

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>

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.

PRESENT: Councillor Kay (Chairman)
Councillor Ainscough (Vice Chairman)

Councillors: Aldridge M. Pendleton
Delaney R. Pendleton
Griffiths Pratt
Kean Mrs. Stephenson
Ms. Melling Sudworth
Nolan

Officers: Public Protection & Licensing Manager (Mr. P. Charlson)
Principal Solicitor (Mr. L. Gardner)
Member Services Officer (Mrs. J.Brown)

15. APOLOGIES

Apologies were received on behalf of Councillor S. Jones.

16. MEMBERSHIP OF THE COMMITTEE

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

17. URGENT BUSINESS

There were no items of urgent business.

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

20. MINUTES

RESOLVED: That the Minutes of the meetings held on 20 October 2011 and 8 November 2011 be received as a correct record and signed by the Chairman.

21. SEX ESTABLISHMENT LICENSING POLICY

Consideration was given to the report of the Assistant Director Community Services as contained on pages 209 to 249 of the Book of Reports the purpose of which was to take the necessary action to approve and adopt a Statement of Sex Establishment Licensing Policy.

The Public Protection and Licensing Manager outlined the report to Members and responded to questions from the Committee. The Committee raised concerns regarding the limits on the potential location and number of Sex Establishments in the Borough.

- RESOLVED:
- A. That the draft Statement of Sex Establishment Licensing Policy as attached at Appendix 2 to the report be endorsed subject to B below.

 - B. That the Assistant Director Community Services publish the draft Statement of Sex Establishment Licensing Policy attached as Appendix 2 to the report and shall conduct a period of public consultation prior to returning the final version of the Policy for approval. The consultation is to directly address the limits on the potential location and number of Sex Establishments in the Borough.

-CHAIRMAN-

PRESENT: Councillor Kay (In the Chair)

Councillors: S Jones
Mrs Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Mrs. S. Jordan)
Member Services Officer (Mrs. J. Brown)

In attendance: Mr R. Hall (Applicant)
Mr S. Hall (Applicant)
Objector (41 Stanley Street)

9. APOLOGIES

There were no apologies for absence received.

10. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

11. URGENT BUSINESS

There were no items of urgent business.

12. DECLARATIONS OF INTEREST

There were no declarations of interest

13. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

14. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 4 August 2011 be received as a correct record and signed by the Chairman.

15. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

16. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 43 STANLEY STREET, ORMSKIRK, L39 2DH.

Consideration was given to the report of the Director of People and Places as contained on pages 55 to 84 of the Book of Reports in respect of an application for a premises licence in respect of 43 Stanley Street, Ormskirk, L39 2DH.

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

On hearing evidence from the Applicant and member of the public into consideration the Sub – Committee:-

- RESOLVED:
- A. That the sale of alcohol shall be permitted daily between 09.00 hours and 21.00 hours.
 - B. That the premises shall be open to the public daily between 09.00 hours and 21.00 hours.
 - C. That the premises shall install, operate and maintain a comprehensive CCTV system to the satisfaction of Lancashire Constabulary. The front door will be covered by the CCTV system enabling frontal identification of every person entering in any light condition. Two additional CCTV cameras shall be placed at the front covering the parking area on Stanley Street and Wigan Road. A sign notifying members of the public that CCTV is in operation shall be displayed on each side of the building.
 - D. That a monitor be placed behind the counter so that members of staff can continually monitor the external areas of the property during opening hours.
 - E. The CCTV system shall record continually whilst the premises are open for licensable activities and during all times that customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer upon reasonable request. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times that the premises are open to the public. This member of staff shall be able to show Police or authorised officer recent data or footage with the minimum of delay.
 - F. That a lock shall be fitted to the rear door that leads to the office/store room, e.g. keypad lock.
 - G. That a challenge 21 policy shall be adopted.
 - H. That a refusal/incident book shall be kept in a place easily accessible by all members of staff.
 - I. That soundproofing be applied to the party wall in order to minimise disturbance to the adjoining property at 41 Stanley Street.

