be an excluded premises under S.176 of the Licensing Act 2003.
- (B) That the supply of alcohol be restricted to:-
Monday – Sunday 06.00 to 23.00
- (C) That the provision for late night refreshment be:
Monday to Sunday 23.00 to 05.00
- (D) That the hours the premises are open to the public:
Monday – Sunday 00.00am to 24.00

- CHAIRMAN -

PRESENT: Councillor Kay (Chairman)

Councillors: Forshaw
Pratt

Officers: Public Protection and Licensing Manager
Senior Licensing Officer (PS)
Principal Solicitor (LG)
Member Services Officer (JB)
Environmental Protection Manager

24. APOLOGIES

There were no apologies for absence received.

25. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule No. 4, the Committee noted the termination of membership of Councillor M. Pendleton and the appointment of Councillor Forshaw for this meeting only, thereby giving effect to the wishes of the political groups.

26. URGENT BUSINESS

There were no urgent items of business.

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

29. MINUTES OF LICENSING SUB COMMITTEE

RESOLVED: That the Minutes of the meeting held 27 March 2009 be received as a correct record and signed by the Chairman.

30. LICENSING COMMITTEE 2003 - HEARING PROCEDURE

The Chairman referred to the above procedure.

31. APPLICATION FOR A NEW PREMISES LICENCE - ORMSKIRK CRICKET CLUB, ALTYS LANE, ORMSKIRK

Consideration was given to the report of the Executive Manager Community Services as contained on pages 303 to 363 of the Book of Reports in relation to the above application for a premises licence.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objective under the Licensing Act on this occasion was the prevention of public nuisance, in particular noise nuisance emanating from the premises and patrons leaving the premises in the early hours of the morning.

The Sub-Committee took into consideration the representations received from the Environmental Protection Manager, Police, members of the public, representatives of the Applicant and the Applicant's Agent.

The Sub-Committee Considered this application to be a new application for licensable activities in a residential area. The Sub-Committee were not convinced even with the measures offered by the Applicant in relation to the prevention of public nuisance that this would alleviate the potential for significant noise nuisance and disturbance in or around the vicinity of the premises.

Having taken all the representations into consideration the Sub-Committee decided:

RESOLVED: That the application for a premises licence at Ormskirk Cricket Club be refused.

-CHAIRMAN-

LICENSING SUB-COMMITTEE

HELD:11 MAY 2009

Start: 10.00am

Finish:12.00pm

PRESENT: Councillor Kay (Chairman)

Councillors: M Pendleton
Mrs. Stephenson

Officers: Principal Solicitor
Senior Licensing Officer
Member Services Officer

Lee Gardner
Michaela Murray
Julia Brown

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 COMMITTEE 2003 - HEARING REVIEW PROCEDURE

The Chairman referred to the above procedure.

38. MINUTES OF LICENSING SUB-COMMITTEE

RESOLVED: That the Minutes of the meeting held on 20 April 2009 be received as a correct record and signed by the Chairman.

39. APPLICATION TO VARY THE PREMISES LICENCE IN RESPECT OF THE KNOWL BROW, LIVERPOOL ROAD, SKELMERSDALE

Consideration was given to the report of the Executive Manager Community Services as contained on pages 405 to 445 of the Book of Reports in relation to the above application for the variation of a premises licence.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion was the prevention of public nuisance, prevention of crime and disorder and public safety.

The Sub-Committee took into consideration the representations received from members of the public and the Applicant's Solicitor.

Having taken all the representations into consideration the Sub-Committee decided:

- RESOLVED: A. That the application be approved as requested by the Applicant, save for the following amendments:-
- B. That there be no licensable activities to the area at the front of the premises at any time, and signs to be displayed accordingly in a clear and prominent position.
 - C. That no alcohol consumption in the outdoor area to the rear of the premises to take place after 10.00pm.
 - D. That before the premises re-opens the Applicant shall carry out the following works;
 - 1. to fit a secondary door at the rear exit to reduce noise emission.
 - 2. install a sound barrier between the rear door and the adjacent property.
 - 3. re-locate the smoking shelter to the centre rear of the building as agreed.

-CHAIRMAN-



AGENDA ITEM: 7

**LICENSING & GAMBLING
COMMITTEE: 28 July 2009**

CABINET: 15 September 2009

Report of: Executive Manager Community Services

Relevant Portfolio Holder: Councillor A Fowler

**Contact for further information: Mr P Charlson (Extn. 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING
POLICY UNDER THE GAMBLING ACT 2005**

LG19

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To request that the necessary action is taken in order to consult upon the revised draft Statement of Licensing Policy as required by the Gambling Act 2005 (the Act).

2.0 RECOMMENDATIONS TO LICENSING & GAMBLING COMMITTEE

2.1 That the draft Statement of Licensing Policy be approved.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the draft Statement of Licensing Policy be approved.

3.2 That the Executive Manager Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31st January 2010.

4.0 BACKGROUND

4.1 In a similar manner to the Licensing Act 2003, the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005.

4.2 As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy which sets out the overall approach the Authority will take under the Act. The first such policy was published in January 2007 and given that the Act also requires that Policy Statements be revised every 3 years, it is essential that the necessary steps be taken to ensure the revised Policy Statement is published before the end of January 2010.

5.0 CURRENT POSITION

5.1 In its formal Guidance to Licensing Authorities, issued under Section 25 of the Act, the Gambling Commission recommends that consultation on draft Statements of Licensing Policy last for a minimum of 12 weeks. However, in order to meet Committee deadlines, the consultation period will last for a substantively similar period, i.e. 11 weeks and 5 days.

