

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		Notes
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.

LICENSING SUB-COMMITTEE

HELD:26 NOVEMBER 2013

Start: 10.40am

Finish: 1.25pm

PRESENT: Councillor Kay (In the Chair)

Councillors: Owen
Mrs Stephenson

Officers: Principal Solicitor (Mr L Gardner)
Senior Licensing Officer (Mrs M Murray)
Senior Licensing Officer (Mr A Denton)
Principal Member Services Officer (Mrs S Griffiths)
Member Services Work Placement (Mr M Birchall)
Environmental Health Work Placement (Mr P Garratt)

In attendance: Councillor Mrs Baybutt (Ward Councillor)
Councillor Mrs C Evans (Ward Councillor)
Mr T Callaghan (Owner Fifteens @ The Fox)
Ms L Langton (Operations Manager)
Mr. Johnson (Objector)
Mr. Gifford (Objector)
Ms Hale (Objector)

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. DECLARATION OF PARTY WHIP

There were no declarations of a party whip.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES

RESOLVED That the Minutes of the meeting held on 13 September 2013 be received as a correct record and signed by the Chairman.

23. LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Hearing Procedure.

24. APPLICATION FOR A VARIATION OF PREMISES LICENCE IN RESPECT OF FIFTEENS AT THE FOX, 24 ROBY MILL, UP HOLLAND, LANCASHIRE, WN8 0QF.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 149 to 228 of the Book of Reports in respect of an application for a variation of a premises licence in respect of Fifteens @ The Fox, 24 Roby Mill, Up Holland, Lancashire, WN8 0QF.

In considering this matter the Sub – Committee had regard to its Licensing Policy and the guidance issued under S. 182 of the Licensing Act. 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 Applicant and Objectors the Sub – Committee:-

- RESOLVED:
- A. That the sale of alcohol shall be permitted between the hours:- Sunday to Thursday 10.00 hours to 00.00 hours and Friday and Saturday 10.00 hours to 02.00 hours.
 - B. That the Premises shall be open to the public between the hours:- Sunday to Thursday 10.00 hours to 00.30 hours and Friday and Saturday 10.00 hours to 02.30 hours.
 - C. That late night refreshment shall be permitted between the hours:- Sunday to Thursday 23.00 hours to 00.00 hours and Friday and Saturday 23.00 hours to 02.00 hours.
 - D. That recorded music shall be permitted between the hours:- Sunday to Thursday 10.00 hours to 00.00 hours and Friday and Saturday 10.00 hours to 01.00 hours.
 - E. That live music shall be permitted between the hours Sunday to Thursday 10.00 hours to 23.00 hours and Friday and Saturday 10.00 hours to 00.00 hours.
 - F. That the Premises Licence Holder will have in place a written Operating Policy relating specifically to these premises and that at all times the premises is open, the Premises Licence Holder, DPS or person in charge will ensure that all activity at the premises is carried out in accordance with this policy.

- G. That the Premises Licence Holder, DPS or person in charge shall ensure regular toilet checks are carried out and that these checks along with any actions taken will be recorded and that a record of these checks will be provided to any responsible authority representative upon reasonable request.
- H. That 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 premises, 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 date stamping recordings and retaining said recordings for at least 21 days.
 - iv. That the premises licence holder or DPS 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.
- 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 the 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
- J. That notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge 21 policy in relation to the sale of alcohol.

K. That the following conditions be removed from Annex 2 of the premises licence:-

- The Premises shall remain open to the public on Christmas Eve from 11.30 – 01.00 and to supply alcohol and provide recorded music from 11.30 - 00.30.
- Patrons who appear to be under 18 shall provide identification to bar staff.
- A fire risk assessment shall be carried out and implemented.
- Smoke detection systems shall be operational in all public and work areas.
- Children under 18 shall not be permitted to approach the bar servery and must be off the premises by 21.00.
- The AWP machine shall be monitored to ensure children are not using it.

This is the decision of the Sub – Committee.

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CHAIRMAN



WEST LANCASHIRE BOROUGH COUNCIL

LICENSING COMMITTEE 2003

HEARING PROCEDURE

- 1 Chairman introduces the Members and the main Officers
 2. The Chairman refers to the procedure which will be followed.
(NB. The Chairman to explain here that he will allow the parties to proceed without specific time constraints).
 3. Chairman invites the Assistant Director Community Services (or his representative) to outline the application.
 4. The Chairman invites the Parties to introduce themselves.
 5. Applicant's case
 - (a) The Applicant (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The Objector(s) may then ask questions of the Applicant and any witnesses.
 - (c) The Sub-Committee may then ask questions of the Applicant and witnesses.
 6. Objector's Case
 - (a) The Objector(s) (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The Applicant (or representative) may then ask questions of the Objector(s) and any witnesses.
 - (c) The Sub-Committee may then ask questions of the Objector(s) and witnesses.
- NB. If several objections have been received the Objector(s) will question the Applicant and witnesses in turn in an order to be determined by the

Chairman. The same order will follow when it comes to the Objector(s) being questioned.

7. The Chairman to ask the parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.
8. The Objector(s) and the Applicant to make their closing address in that order (so that the Applicant has the final say).
9. The Chairman will ask the Legal Adviser whether there are any other matters to be raised or resolved before the hearing is closed for deliberations.
10. The Sub-Committee will retire with the Legal Advisor and Member Services Officer to determine the application.
11. When the Sub-Committee returns the Chairman will announce its decision and give reasons. The decision will be notified to the Applicant in writing within five working days.

End.

If any of the parties, objectors or observers, wish to discuss any matters relating to the hearing, Officers will be available at the conclusion of the meeting.

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