- J. That the mandatory condition for the supply of alcohol as contained in Section 19 of the Licensing Act 2003 apply to this Licence.

- CHAIRMAN-

LICENSING SUB – COMMITTEE

HELD: 1 NOVEMBER 2011

Start: 10.30am

Finish: 11.40am

PRESENT: Councillor Kay (In the Chair)

Councillors: M Pendleton
Mrs Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Mrs. S. Jordan)
Member Services Officer (Mrs. J. Brown)

In attendance: Mr. K. Williams (Burscough Parish Council)
Mr C. Crowell (Applicant)

17. APOLOGIES

There were no apologies for absence received.

18. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

19. URGENT BUSINESS

There were no items of urgent business.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip,

22. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

23. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 12 September 2011 be received as a correct record and signed by the Chairman.

24. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF THE BLUE MALLARD, BURSCOUGH WHARF, SMITHY WALK, BURSCOUGH.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 93 to 125 of the Book of Reports in respect of an application for the variation of a Premises Licence in respect of the Blue Mallard, Burscough Wharf, Smithy Walk, Burscough.

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

On hearing evidence from the Applicant and Burscough Parish Council into consideration the Sub – Committee:-

- RESOLVED:
- A. That the Application to vary the licence shall be approved except that the hours open to the public shall be Friday and Saturday 07.30 hours to 02.00 hours. Sunday to Thursday 07.30 hours to 01.00 hours.
 - B. That the balcony shall be closed to the public from 00.00 hours to close.
 - C. That music played on the balcony area shall cease at 22.30 hours daily.
 - D.. That there shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly which includes the exit to the public car parks.
 - E. That the mandatory condition for the supply of alcohol as contained in Section 19 of the Licensing Act 2003 apply to this Licence.

- CHAIRMAN-

LICENSING SUB – COMMITTEE

HELD: 29 NOVEMBER 2011

Start: 10.30am

Finish: 11.05am

PRESENT: Councillor Ainscough (In the Chair)

Councillors: M Pendleton
Mrs Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Mrs. S. Jordan)
Member Services Officer (Mrs. J. Brown)

In attendance: Mr. Cook (Applicant)

25. APOLOGIES

There were no apologies for absence received.

26. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

27. URGENT BUSINESS

There were no items of urgent business.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

30. MINUTES

RESOLVED: That the Minutes of the Licensing Sub – Committee held on 1 November 2011 be received as a correct record and signed by the Chairman.

31. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

32. APPLICATION TO VARY A CLUB PREMISES CERTIFICATE IN RESPECT OF TARLETON RUGBY UNION FOOTBALL CLUB. CARR LANE, TARELTON, PR4 6BT

Consideration was given to the report of the Assistant Director Community Services as contained on pages 133 to 172 of the Book of Reports in respect of an application to vary a club Premises Licence in respect of Tarleton Rugby Union Football Club, Carr Lane, Tarleton, PR4 6BT.

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

On hearing evidence from the Applicant and members of the public into consideration the Sub – Committee:-

- RESOLVED: A. That the Application be GRANTED subject to the agreed conditions.
- B. That noise from music, regulated entertainment and associated sources (Including D.J.’s and amplified voices) shall not be audible at the external boundary of any neighbouring residential premises at any time.
- C. That there shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
- D. That the placing of refuse, such as bottles into receptacles outside the premises shall take place between 08.00 hours and 22.30 hours so as to prevent disturbance to nearby premises.
- E. That the mandatory condition for the supply of alcohol as contained in Section 19 of the Licensing Act 2003 apply to this Licence.