5.2 Additionally, Section 349(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:

- Chief Officer of Police for the Licensing Authority's area,
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Authority's area,
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the act.

5.3 This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the Statement of Licensing Policy.

5.4 In a similar manner to the consultation carried out for the Authority's first Policy Statement, it is intended that consultees be contacted directly by letter, requesting their comments on the draft statement. A specific response form will be used and appended to the draft statement for ease of respondents' use.

5.5 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:

- Regular updates in the local press to draw attention to the draft statement and the need for contributions
- 'Have your say' leaflets distributed to all council offices, police stations and libraries in the District, giving details of the draft statement and where and how comments could be made
- Copies of the draft statement made available at main council offices
- The draft statement will be posted on the Council's website, with specific online forms to receive comments
- The continued use of a dedicated licensing email address to receive comments on the draft statement or other licensing queries
- Presentation of the draft policy to the Council's MALT (Multi Agency Licensing Team)

6.0 ISSUES

- 6.1 The draft Statement of Licensing Policy, which is provided as an appendix to this report, has been compiled using all available legislation and guidance. In order for the Council to function as Licensing Authority, a draft Statement of Licensing Policy must be approved for publication and consultation.
- 6.2 Once the consultation period has been completed, the draft Policy Statement will be amended as appropriate, to take account of the views received. The final version of the Policy Statement will be submitted back to the Licensing and Gambling Committee and Cabinet for approval before publication. The final Policy Statement must be published by the end of January 2010.

7.0 PROPOSALS

- 7.1 In order to meet the requirements of Section 349 of the Gambling Act 2005, the draft Statement of Licensing Policy be approved with respect to the exercise of the Licensing Authority's functions under the Gambling Act 2005.
- 7.2 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Executive Manager Community Services be authorised to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the amended Statement of Licensing Policy for final approval and publication.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Objectives of the Act, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 Publication and consultation upon the draft Statement of Licensing Policy will be conducted within existing resources.

10.0 RISK ASSESSMENT

- 10.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration. Its implementation links closely with the Corporate Priority Action Plan, as the licensing objectives (under the Act) relate directly to the prevention

of gambling from being a source of crime and disorder, and therefore will be influential to 'combat crime and the fear of crime'.

11.0 CONCLUSIONS

11.1 The authorisations contained in this report are necessary to ensure that the Authority's revised Policy Statement is published correctly. Once the period of public consultation is complete, the amended Policy Statement will be returned for final approval.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Gambling Commission Guidance to Local Authorities: 3rd Edition (May 2009).

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Appendix 1 – West Lancashire Borough Council: Draft Statement of Licensing Policy

West Lancashire Borough Council

Gambling Act 2005 Statement of Licensing Policy

DRAFT

December 2009

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PART A: GENERAL

1.0 The Licensing Objectives

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), West Lancashire Borough Council (the Council) is designated the Licensing Authority (the Authority) and must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 The Gambling Commission (the Commission) has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with this Statement of Licensing Policy.

1.4 A Glossary of the key terms used in this Statement of Licensing Policy is detailed at Appendix 1.

2.0 Introduction

The Borough of West Lancashire

- 2.1 West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 108,500 (National Census 2001) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north, (there are 19 Parish Councils and one Parish Meeting), and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 2.
- 2.2 West Lancashire is an attractive area and has a good road and rail network. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

Legal background and rationale

- 2.3 This Statement of Licensing Policy (the Statement) sets out the manner in which the Authority will generally apply to promote the Licensing Objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Commission's Guidance for Licensing Authorities issued under Section 25 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.
- 2.4 The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the **[insert date]**, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2013. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 2.5 This Statement will also be kept under review during this three year period, and accordingly, the Executive Manager Community Services will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published.

- 2.6** Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.
- 2.7** Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.8** The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.
- 2.9** The Authority recognises that under Article 8 of the European Convention on Human Rights everyone has the right to respect for his/her private and family life. The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.
- 2.10** This Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality, and this Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.
- 2.11** This Statement recognises the Disability Discrimination Act 1995, however no condition will be attached to a licence or certificate that conflicts or duplicates the requirements of the Act.

Development process and consultation

- 2.12** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is provided at Appendix 3.
- 2.13** The Act requires the Authority to consult the following parties:
- Chief Officer of Police;
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;

- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

2.14 The consultation took place between **[insert date]** and **[insert date]** and followed the Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Guidance on consultations by the public sector.

2.15 The full list of comments made, and the consideration by Council of those comments, is available from the Council using the contact details given at Appendix 5.

2.16 This Statement was approved at a meeting of the Cabinet on **[insert date]** and was published via the Council's website on **[insert date]**. Copies have been placed in the public libraries in the Borough, as well as being available from the Council's Licensing Service at the address given in Appendix 5.

2.17 If you have any comments on this Statement, please send them via e-mail or letter to:

Paul Charlson – Public Protection and Licensing Manager
Westec House, 52 Derby Street, Ormskirk, Lancashire L39 2DQ.

Telephone: 01695 585246
Fax: 01695 585126
Email: licensing.enquiries@westlancsdc.gov.uk
Webpage: www.westlancsdc.gov.uk/licensing

3.0 Declaration

3.1 In producing this Statement, the Authority declares that it has had regard to the Licensing Objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

4.0 Responsible Authorities

4.1 Section 157 of the Act details the necessary Responsible Authorities.

4.2 When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing Authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

4.3 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services, Children and Young Persons Services.

