

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) 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 a connected person or, a body described in 10.1(1)(i) and (ii) 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 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but 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. (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. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary 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>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(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 (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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 easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) 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 connected 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 connected 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 10.1(1)(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) 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 (In the Chair)

Councillors: Owens (Vice Chair) Oliver
Mrs Baybutt Owen
Delaney Savage
Mrs C Evans Sudworth
Greenall West
Mrs Hopley Wilkie
Jones Wright

Officers: Assistant Director Community Services (Mr D Tilleray)
Commercial, Safety and Licensing Manager (Mr P Charlson)
Senior Licensing Officer (Mr A Denton)
Principal Solicitor (Mr L Gardner)
Member Services/Civic Support Officer (Mrs J Brown)

In Attendance Inspector Shorrock (Lancashire Constabulary)
Sergeant 1506 Bushell (Lancashire Constabulary)
Members of public

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Mrs Stephenson, Mrs Kean, Ms Melling and Pye and the appointment of Councillors Mrs Baybutt, Greenall, Mrs Hopley and Savage for this meeting only, thereby giving effect to the wishes of the political groups.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

6. MINUTES

RESOLVED: That the Minutes of the meeting held on 5 February 2013 be received as a correct record and signed by the Chairman.

7. MINUTES OF LICENSING SUB - COMMITTEES

The Minutes of the Licensing Sub – Committee held on 7 January 2013, 26 March 2013 and 17 April 2013 were submitted.

RESOLVED: That the above Minutes be noted.

8. LICENSING ACT 2003 - EARLY MORNING RESTRICTION ORDER

Consideration was given to the report of the Assistant Director Community Services as contained on pages 17 to 169 of the Book of Reports in respect of providing Members with preliminary evidence in respect of a proposed Early Morning Restriction Order for the Ormskirk area, including views of partner agencies and available alternative options.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee.

RESOLVED: A. That, the Assistant Director Community Services be given delegated authority to agree the final wording for a proposed Early Morning Restriction Order (EMRO) for the Ormskirk area in consultation with the Chairman of the Licensing & Gambling Committee. The EMRO is to include the following proposed restrictions:

- i. The area of the EMRO is to be one mile radius from the Clock Tower in Ormskirk Town centre.
- ii. To operate from 00.30 hours on Tuesday, Wednesday, Thursday and Friday mornings.
- iii. To operate in the months of January to June and September to December each year with the exclusion of the period between 20 and 31 December and 1 and 4 January each year.

B. That the Assistant Director Community Services be given delegated authority to undertake a full consultation on the proposed EMRO for the Ormskirk area, subject to (C) below.

C. That Cabinet be asked to provide the funding for consultation, hearing and any ancillary work or advice required to undertake the EMRO adoption procedure.

In reaching its decision, the Committee considered the report of the Assistant Director Community Services, the attached representations and recommendation, together with further evidence presented by Councillor Owens as to telephone complaint logs, graphs and a petition from New Way Tenants and Residents Association. The Committee also recognised that this is a new piece of legislation and that there is a high risk of challenge to the procedure from interested parties.

- CHAIRMAN -

PRESENT: Councillor Kay (In the Chair)

Councillors: Melling
Owen

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

In attendance: Sergeant Bushell (Lancashire Constabulary)
Mr J Ruehle (Premises Licence Holder)
Mr A Cooke (Manager)
Mr T McGraw (Solicitor)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

6. MINUTES

RESOLVED: That the Minutes of the meeting held on 17 April 2013 be received as a correct record and signed by the Chairman.

7. LICENSING HEARING PROCEDURE

The Chairman referred to the above procedure.

8. APPLICATION FOR VARIATION OF A PREMISES LICENSE IN RESPECT OF ALPINE BAR, MOORGATE, ORMSKIRK, L39 4RT.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 9 to 47 of the Book of Reports in respect of an Application for variation of a Premises Licence in respect of Alpine Bar, Moorgate, Ormskirk, L39 4RT.

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

On hearing evidence from the Solicitor, Premises Licence Holder and Lancashire Constabulary, the Sub – Committee:-

- RESOLVED:
- A. That the restriction at Annex 2 of the Premises Licence regarding last admission to the premises between 01.00 hours and 02.00 hours shall be removed.
 - B. That the application for the extension of hours and sale of alcohol shall be REFUSED.