-CHAIRMAN-

LICENSING SUB – COMMITTEE

HELD: 6 DECEMBER 2011

Start: 10.30am

Finish: 3.00pm

PRESENT: Councillor Kay (In the Chair)

Councillors: M Pendleton
Mrs. Stephenson

Officers: Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Mrs. S. Jordan) (Agenda items 1–8)
Member Services Officer (Mrs. J. Brown) (Agenda items 1–8)
Senior Licensing Officer (Ms. M. Murray) (Agenda item 9)
Member Services Officer (Ms. J. Jones) (Agenda item 9)

In attendance: Mr. Gilchrist (Applicant) (Agenda item 8)
Mr. Ashworth (Applicant) (Agenda item 8)
Mr. Williams (Burscough Parish Clerk) (Agenda item 8)
Mr. Bailey (Burscough Parish Council) (Agenda item 8)
(Objector - 48 Orrell Lane) (Agenda item 8)
Mr. Granite & Son (Applicants) (Agenda item 9)
(Objector – 51 Manfield) (Agenda item 9)

33. APOLOGIES

There were no apologies for absence received.

34. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

35. URGENT BUSINESS

There were no items of urgent business.

36. DECLARATIONS OF INTEREST

There were no declarations of interest.

37. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

38. MINUTES

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

39. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

40. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF BURSCOUGH FOOTBALL CLUB, VICTORIA PARK, MART LANE, BURSCOUGH, L40 0SD.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 177 to 212 of the Book of Reports in respect of an application for a Premises Licence in respect of Burscough Football Club, Victoria Park, Mart Lane, Burscough, L40 0SD.

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

On hearing evidence from the Applicant, Burscough Parish Council and members of the public into consideration the Sub – Committee:-

RESOLVED: That the Application be REFUSED.

41. APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF THE OLD TOBY, ASHLEY ROAD, ASHURST, SKELMERSDALE, WN8 6XN.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 213 to 257 of the Book of Reports in respect of an application to vary a Premises Licence in respect of The Old Toby, Ashley Road, Ashurst, Skelmersdale, WN8 6XN.

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

On hearing evidence from the Applicant and member of the public into consideration the Sub – Committee decided that the conditions of the Premises Licence be amended as follows:-

- RESOLVED: A. That the remainder of the conditions of the licence remain unchanged save for the following.
- B. That the provision of regulated entertainment and entertainment facilities (with the exception of live music) is permitted to take place on the premises between 10.00 hours and 00.00 hours Sunday to Thursday and 10.00 hours and 02.00 hours Fridays, Saturdays, Christmas Eve, Boxing Day and all Bank Holidays.
- C. That noise from music and associated sources (including D.J.s and amplified voices) shall not be audible at the boundary of any neighbouring residential premises after 20.00 hours any day.

- D. That Regulated Entertainment shall only be permitted in the outside area of the premises between 12.00 hours and 20.00 hours on any day.

- CHAIRMAN-

LICENSING SUB – COMMITTEE

HELD: 15 DECEMBER 2011

Start: 10.30am

Finish: 6.10 p.m.

PRESENT: Councillor Kay (In the Chair)

Councillors: M Pendleton
Sudworth

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

In attendance: Police Sergeant 1506 A. Bushell (Lancashire Constabulary)
Inspector S Swift (Lancashire Constabulary)
P.C. Wells (Lancashire Constabulary)
PCSO McKee (Lancashire Constabulary)
Mr. J. McHugh (in support of premises licence)
Mr. G. McHugh (in support of premises licence)
Mr. L. McHugh (in support of premises licence)
Mr Martins (in support of premises licence)
Mr. J. Hart (Barrister)

42. APOLOGIES

There were no apologies for absence received.

43. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

44. URGENT BUSINESS

The Chairman had indicated that a report relating to a Temporary Event Notice – submitted in respect of Embargos, 62 Birkrig, Skelmersdale be considered as an item of urgent business by reason of special circumstances, namely due to Section 105(2) of the Licensing Act 2003 (the Act) - if an Objection Notice is submitted by the Lancashire Constabulary against a Temporary Event Notice, a hearing must be held within 7 working days after the date of receipt. The Licensing Service received the Temporary Event Notice on Thursday 8 December 2011 and on the same day the Lancashire Constabulary submitted an Objection Notice, therefore a hearing must take place before 19 December 2011.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 307 to 326 of the Book of Reports in respect of a Temporary Event Notice submitted under the Act in respect of Embargos, 62 Birkrig, Skelmersdale.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. The Committee is restricted by the Act to consider only the ‘prevention of crime and disorder’ Licensing Objective.