4.4 The contact details of all the Responsible Authorities under the Act are given at Appendix 4 and are also available via the Council's website at: www.westlancsdc.gov.uk/licensing

5.0 Interested Parties

5.1 Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.

5.2 The Authority will determine whether a person is an interested party if the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities;
- Acts as a representative of those persons who satisfy either of the above points.

5.3 The Authority will consider each case and make a decision upon its merits, the Authority will also aim not to apply a rigid rule to its decision making.

5.4 The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.

5.5 Interested Parties can include trade associations and trade unions, and residents’ and tenants’ associations. The Authority will not, however, generally view these bodies as Interested Parties unless they have a member who can be classed as one under the terms of the Act, as outlined in paragraph 5.2

5.6 Interested Parties can be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the Authority’s activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient.

5.7 If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Committee that will deal with the licence application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 5.

6.0 Exchange of Information

- 6.1** Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. The Authority will also have regard to any guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.
- 6.3** Where any protocols are established to facilitate such exchange of information, these will be made available.
- 6.4** Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.

7.0 Integration Strategies

General

- 7.1** There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2** Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3** Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be principally carried out through regular MALT (Multi Agency Licensing team) meetings, which will address strategic and operational issues raised by the Act.
- 7.4** The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licence or permission where these are necessary for the promotion of the Licensing Objectives and are not already provided for in any other legislation.

Planning

- 7.5** The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate. The Planning Committee will be kept regularly apprised of the situation regarding licensed premises within the Borough.

8.0 Enforcement

8.1 The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 The Authority's principles for enforcement are that:

It will be guided by the Guidance and so it will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

8.3 In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. The details of such programmes will be made available separately from this Statement.

8.4 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.5 The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8.6 To ensure transparency in its enforcement action, the Authority maintains an enforcement policy that all staff must comply with. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

9.0 Licensing Authority functions

9.1 The Act requires the Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register *small society lotteries* below prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.2 It should be noted that the Authority is not involved in the licensing of remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

10.0 Hearings

- 10.1** A Hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a Hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public, they do have the power to hear certain applications in private. If this happens, a public announcement of the decision will be made at the end of the Hearing. The decision of the Committee or Sub-Committee will be accompanied by clear reasons for the decisions, having regard to the Human Rights Act 1998, the four Licensing Objectives and all other relevant legislation.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives and conditions will not relate to matters that are the subject of other legislation.

PART B: PREMISES LICENCES

11.0 General Principles

11.1 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated Regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

11.2 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this Statement.

Definition of “premises”

11.3 Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

11.4 When considering applications for multiple licences for a building or those for a specific part of the building to be licensed, the Authority will consider the relevant section of the Guidance appertaining to the division of premises and the access between premises.

11.5 Similarly, when considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will the same section of the Guidance.

Location

11.6 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the Licensing Objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

Duplication with other regulatory regimes

11.7 The Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the Council's Planning Service. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

11.8 All Premises Licences granted by the Authority must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

- ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this Objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.

The Authority is also aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it. Issues of nuisance cannot be addressed under the Act.

- ***Ensuring that gambling is conducted in a fair and open way*** – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.
- ***Protecting children and other vulnerable persons from being harmed or exploited by gambling*** – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this Objective on a case-by-case basis. However the Guidance does state that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” Where a practical definition is made available in the future, this Statement will be updated.

Conditions

- 11.11** Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.
- 11.12** Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

11.13 It is noted that there are conditions, which the Authority cannot attach to Premises Licences. These are:

- Any condition on the Premises Licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required. The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

11.14 The Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, it is noted that the Security Industry Authority cannot license door supervisors at casinos or bingo premises. The Authority therefore may produce specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

11.15 Where conditions requiring the presence of door supervisors may be attached to Premises Licences or other permissions, the Authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

12.0 Adult Gaming Centres

12.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. For example, appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

13.0 (Licensed) Family Entertainment Centres

13.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. For example, appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

13.2 The Authority will refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

14.0 Casinos

- 14.1** Under Section 166 of the Act, the Authority passed a 'no casino' resolution on the basis of current opinion within the membership of the Council. This decision was taken on the 26th April 2006.

Casinos and competitive bidding

- 14.2** Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino. In such situations the Authority will run a 'competition' under Schedule 9 of the Act and in compliance with the appropriate regulations.

Betting machines

- 14.3** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer.

15.0 Bingo premises

15.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

15.2 The Authority will consider any guidance issued by the Commission relating to the suitability and layout of bingo premises.

16.0 Betting premises

Betting machines

- 16.1** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer.

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17.0 Betting Tracks

17.1 Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track.

17.2 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. However, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

17.3 The Authority will expect applicants to offer their own measures to meet the Licensing Objectives. For example, appropriate licence conditions may cover such issues as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

Gaming Machines

- 17.4** The Commission will issue further guidance relating to location of such machines and any special conditions relating to them. The Authority will therefore consider this information when it is published.

Betting machines

- 17.5** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.

Condition on rules being displayed

- 17.6** The Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

Applications and plans

- 17.7** The Government will publish regulations setting out any specific requirements for applications for premises licences. The Authority will consider these regulations when published in accordance with the Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license, they should, in their licensing policies, set out the information that they will require which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"); and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities;" and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 17.8** The Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

18.0 Travelling Fairs

- 18.1** The Authority will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 18.2** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 18.3** The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

19.0 Provisional Statements

19.1 When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

19.2 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional licence stage; or
- Which in the Authority's opinion reflect a change in the operator's circumstances.