- CHAIRMAN -

PRESENT: Councillor Kay (In the Chair)

Councillors: Oliver
Mrs Stephenson

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

In attendance: Mr T Shield (Solicitor)
Mr I Blease (Designated Premises Supervisor)
Mr P Malone (Students Union Chief Executive)
Mr G Dale (Students Union President)
Ms J Thompson (New Court Way TRA)
Ms L Hill (Ormskirk Community Partnership)
Mr M Hill (Ormskirk Community Partnership)
Councillor A Owens
Sergeant Bushell (Lancashire Constabulary)

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 meeting held on 19 June 2013 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 EDGE HILL STUDENTS' UNION BAR, ST HELENS ROAD, ORMSKIRK, L39 4QP

Consideration was given to the report of the Assistant Director Community Services as contained on pages 49 to 138 of the Book of Reports in respect of an Application for a Premises Licence in respect of Edge Hill Students' Union Bar, St Helens Road, Ormskirk, L39 4QP.

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

On hearing evidence from the Solicitor, Designated Premises Supervisor (DPS), Students' Union Chief Executive, Students' Union President, and Objectors, the Sub – Committee:-

- RESOLVED:
- A. That the premises shall be open to the public 10.00 hours to 02.30 hours Sunday to Thursday and 10.00 hours and 03.30 hours Friday and Saturday.
 - B. That the sale of alcohol shall be permitted between 10.00 hours and 02.00 hours Sunday to Thursday and 10.00 hours and 03.00 hours Friday and Saturday.
 - C. That Provision of films, plays, indoor sporting events and Live music, recorded music or performance of dance and anything of a similar nature shall be permitted to take place Sunday to Thursday 10.00 hours to 02.00 hours and 10.00 hours and 03.00 hours Friday and Saturday.
 - D. That last entry to the premises shall be 01.30 hours every day.
 - E. That late night refreshment shall be permitted between 10.00 hours and 02.00 hours Sunday to Thursday and 10.00 hours and 03.00 hours Friday and Saturday.
 - F. That the conditions as contained on pages 128,129 and 132 of the Book of Reports shall apply to the Licence as follows, save for the provision of last entry where resolution D above takes precedent:-.

The Premises Licence Holder will operate and maintain the CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows;

- i. The system shall cover all entrances and exits from the premise, in addition to covering all internal and external areas of the premises used to supply or consume licensed products.
- ii. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.

- iii The system will be capable of accurate time and stamping recordings and said recordings for at least 21 days.
 - iv The Data Controller shall make footage available to a police officer or authorised officer, where such a request is made in accordance with the Data Protection Act 1998.
- The Premises Licence Holder/DPS shall ensure that the provision for and number of door supervisors at the premises will be carried out on a weekly risk assessed basis. This risk assessment will reflect the potential for crime and disorder posed by the number of customers on any particular trading day or as a result of local or national events.
 - If the premises is to be operated at any time after 03.00 hours then the Premises Licence Holder/DPS will give prior notification to the police and Local Authority no less than 10 working days before the event is to take place.
 - No new customers will be admitted to the premises after 01.00 hours whenever the premises is being operated on Sunday, Monday, Tuesday, Wednesday and Thursday.
 - The Premises Licence Holder shall ensure customers are prevented from leaving the premises with glasses and bottles, other than for "Off Sales".
 - The Premises will have clear and concise signage reminding customers not to leave the premises with glasses or bottles.
 - The Premises will have a written drugs policy to the satisfaction of the police that will include a search policy and all staff will have a working knowledge of it.
 - All staff will receive on-going training in Drugs Awareness, this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority upon reasonable request.
 - The Premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises and that a search policy as condition of entrance operates at the premises.
 - The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers, including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available upon request to any responsible authority.

- The DPS will have a written policy in relation to drunkenness to the satisfaction of the police and all staff will be subjected to on –going training in respect of its contents. This training will be recorded and copies of these records will be made available upon request to any responsible authority.
- 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 21 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.
- Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operate a Challenge Policy in relation to the sale of alcohol.
- All staff will be subject to on-going training in relation to age related sales. This training will be recorded and made available upon request to any responsible authority.
- Noise from music and associated sources (including DJ's and amplified voices) shall not be audible at the boundary of any residential premises at any time.
- All external doors and windows in the room where entertainment is taking place shall be kept closed other than for access and egress at all times during regulated entertainment. A management system shall be in place to ensure this situation remains.
- The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the management and the controlling mechanism shall be operated from a part of the premises not accessible to the members of guests.
- 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.
- Door supervisors and other members of staff are, whenever possible, to request customers to leave quietly and have respect for their residential neighbours.
- Disc Jockey announcements shall be made requesting that customers leave the premises quietly.

- Management shall ensure staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner in order to avoid disturbance to nearby residents.
- G. That alcohol shall not be allowed off the premises in any open receptacle including the outside smoking areas.
- H. That windows and doors shall remain closed during the provision of regulated entertainment, except for the entry and exit of patrons.

- CHAIRMAN -