On hearing evidence from the Applicant and Lancashire Constabulary into consideration the Sub – Committee:-

RESOLVED: That the Temporary Event Notice in respect of Embargos, 62 Birkrig, Skelmersdale be UPHELD and the event allowed to take place.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

47. MINUTES

RESOLVED: That the Minutes of the meeting held on 6 December 2011 be received as a correct record and signed by the Chairman.

48. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

49. APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF EMBARGOS, 62 BIRKRIG, SKELMERSDALE.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 263 to 305 of the Book of Reports in respect of the review of a Premises Licence in respect of Embargos, 62 Birkrig, Skelmersdale.

Further consideration was given to a witness statement from Lancashire Constabulary requesting that Members consider revocation of the Premises Licence in light of new information.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. It considered the relevant Licensing Objectives on this occasion were the ‘prevention of public nuisance’, ‘prevention of crime and disorder’ and the ‘protection of children from harm’.

On hearing evidence from the Respondent, Senior Environmental Health Officer and Lancashire Constabulary into consideration the Sub – Committee:-

- RESOLVED:
- A. The Committee considered that there is sufficient evidence to show that there has been breaches of the conditions applied to the licence and therefore that under its Licensing Policy the Committee issue a yellow card warning. If a further review is received regarding problems arising from the premises the presumption of that review will be to revoke the licence.
 - B. That the DPS or an employee holding a personal licence shall be in charge and on the premises at all times it is open to the public.
 - C. That there shall be no irresponsible drinks promotions were the price of the drinks shall be no less than 75% of the regular selling price on the premises.
 - D. The following conditions under Annex 1 be removed from the wording of the premises licence as they are mandatory conditions:-
 - Supply of alcohol
 - Dispensing of alcohol into the mouth
 - Free tap water
 - Exhibition of films
 - E. That the following conditions under Annex 2 shall be removed:-
 - Closing hours on the Sunday and Bank holiday weekend shall be 02.00
 - Any Member found to break club rules and/or act in an unsociable manner shall have their membership revoked and not be allowed back onto the premises.
 - Recorded music can continue until close, but the final thirty (30) minutes at a reduced volume' shall be removed.
 - F. That the condition regarding the noise limiter in Annex 2 shall remain, however the permitted noise level will be set in consultation with a Senior Environmental Health Officer'.
 - G. The condition regarding CCTV in Annex 2 shall be amended to state CCTV:- A tamper proof digital CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system will have internal and external cameras and record for 24 hours every day, the images will be retained for a minimum of 28 days' and there will be, at all times licensable activity is provided, someone at the premises who can operate and download the images from the system and these will be provided to any responsible authority upon reasonable request.

- H. The condition regarding the removal of bottles from the premises shall be amended to state:-Customers will not be permitted to take any glasses or bottles out of the premises and no alcohol purchased for consumption on or off the premises shall be consumed in any outside area of the premises, including any area set aside for smoking’.
- I. That the premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the Police and Local Authority. This policy shall state that any person who does not appear to be at least 25 years of age, will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photocard driving licence or passport’
- J. That the DPS will ensure that all staff are trained in preventing sales of age restricted products to underage persons. This training will be ongoing with refresher training taking place on a regular basis. This training will be recorded and copies of these records will be made available upon request to any responsible authority’.
- K. That no performance involving striptease or nudity will take place without the prior approval of the Licensing Authority
- 1) That applications for approval shall be in writing and will detail together with an adequate plan of the premises:
 - 2) The performance area
 - 3) The means of access and egress to and from the performance area
 - 4) The dressing room arrangements
 - 5) Security arrangements, including the means by which physical contact between performers and customers will be prevented
 - 6) The appearance and content of advertising material; outside and inside the premises
 - 7) The means by which potential customers will be made aware of the nature of the performance
 - 8) That no performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
 - 9) That performers shall not be the subject of any advertising involving the distribution of leaflets, promotion by canvassers or by touting.
 - 10) That neither the DPS, the performer(s) or any person concerned with the licensed premises or the entertainment shall encourage or permit others to encourage the audience to throw money to or otherwise give gratuities to the performer(s).