19.3 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

20.0 Reviews

20.1 Responsible Authorities and Interested Parties may request a review of a Premises Licence at any time. However, it is for the Authority to decide whether the review is to be conducted. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this statement.

20.2 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

21.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

21.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

21.2 The Authority may prepare a *statement of principles* that it proposes to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. Paragraph 26.4 of the Guidance directs the Authority to give weight to child protection issues when considering these permits.

21.3 An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application. The Authority would take into account considerations such as the applicant's suitability (e.g. any convictions that they may have that would make them unsuitable to operate a family entertainment centre), the suitability of the premises in relation to their location, and issues about disorder.

21.4 The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

21.5 Statement of Principles

The Authority will invite the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Authority will also expect, as per the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

22.0 (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))

22.1 The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

22.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the Licensing Objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

22.3 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre Premises Licence.

22.4 The Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

22.5 The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

23.0 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

23.1 The Authority may prepare a *Statement of Principles* that it proposes to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

23.2 The Authority has prepared a *Statement of Principles*, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

23.3 In making its decision on an application for this permit the Authority does not need to have regard to the Licensing Objectives but must have regard to any guidance produced by the Commission.

23.4 There are conditions in the Act, which the permit holder must comply with, but the Authority cannot add conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

24.0 Club Gaming and Club Machines Permits

24.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

24.2 Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

24.3 Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

24.4 The Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- An objection has been lodged by the Commission or the police.

24.5 There is also a 'fast-track' procedure available for premises, which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which the Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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25.0 Temporary Use Notices

- 25.1** There are a number of statutory limits with regard to Temporary Use Notices. As with the definition of "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Authority will need to look at, amongst other things, the ownership/occupation and control of the premises. The Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

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26.0 Occasional Use Notices

- 26.1** The Authority has very little discretion with such notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Glossary of Terminology

All key terms are defined in Section 353 of the Act or relevant Regulations and Statutory Guidance, however the following terms will be of use when reading this Statement.

Adult Gaming Centres (AGC) Premises that hold a gaming machines general Operating Licence from the Commission and holds an AGC Premises Licence from the Authority. They will be able to make category B, C and D gaming machines available to their customers.

Betting premises Premises licensed for off-course betting, that is betting that takes place other than at a track in what is currently known as a betting office.

Betting track Sites (including horse racecourses and dog tracks) where races, or other sporting events take place. There is no special class of betting premises licence for a track, but the Act does contain rules which apply for premises licences granted in a respect of a track.

Bingo Bingo has no statutory definition. It is to have its ordinary and natural meaning. The Gaming Act 1968, defined 2 types of bingo:

- Cash bingo, where the stakes paid made up the cash prizes that were won; or
- Prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

For commercial operators, the Gambling Act 2005 abolishes the distinction between these two versions of the game, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore a premises that hold a bingo premises Licence will be able to offer bingo in all its forms.

Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, or travelling funfairs. For these operators, prize bingo is being subsumed within the allowances for prize gaming in the Act. This means that Adult Gaming Centres, both Licensed and Unlicensed Family Entertainment Centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo. (In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.)

Code of Practice: Means any relevant code of practice under Section 24 of the Gambling Act 2005

Default Condition: Means a specified condition provided by regulations to be attached to a licence, unless excluded by West Lancashire Borough Council

Borough: The area of West Lancashire administered by West Lancashire Borough Council (Map appended at Appendix 2)

Interested Party: For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities;
- c) Represents persons who satisfy a) or b) above.

Licensing Objectives:

As defined in paragraph 1.1

Mandatory Condition:

Means a specified condition provided by regulations to be attached to a licence

Notifications:

Means notification of temporary and occasional use notices

Regulations:

Regulations made under the Gambling Act 2005

Responsible Authority:

Those Authorities detailed in Appendix 4

Travelling fairs:

A fair consisting wholly or principally of the provision of amusements and provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and held on a site that has been used for fairs for no more than 27 days per calendar year.

Categories of gaming machine:

Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50P	£25
D	10p or 30p when non monetary prize	£5 or £8 when non monetary prize

Number of gaming machines by premises type:

Type of premises	Gaming tables (minimum)	Gaming machines
Regional casino	40	25 gaming machines of category A to D for each table available for use.
Large casino	1	5 gaming machines of category B to D for each table available for use.
Small casino	1	2 gaming machines of category B to D for each table available for use.
Bingo premises	N/A	4 gaming machines of Category B3 and B4. Unlimited machines of
Betting premises	N/A	4 gaming machines of category B2 to D

Betting premises	N/A	4 gaming machines of category B2 to D
Track betting premises where pool betting licence held	NA	4 gaming machines of category B2 to D
Adult gaming centre	N/A	4 gaming machines of category B3 to D. Unlimited machines of category C and D
Family entertainment centre with operating licence	N/A	Unlimited gaming machines of category C to D
Family entertainment centre with gaming permit	N/A	Unlimited gaming machines of category D
Members club premises	N/A	3 gaming machines of category B4 to D
On sales alcohol licensed premises without food restriction	N/A	2 gaming machines of category C to D by notification. Unlimited of category C to D with alcohol premises gaming permit

**Map detailing key locations in the
West Lancashire Borough**

[insert map]