- L. That whenever the premises provides licensable activity on a Friday, Saturday or Sunday, there will be a minimum of 3 door supervisors employed at the premises from the time of opening until the premises closes.
- M. That a record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details:
- Name, address;
 - Date of birth;
 - His/her Security Industry Authority licence number.
- That record shall be kept for a six month period and made available upon request to any responsible authority.
- N. That a written record of refusals of entry or ejection from the premises shall be kept on the premises and shall be kept for a six month period and made available upon request of any responsible authority.

- CHAIRMAN -

LICENSING SUB – COMMITTEE

HELD: 31 JANUARY 2012

Start: 10.30am
Finish: 12.35pm

PRESENT: Councillor Kay (In the Chair)

Councillors: M Pendleton
Mrs. Stephenson

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

In attendance: Mr. A. Woolbridge (Applicant)
Mr. D. Temkin (Barrister)
Mr. Thompson (Objector)

50. APOLOGIES

There were no apologies for absence received.

51. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

52. URGENT BUSINESS

There were no items of urgent business.

53. DECLARATIONS OF INTEREST

There were no declarations of interest.

54. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

55. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

56. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 December 2011 be received as a correct record and signed by the Chairman.

57. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF WILDFOWL & WETLANDS TRUST, MARTIN MERE, FISH LANE, BURSCOUGH, LANCASHIRE, L40 0TA.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 317 to 354 of the Book of Reports in respect of an Application for a

Premises Licence in respect of Wildfowl & Wetlands Trust, Martin Mere, Fish Lane, Burscough, Lancashire, L40 0TA.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. It considered the relevant Licensing objectives on this occasion were the ‘prevention of public nuisance’, ‘public safety’, ‘prevention of crime and disorder’, and the ‘protection of children from harm’.

On hearing evidence from the Applicant and Lancashire Constabulary into consideration the Sub – Committee:-

- RESOLVED:
- A. That the sale of alcohol shall be permitted between 08.00 hours and 23.00 hours Sunday to Thursday and 08.00 hours and Midnight Friday and Saturday.
 - B. That the premises shall be open to the public 08.00 hours to Midnight Sunday to Thursday and 08.00 hours to 01.00 hours Friday and Saturday.
 - C. That the provision of films, plays, live music, recorded music, performance of dance, facilities for making music, facilities for dancing and facilities for entertainment of a similar description shall be permitted between 08.00 hours and 23.00 hours Sunday to Thursday and 08.00 hours and Midnight Friday and Saturday.
 - D. That late night refreshment be permitted between 23.00 hours to Midnight Friday and Saturday.
 - E. That the premises shall install, operate and maintain CCTV agreeing number and location of cameras to the satisfaction of Lancashire Constabulary.
 - F. That at all times during the provision of licensable activity, there shall be someone at the premises who can operate and download images from the system and these will be provided to any responsible authority upon reasonable request.
 - G. That the exit to the car park shall be closed to patrons attending functions finishing later than 20.00 hours and shall be instructed to exit via the entrance of the premises and that the exit to the car park shall be closed off to facilitate this.
 - H. That the security lighting shall be adjusted as to limit light pollution to neighbouring properties.

- CHAIRMAN -

LICENSING SUB – COMMITTEE

HELD: 14 MARCH 2012

Start: 10.15am

Finish: 1.10pm

PRESENT: Councillor Ainscough (In the Chair)

Councillors: S. Jones
Mrs. Stephenson

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

In attendance: Mr. F. J. Jordan (Applicant)
Mr. I. Whalley (Solicitor)
Mr. M. Blundell (Organiser of 'Rock the Lakes' event)

58. APOLOGIES

There were no apologies for absence received.

59. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

60. URGENT BUSINESS

There were no items of urgent business.

61. DECLARATIONS OF INTEREST

There were no declarations of interest.

62. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

63. MINUTES

RESOLVED: That the Minutes of the meeting held on 31 January 2012 be received as a correct record and signed by the Chairman.

64. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

65. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF LEISURE LAKES EVENT FIELD, LEISURE LAKES, MERE BROW, TARLETON.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 361 to 407 of the Book of Reports in respect of an application for a Premises Licence in respect of Leisure Lakes Event Field, Leisure Lakes, Mere Brow, Tarleton.

In considering this matter the Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Licensing Act 2003. It considered the relevant Licensing Objective on this occasion was the ‘prevention of public nuisance’.

On hearing evidence from the Applicant, Principal Planning Officer and Environmental Protection and Community Safety Manager into consideration the Sub – committee:-

RESOLVED: A.. That the licence be granted with the following conditions:-

- B. That there will be a maximum of three events per calendar year (each event shall be a maximum of 4 days) and these events will be limited to Country & Western music and re-enactment functions.
- C. That numbers shall be limited to 800 persons at each event.
- D. That live music, recorded music, performance of dance and anything of a similar description, facilities for dancing or facilities of a similar description and supply of alcohol shall be limited to 11.00 hours to 00.00 hours Friday to Monday.
- E. That the hours that the premises are open to the public shall be limited to 11.00 hours to 00.30 hours Friday to Monday.
- F. That late night refreshment shall be allowed between 23.00 hours to 00.00 hours Friday to Monday.
- G. That any erected structure shall have a CCTV system installed to cover the bar area and shall be operated and maintained to the satisfaction of Lancashire Constabulary.
- H. That the CCTV system shall be digital and have the capability of 24 hour recording. These recordings shall be kept for a minimum of 28 days.
- I. That there shall be a member of staff on duty at all times that any erected structure is open, who is trained and capable of providing a copy of any recording to any responsible authority, upon reasonable request.

- J. That at any event there will be an incident book to record details of incidents related to the event taking place. The entries will include:- Time of incident, Date of incident, Identity of person making the entry. This book shall be kept by the Premises Licence Holder and produced for inspection by any responsible authority upon reasonable request.
- K. That the Premises Licence Holder will have a written Policy in place, to the satisfaction of Lancashire Constabulary to prevent the sale and supply of alcohol to persons under the age of 18 whenever there is an event taking place. This Policy shall state that any person, who does not appear to be at least 21 years of age, will not be served alcohol unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), photo card driving licence or passport.
- L. That all staff will be trained with regard to the sale of age restricted products. Refresher training will be carried out on a regular basis and all training shall be recorded and retained by the Premises Licence Holder. These records will be made available for inspection by any responsible authority upon reasonable request.
- M. That notices will be displayed where they can be clearly seen and read within the structure indicating that there is a Challenge Policy in relation to the sale of alcohol in operation.
- N. That the Premises Licence Holder/ Designated Premises Supervisor on a risk will determine door staff requirements at any event assessed basis and such risk assessment will be recorded in writing to the satisfaction of Lancashire Constabulary.
- O. That personnel on duty at the events will be identified by the Management. The Management Team will maintain a register of all personnel who will sign in daily for duties at the events.
- P. That during the events all designated personnel will be easily identifiable by wearing high visibility vests and name badges.
- Q. That an admission policy will be developed and promoted on site (for each event) to the satisfaction of the Police.
- R. That a meeting will be held at least two months prior to an event, all relevant authorities will be invited to attend and the purpose of the meeting shall be to agree to all fundamental aspects of Health and Safety and related planning issues.

The key elements of the planning meeting will include:-

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance

The Protection of Children from Harm
Auditing and reviewing performance
Creating a Health and Safety Policy
Planning to ensure the Policy is put into practice
Organising an effective Management structure and arrangements for
delivery of the Policy
Monitoring Health and Safety performance

-CHAIRMAN -



AGENDA ITEM: 8

**LICENSING & GAMBLING
COMMITTEE: 29 May 2012**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

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

SUBJECT: REFORM OF THE LICENSING ACT 2003

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To inform Members of recent changes to the Licensing Act 2003 and to take the necessary action to implement these changes.