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List of consultees

[check contact details]**Affected businesses / head offices:**

1	The Association of Licensed Multiple Retailers (ALMR)		Third Floor	International House	Ealing, London
2	Association of British Bookmakers		Regency House,	1-4 Warwick Street.	London
3	British Beer & Pub Association - North of England		Rowan House	Fairways Court, Darrington	West Yorkshire
4	Business in Sport & Leisure		17A Chartfield Road	Putney	London
5	Federation of Small Businesses		347a Garstang Road, Fulwood	Preston	Lancashire
6	West Lancs. LSP	Director	The Hollies	St Helens Road	Ormskirk
7	Skelmersdale Partnership	Manager	1st Floor, Dresser House	Gillibrands Road	Skelmersdale
8	The Princes Trust (c/o Business Link)	Head of Operations	Leyland House, Centurion Way	Farrington	Leyland
9	Federation of Local Licensed Victuallers Association		126 Bradford Road	Brighouse	West Yorkshire
10	Government Office North West		Sunley Tower	Piccadilly Plaza	Manchester
11	Government Office North West		Sunley Tower	Piccadilly Plaza	Manchester
12	NWDA		13 Winkley Street	Preston	Lancashire
13	North & West Lancs. Chamber of Commerce	Chief Executive	9/10 Eastway Business Village	Olivers Way	Preston
14	Business Link N & W Lancs.		Leyland House, Lancs. Ent Business Park	Centurion Way	Leyland
15	Concourse Shopping Centre	Manager	Southway	Skelmersdale	Lancashire
16	Ormskirk Community Council		The Bungalow	93 Burscough Street	Ormskirk
17	SW Lancs. TUC		1st Floor, Dresser House	Gillibrands Road	Skelmersdale
18	Community Fund (NW Regional Office)	Regional Outreach Officer	Dallam Court	Dallam Lane	Warrington
19	Training West Lancashire Ltd	Executive Director	Lulworth	Ashurst	Skelmersdale
20	Association of Convenience Stores	Federation House	17 Farnborough Street	Farnborough	Hampshire
21	National Association of Licensed House Managers		14 Birmingham Road	Walsall	West Midlands
22	BACTA		Alders House	133 Aldersgate Street	London
23	West & Central Lancs. Chamber of Commerce		9/10 Olivers Way	Eastway	Preston

Businesses / head offices:

24	Somerfield		Somerfield House	Whitchurch Lane	Bristol
25	Thresher Group	Enjoyment Hall	Bessemer Road	Welwyn Garden City	Herts
26	Wine Cellar		PO Box 476, Loushers Lane	Warrington	Cheshire
27	Asda	Asda House	Southbank, Great Wilson Street	Leeds	
28	Woolworths PLC	Woolworth House	242-246 Marylebone Road	London	
29	Burtonwood Brewery PLC		Bold Lane	Burtonwood	Warrington
30	Honeycomb Leisure PLC		Marian House	Beech Grove	Ashton, Preston
31	Scottish and Newcastle Retail (S&N Retail)		Lakeside House	The Lakes	Northampton

Health / community / support agencies:

32	Lancashire Ambulance Service NHS Trust		449-451 Garstang Road	Preston	Lancashire
33	Clerk of the Licensing Justices	Lancashire Magistrates Courts Service	St Thomas's Square, St Thomas's Road	Chorley	Lancashire
34	West Lancs. CVS	Chief Officer	49 Westgate	Sandy Lane Centre	Skelmersdale
35	Edge Hill College	Principal	St Helens Road	Ormskirk	Lancashire
36	Southport & Ormskirk Hospital NHS Trust	Chief Executive	Town Lane	Southport	Merseyside
37	West Lancashire PCT	Director of Public Health	Ormskirk District General Hospital	Wigan Road	Ormskirk
38	West Lancs. PCT	Chief Executive	Ormskirk District General Hospital	Wigan Road	Ormskirk
39	Greater Manchester, West Lancs. & Cumbria English Partnerships	Area Director	Arpley House	110 Birchwood Boulevard	Warrington
40	Plus Housing Group	Chief Executive	Baltimore Buildings	13-15 Rodney Street	Liverpool
41	Arena Housing Association	Chief Executive	Nautilus House, 14 Columbus Quay	Riverside Drive	Liverpool
42	Merseyside Black & Ethnic Regional Office	Forum Regional Office	Colonial Chambers	3-11 Temple Street	Liverpool
43	North Mersey Riverside Housing Association	Divisional Director	133a Boundary Road	St Helens	Merseyside
44	Chorley & West Lancashire Youth Justice Team	YOT Manager	15-17 Halliwell Street	Chorley	Lancashire
45	West Lancs. Victim Support	Victim Support Co-ordinator	c/o Skelmersdale Police Station	Southway	Skelmersdale
46	Lancashire Police Authority		6 Rutland Crescent	Ormskirk	Lancashire
47	West Lancs. Women's Refuge	Chief Officer	49 Westgate	Sandy Lane Centre	Skelmersdale
48	Crimestoppers		South Pier	South Promenade	Blackpool
49	ASBO Unit	ASBO Co-ordinator	52 Derby Street	Ormskirk	Lancashire
50	Neighbourhood Watch	Co-ordinator	20 Prescott Avenue	Rufford	Lancashire
51	Lancashire Primary Care Trust	Director of Partnerships & Public Participation	Ormskirk Hospital	Wigan Road	Ormskirk
52	Crown Prosecution Service	Senior Crown Prosecutor	South West Lancashire CJU	4 th Floor, Unicentre	Lords Walk, Preston
53	Wrightington, Wigan & Leigh NHS Trust	Chief Executive	Royal Albert Edward Infirmary	Wigan Lane	Wigan
54	Cumbria & Lancashire Health Authority	Chief Executive	Preston Business Centre	Watling Street Road	Fulwood, Preston
55	NHS Direct Centre	Centre Manager	449-451 Garstang Road	Preston	Lancashire
56	West Lancs. Volunteer Bureau		2 Church House	Park Road	Ormskirk
57	West Lancs. Disability Helpline		49 Westgate	Sandy Lane Centre	Skelmersdale
58	South & West Lancashire Foodbank		49 Westgate	Sandy Lane Centre	Skelmersdale
59	LCC Welfare Rights	Area Manager	Skelmersdale Library	Southway	Skelmersdale
60	Community Futures		15 Victoria Road	Fulwood	Preston
61	Victim Support	Area Manager	Lancashire Registered Office	1 Chapel Street	Preston
62	Gam Anon		National Service Office	PO Box 88	London
63	Gamblers Anonymous UK		PO Box 5382		London
64	West Lancashire CAB		128 Sandy Lane	Skelmersdale	Lancashire
65	South Lancs. Arts Partnership		C/o Leisure Services Division	52 Derby Street	Lancashire
66	National Probation service	Snr Probation Officer	High Street	Skelmersdale	Lancashire
67	Jobcentre Plus	Business Manager	Ground Floor, Whelmar House	Southway	Skelmersdale
68	Connexions, Career Link		5 th Floor, Whelmar House	Southway	Skelmersdale
69	West Lancs. Civic Trust	Hon. Secretary	Brookdale Cottage	Croppers Lane	Bickerstaffe
70	Conservation Area Advisory Panel		Yew Tree Farm	Elmers Green lane	Skelmersdale
71	Countryside Agency		7 th floor, Bridgewater House	Whitworth Street	Manchester

Residents associations etc.:

72	Birch Green Estate Management Board	83 Firbeck	Birch Green	Skelmersdale
73	Clay Brow & Holland Moor EMB	44b Carfield	Clay Brow	Skelmersdale
74	Digmoor EMB	185 Banksbarn	Digmoor	Skelmersdale
75	Tanhouse EMB	103 Elmridge	Tanhouse	Skelmersdale
76	Ashurst 1 Residents Association	66 Lindens	Ashurst	Skelmersdale
77	Tanhouse 4 & 5 Residents Association	2 Evenwood	Tanhouse	Skelmersdale
78	New Church Farm Residents Group	80 Windrows	New Church Farm	Skelmersdale
79	Scott Estate Residents Association	3 Scott Drive	Ormskirk	Lancashire
80	Old Skelmersdale Residents Association	15 Marchbank Road	Skelmersdale	Lancashire
81	Birch Green 4 & 8, 10 & 11 Residents Association	9 Ivybridge	Birch Green	Skelmersdale

Local transport businesses / representatives:

82	West Lancashire Dial-a-Ride Association	Operations Centre, 4 Langley Place	Burscough Industrial Estate	Burscough
83	Agenda 21 Transport & Access Group	2 Moss Side Cottages	Sineacre Lane	Bickerstaffe
84	Arriva Trains North West	Room 807, Rail House	Lord Nelson Street	Liverpool
85	The Environment Directorate	Traffic Safety Section Manager	PO Box 9, Guild Hall House	Preston
86	Arriva North West	General Manager	Neverstitch Road	Lancashire
87	All the Fives		36 Westgate	Lancashire
88	Ambassador Travel		14 Church Road	Lancashire
89	Mere Brow Taxis		17 Marshes Lane, Mere Brow	Lancashire
90	Newtown Radio Cars		1 Liverpool Road	Lancashire
91	Ormskirk Taxis		12 Station Approach	Lancashire
92	Q Cars		5 Mickering Lane, Aughton	Lancashire
93	R Hurst Airport T/F		7 Peter's Avenue, Burscough	Lancashire
94	Rapid Travel		92 Elswick, Tanhouse	Lancashire
95	Skelmersdale Express		1 Greenhey Place, Gillibrands	Lancashire
96	Tarleton Taxis		13 Church Road, Tarleton	Lancashire
97	Village Taxis		45 Fermor Road, Tarleton	Lancashire
98	West Lancs. Taxis		Unit 8, 42 Westgate	Lancashire

Licensing solicitors / legal professions:

99	Mitchells and Butlers Retail Ltd		27 Fleet Street	Birmingham
100	Bargain Booze Ltd		Unit 1	Crewe
101	InnCourt Licensing		65 Mapplewell Crescent	Warrington
102	The Kennedy Partnership		15 Railway Road	Lancashire
103	Brighouse Wolff		28 Derby Street	Lancashire
104	Licensing Consultancy Services		5 Pine Grove	Lancs.
105	Cobbetts Solicitors		Ship Canal House	Manchester
106	Poppleston Allen		37 Stoney Street	Nottingham
107	Whitfields Solicitors		PO Box 3	Formby
108	Spirit Group Ltd		107 Station Street	Staffordshire
109	Dickinson Parker Hall Solicitors		22 Derby Street	Lancashire
110	Elaine Downey - anti public smoking campaigns	West Lancs. PCT		