2.0 RECOMMENDATIONS

2.1 That delegated authority is granted to the Assistant Director Community Services to act on behalf of the Licensing Authority as Responsible Authority when required under the Licensing Act 2003.

2.2 That delegated authority is granted to the Assistant Director Community Services to suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

2.3 That the remaining content of this report is noted.

3.0 BACKGROUND

3.1 Members will be aware that from July to September 2010 the Home Office conducted a public consultation exercise to “rebalance” the Licensing Act 2003 (the Act). The proposals outlined in the consultation were implemented by the Police Reform and Social Responsibility Act 2011 (the PRSR Act), which received Royal Assent on 15 September 2011.

4.0 CURRENT POSITION

- 4.1 Amended statutory guidance issued under Section 182 of the Act (the Guidance) and most of the reforms contained in the PRSR Act were brought into force on the 25 April 2012. However, some reforms remain outstanding as these require complex secondary legislation (i.e. early morning alcohol restriction orders (EMROs), the late night levy and the ability to set licence fees locally). The Government aims to introduce these measures in October 2012 or April 2013 and will be the subject of future reports.

5.0 ISSUES

5.1 ***Licensing Authorities to act as Responsible Authorities***

The intention of Government is to give Licensing Authorities (LA) more power and flexibility, and as such, has given them Responsible Authority (RA) status under the Act. This allows the LA to make representations and call for reviews in its own right, thereby enabling it to make early interventions to premises that are causing problems without having to wait for other RAs. (However, it should be noted that this approach is not intended to remove or replace the responsibility from existing RAs and the LA is still bound by the same rules of evidence that apply to all RAs).

- 5.2 This change creates two roles within the Council when acting as LA under the Act – the role of decision making body and the role of RA. To ensure procedural fairness and avoid conflicts of interest, the Guidance stresses the need for clear separation between these two roles when determining applications.

- 5.3 Current hearing procedures preserve this separation in part. The role of decision making body is carried out by the Licensing Sub-Committee and is kept separate from Licensing Officers as the Sub-Committee determines all applications in private (supported only by a Legal Officer and a Member Services Officer who have no involvement in the application process). However, to ensure compliance with the Guidance, the Sub-Committee cannot also act as RA. Therefore, given that Licensing Officers are separate from the decision making process and that they have an in depth understanding of the issues presented by the Act, they are most suited to represent the LA in its role as RA. Therefore, if there is an issue, Licensing Officers would initially liaise with applicants and would submit representations to the Sub-Committee as required. Similarly, Licensing Officers would instigate review proceedings on behalf of the LA in its role as RA.

- 5.4 To allow Licensing Officers to fulfil the role of RA, delegated authority is requested to the Assistant Director Community Services to act on behalf of the LA as RA when required under the Act.

5.5 ***Non payment of annual fees***

Members will be aware that the Act gave no direct power to LAs to take action against businesses for outstanding Premises Licence and Club Premises Certificate annual fees. LAs were only able to pursue outstanding payments as a civil debt, which was time consuming and problematical. However, the reforms seek to address this issue by granting LAs the power to suspend a Premises Licence or Club Premises Certificate if the annual fee is not paid when it is due.