111	Turbervilles with Nelson Cuff Solicitors		122 High Street	Uxbridge	Middlesex
112	Cartwrights Licensing Team		Bristol Bridge House	Redcliffe Street	Bristol
113	JST Mackintosh		Colonial Chambers, Temple Street	Liverpool	Merseyside
114	Roscoes Solicitors		St Andrew's House, Wellington Street	Blackburn	Lancashire
115	Carolyn Standen	Lancs. & Cumbria crime & Drugs team	17th Floor, City Tower	Manchester	
116	Catherine Wistowsky		58-60 Guildhall Street	Preston	Lancashire
117	A Halsall & Co Solicitors		47/48 Hamilton Square	Birkenhead	Wirral
118	Naphthens Solicitors		7 Winkley Square, Preston		Lancashire

Lotteries & Amusement Act premises:

All premises on returns database

Licensing Act 2003 – premises:

All licensed businesses in Borough

Gambling Act premises:

119	David pluck bookmakers		24 Ormskirk road	Up Holland	
120	David pluck bookmakers		33 Burscough street	Ormskirk	
121	Ladbroke racing		32 moor street	Ormskirk	
122	Claremont racing		14 Moorgate	Ormskirk	
123	William Hill		120 the concourse	Skelmersdale	
124	William Hill		58 Liverpool road north	Burscough	
125	William Hill		51-53 the concourse	Skelmersdale	
126	leisure time amusements		12 church street	Ormskirk	
127	Claremont Racing		61-63 firewood	Skelmersdale	
128	salons bingo		77 the concourse	Skelmersdale	
129	Claremont / a&e racing		5 station road	hesketh bank	

MPs / Councillors etc.:

130	WL Area Committee of Town & Parish Councils		61 Blackmoss Lane	Aughton	Lancashire
131	Clerk to Aughton Parish Council		6 Cole Crescent	Aughton	Lancashire
132	Clerk to Bickerstaffe Parish Council		22 Coach Road	Bickerstaffe	Ormskirk
133	Clerk to Bispham/Hilldale Parish Council		26 Robin Lane	Bispham	Parbold
134	Clerk to Burscough Parish Council		42 Moss Lane	Burscough	Lancashire
135	Clerk to Dalton Parish Council		5 East Mount	Orrell	Wigan
136	Clerk to Down Holland Parish Council		1 Merrydale Villas	Ormskirk	Lancashire
137	Clerk to Great Altcar Parish Council		1 Engine Lane	Great Altcar	Lancashire
138	Clerk to Halsall Parish Council		8 Pinfold Lane	Scarisbrick	Lancashire
139	Clerk to Hesketh with Beconsall Parish Council		Providence Place	40a Glenpark Drive	Southport
140	Clerk to Lathom Parish Council		14 Eastleigh	Skelmersdale	Lancashire
141	Clerk to Newburgh Parish Council		Avilion, Hillock Lane	Dalton	Wigan
142	Clerk to North Meols/Tarleton Parish Council		25 Irton Road	Southport	Merseyside
143	Clerk to Parbold Parish Council		1 Pinewood	Skelmersdale	Lancashire
144	Clerk to Rufford Parish Council		36 Newington Drive	Bury	Lancashire

145	Clerk to Scarisbrick Parish Council	5 Chambers Road	Southport	Merseyside
146	Clerk to Simonswood Parish Council	The Barn, Sandy Brow Farm	Sandy Brow Lane	Kirkby
147	Clerk to Up Holland Parish Council	10 The Nook	Appley Bridge	Wigan
148	Clerk to Wrightington Parish Council	321 Preston Road	Standish	Wigan
149	County Councillor FJ Williams	14 Lea Crescent	Ormskirk	Lancashire
150	County Councillor CW Cheetham	30 Lowcroft	Ashurst	Skelmersdale
151	County Councillor RH Shepherd	The Coach House	81 Ruff Lane	Ormskirk
152	Rosie Cooper MP	Burscough Street		Lancashire
153	David Borrow MP	Crescent House, Sandy Lane	Leyland	Preston
154	All WLDC ward councillors			

Responsible authorities:

155	Planning Control	WLDC	52 Derby Street	Ormskirk	
156	Environmental Protection	WLDC	Westec House, Derby Street	Ormskirk	
157	Social Services	LCC	County Hall, Fishergate	Preston	Lancashire
158	Social Services	LCC	County Hall, Fishergate	Preston	Lancashire
159	Her Majesty's Customs and Excise	custom house, custom house quay	Greenock		PA15 1AQ
160	Her Majesty's Customs and Excise		regional business services north	custom house, Furness quay	Salford
161	Lancashire Constabulary	Chief Constable	Lancashire Constabulary Headquarters	Southern Communications Centre	Hutton, Preston
162	Lancashire Constabulary Licensing Unit	Burscough Police Station	3 Liverpool Road North	Burscough,	Lancashire
163	Ormskirk Police Station		Derby Street	Ormskirk	Lancashire
164	Skelmersdale Police Station		Derby Street	Ormskirk	Lancashire
165	Fire Prevention Department		Service Headquarters	Garstang Road, Fulwood	Preston, Lancashire

List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”);
2. The Gambling Commission;
3. Lancashire Constabulary;
4. Lancashire Fire and Rescue Service;
5. Development Control, Planning Dept, West Lancashire Borough Council;
6. Environmental Protection Service, West Lancashire Borough Council;
7. Children and Young Persons Division, Lancashire County Council;
8. HM Customs and Excise.