- 5.6 Once a Licence or Certificate is suspended, licensable activities cannot take place until the outstanding fee has been paid. Where the annual fee for a Licence or Certificate has not been paid for more than one year, the outstanding fee in relation to each year will be required to reinstate the Licence or Certificate. However, it should be noted that the suspension of a Licence or Certificate does not prevent the submission of a transfer application or the calling of a hearing.
- 5.7 To enable Officers to administrate this new provision, delegated authority is requested to the Assistant Director Community Services to suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Act.
- 5.8 ***Changes to Temporary Event Notices (TENs)***
Two types of TENs have been created by the reforms – “Standard” and “Late”. Whilst the legislation stipulates several limitations on the number of TENs that can be served in any one year, by any one person in any given location - the maximum length of time a TEN may have effect has been increased from 96 hours (or 4 days) to 168 hours (or 7 days).
- 5.9 The requirements for a Standard TEN are no different to those prior to the reforms. However, Late TENs can be submitted to the Council between nine and five working days before an event. Therefore, Late TENs are intended to be used only in exceptional circumstances – for example, when circumstances arise beyond the organiser’s control that requires an aspect of the event to be changed at short notice.
- 5.10 In a similar manner to Standard TENs, the Police and the Council's Environmental Protection Service have three working days from receipt of the Late TEN to object on the basis of any of the Licensing Objectives. However, if there is an objection from either service, the event will not go ahead. Under the provisions for a Late TEN there is no scope for a hearing or the application of existing conditions.
- 5.11 ***Lowering evidential thresholds***
The Act has been amended in an attempt to reduce the evidential burden on LAs when making decisions. Therefore, any action the Sub-Committee may take is now required to be “appropriate” rather than “necessary” for the promotion of the Licensing Objectives.
- 5.12 ***Scrapping of the ‘vicinity test’ and publicity of applications***
Under the previous controls, only residents who lived within the “vicinity” of a premises could make representations about an application related to that premises. This definition has been amended so that anyone can make a representation regardless of whether they live close to the premises concerned. However, the tests of “frivolous”, “vexatious” or “irrelevant” still exist to control potentially unnecessary representations.
- 5.13 The Council is also required to publish details of all applications and reviews on its website during the prescribed consultation period.
- 5.14 ***Health Bodies as Responsible Authorities***

All Primary Care Trusts (PCTs) have been given RA status under the reforms. Accordingly, NHS Central Lancashire will be automatically notified of applications and can make representations to the Council. It is the Government's intention that PCTs can provide additional information that may be of use to LAs when making decisions. For example, information relating to drunkenness that has led to accidents and/or injuries from violence, which required the need for emergency and ambulance services – so long as this information relates to specific premises.

5.15 When the relevant provisions in the new Health and Social Care Act 2012 are brought into force, PCTs will be replaced as RAs by the Public Health function of the relevant local authority.

5.16 ***Licensing Policies***

The frequency that the Council is required to review and publish its Licensing Policy has been changed from 3 to 5 years.

5.17 ***Sales of alcohol to children***

The maximum fine for the offence of selling alcohol to children has been doubled to £20,000. The Government has also changed the process by which businesses that have been found guilty of this offence can be shut down (voluntarily or involuntarily).

5.18 ***Relevant offences***

The list of relevant offences has been extended to include criminal attempt and conspiracy offences. This increases the number of offences that can be taken into account by the Sub-Committee when determining a new Personal Licence and, in the event of convictions during the period of licence, the suspension and forfeiture of these Licences.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 This legislation has the potential to impact upon the Community Strategy. The contents of the report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no significant financial or resource implications arising from this report.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to carry out the functions of the legislation and a failure to implement the changes highlighted in this report would result in legal challenge.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.

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<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. All matters contained in this report apply equally to all persons requiring an authorisation under the Licensing Act 2003.</i></p>
<p>2. What sources of information have you used to come to this decision?</p>	<p><i>The recommendations contained in this report are required by legislation and the Council must implement these actions.</i></p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>The changes in the legislation have been subject to considerable national consultation. Whilst the Council has must implement these changes, they will be included in a revised version of the Council's Licensing Policy, which will be subject to public consultation later in 2012.</i></p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:- <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p><i>No. The recommendations contained in this report apply only to the authorisations required under the Licensing Act 2003.</i></p>

<p>5. What actions will you take to address any issues raised in your answers above?</p>	<p><i>Whilst the Council has must implement the changes highlighted in this report, they will be included in a revised version of the Council's Licensing Policy, which will be subject to public consultation later in 2012. Any issues will be brought to the attention of Members at that time.</i></p>
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