Lancashire Constabulary
Licensing Unit: C Division
County Police Office, St Thomas's Road
Chorley Lancashire PR7 1DR

Telephone: 01257 246215
Fax: 01257 246217
Email:
anthony.bushell@lancashire.pnn.police.uk

West Lancashire Borough Council
Development Control Service
52 Derby Street, Ormskirk
Lancashire L39 2DF

Telephone: 01695 577177
Email: plan.apps@westlancsdc.gov.uk

HM Customs and Excise
Boundary House
Cheadle Point
Cheadle
Cheshire
SK8 2JZ

Telephone: 0845 010 9000
Email: mailto:enquiries.nw@hmrc.gsi.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500
Fax: 0121 233 1096

Email: info@gamblingcommission.gov.uk

Lancashire Fire and Rescue Service
Fire Safety Officer - Skelmersdale Fire Station
Tanhouse Road, Skelmersdale,
Lancashire WN8 9NN

Telephone: 01695 723853
Fax: 01695 731172
Email:
skelmersdaleFireSafety@lancsfireandrescue.org.uk

Andrew Hill - Environmental Protection Manager
West Lancashire Borough Council
Westec House, Derby Street
Ormskirk, Lancashire L39 2DQ

Telephone: 01695 585243
Fax: 01695 585126
Email: a.hill@westlancsdc.gov.uk

Lancashire County Council
Children and Young Persons Division
PO Box 162
East Cliff County Offices
Preston
PR1 3EA

Useful contacts

Further information on West Lancashire Borough Council's Statement of Licensing Policy or the Gambling Act 2005 can be obtained from the Public Protection and Licensing Manager using the contact details below. The Executive Manager Community Services, David Tilleray, has overall responsibility for the Licensing Service.

West Lancashire Borough Council, Licensing Service, Westec House, Derby Street, Ormskirk, Lancashire L39 2DQ

Telephone: 01695 577177

Fax: 01695 585126

Email: licensing.enquiries@westlancsdc.gov.uk

Webpage: www.westlancsdc.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport

2-4 Cockspur Street,

London SW1Y 5DH

Telephone: 020 7211 6200

Email: enquiries@culture.gov.uk

Internet: www.culture.gov.uk

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

Email: info@gamblingcommission.gov.uk



AGENDA ITEM: 8.

**LICENSING & GAMBLING
COMMITTEE: 28 July 2009**

Report of: Executive Manager Community Services

**Contact for further information: Mr P Charlson (Extn. 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: INTERNAL OVERVIEW AND SCRUTINY COMMITTEE: ALCOHOL AND
ASSOCIATED PROBLEMS REVIEW**

LG20

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of the recommendations arising from a review of alcohol and its associated problems by the Council's Internal Overview and Scrutiny Committee.

2.0 RECOMMENDATIONS

2.1 That the content of the report be noted.

3.0 BACKGROUND

3.1 Members will be aware that the Council's Internal Overview and Scrutiny Committee have undertaken a review of the controls and policies in place to address alcohol and its associated problems.

3.2 This process involved numerous meetings and presentations from key stakeholders/partners who are involved in the control of, or are impacted upon by, the sale/consumption of alcohol. The key issues included:

- the impact of alcohol consumption on health
- young people and alcohol (including underage sales)
- alcohol licensing controls and enforcement
- the impact of alcohol on crime and safeguarding community safety

3.3 The purpose of the review was to gain an a greater understanding of the controls in place for the sale/supply of alcohol as well as what specific impact the consumption of alcohol has upon the residents and businesses of West Lancashire.

4.0 CURRENT POSITION

4.1 After its comprehensive review of the project, the Council's Internal Overview and Scrutiny Committee produced several recommendations that the Members of the Committee felt would have a positive impact upon the Community. These recommendations were aimed at:

- work that could be completed in conjunction with the Council's partner agencies
- representations made to central Government
- the Council's Licensing and Gambling Committee

5.0 ISSUES

5.1 Being responsible for licensing the sale/supply of alcohol under the Licensing Act 2003 (the Act), the Internal Overview and scrutiny Committee felt it appropriate that recommendations were made to this Committee. The recommendations should be borne in mind when the Committee, or Sub-Committee, is required to determine an application or review under the Act.

5.2 The recommendations are that the Licensing and Gambling Committee:

- be mindful of their ability to require training where evidence suggests this would be beneficial
- consider a stronger response to licensing breaches in relation to selling of alcohol underage.

6.0 PROPOSALS

6.1 That the recommendations are noted in respect of all future decisions made by the Committee or Sub-Committee.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 The control of alcohol has the potential to impact upon many areas within the Community. These issues, therefore, have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 No additional financial or other resources are required.

8.0 RISK ASSESSMENT

8.1 Whilst the Council, acting as Licensing Authority, has a legal duty to determine applications (that have attracted representations) or reviews, it must determine each case on its individual merits. It must be mindful of the requirements of the Act, the Regulations, statutory guidance and the Council's Licensing Policy. Therefore the recommendations contained in this report are relevant only when the Committee (or Sub-Committee) is presented with evidence to suggest remedial action is required and that any action the Committee may take is

proportionate to the promotion of the licensing objectives. Any deviation could result in an appeal against the decision of the Committee to the Magistrates' Court and/or judicial review of the Council's licensing policy.

9.0 CONCLUSIONS

- 9.1 It is the view of the Council's Internal Overview and Scrutiny Committee that these recommendations are made to this Committee. It is hoped that they will be noted when making all future decisions under the Licensing Act 2003.
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Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

- Report of Internal Overview and Scrutiny Committee: review of alcohol and its associated problems

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

None.