

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

Prescribed description

Employment, office, trade, profession or vocation

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

Sponsorship

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 Wright (In the Chair)

Councillors: Baybutt
C Evans
Oliver

Officers: Principal Solicitor (Mr L Gardner)
Assistant Solicitor (Mrs J Williams)
Senior Licensing Officer (Mrs M Murray)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: (DWF Solicitors) Mr D Crank
(DPS) Mr R Jacques
Objectors

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. URGENT BUSINESS

There were no items of urgent business.

21. DECLARATIONS OF INTEREST

There were no declarations of Party Whip.

22. MINUTES

RESOLVED: That the Minutes of the meeting held on 12 September 2014 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 VARIATION OF A PREMISES LICENCE IN RESPECT OF LEGH ARMS, THE GRAVEL, MERE BROW, TARLETON PR4 6JX

Consideration was given to the report of the Assistant Director Community Services as contained on pages 109 to 152 of the Book of Reports in respect of an application for variation of a Premises Licence in respect of Legh Arms, The Gravel, Mere Brow, Tarleton, PR4 6JX.

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', 'public safety', 'prevention of public nuisance' and 'prevention of children from harm'.

On hearing evidence from the Applicant's Solicitor and Objectors the Sub – Committee:-

- RESOLVED:
- A. That the premises shall be open to the public 10.30 hours to 00.30 hours Sunday to Thursday and 10.30 hours to 01.30 hours Friday and Saturday.
 - B. That the supply of alcohol shall be permitted between 10.30 hours to 00.00 hours Sunday to Thursday and 10.30 hours to 01.00 hours Friday and Saturday.
 - C. That late night refreshment shall be permitted between 23.00 hours to 00.00 hours Sunday to Thursday and 23.00 hours and 01.00 hours Friday and Saturday.
 - D. That the provision of live music and recorded music, shall be permitted to take place 10.30 hours to 00.00 hours Sunday to Thursday and 10.30 hours to 01.00 hours Friday and Saturday.
 - E. That all external doors and windows shall be kept closed other than for access and egress when there is live regulated music playing at the premises.
 - F. That the Premises shall only be granted the facility of the extended hours past 00.00 hours for supply of alcohol and past 00.30 hours Friday and Saturday on 12 occasions per calendar year. The said dates shall not be used where the Premises already is granted additional operating hours under Annex 2 of the existing Licence.
 - G. That the Premises Licence holder will notice the Licensing Authority of the 12 nights they intend to operate the extended operating hours in writing with a minimum of 4 weeks' notice.

- CHAIRMAN -



**LICENSING AND GAMBLING COMMITTEE
LICENSING SUB COMMITTEE**

REVIEW HEARING PROCEDURE

1. Chairman introduces the Members and the main Officers.
2. The Chairman invites the other parties to the hearing to introduce themselves.
3. The Chairman refers to this procedure, which will be followed.
NB. The Chairman will explain that he will allow the parties to proceed without specific time constraints. However, the Chairman will reserve the right to stop any cross examination unless it is required to consider the case as necessary.¹
4. The Chairman asks the Assistant Director Community Services (or their representative) to outline the application.
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 other parties to the hearing may then ask questions of the Applicant and witnesses, commencing with the Premises Licence / Club Premises Certificate Holder and concluding with the Sub-Committee.
6. Relevant Representations – Interested Parties (if present)
 - (a) Interested Parties will be asked by the Chairman if they wish to elect a spokesperson or representative (or speak individually). Interested Parties will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Premises Licence / Club Premises Certificate Holder and concluding with the Sub-Committee.

¹ Regulation 23 Licensing Act (Hearings) Regulations 2005 2005/44

7. Relevant Representations – Responsible Authorities (if present)
 - (a) Each Responsible Authority (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of each Responsible Authority and witnesses, commencing with the Premises Licence / Club Premises Certificate Holder and concluding with the Sub-Committee.

8. Premises Licence / Club Premises Certificate Holder’s Case
 - (a) The Premises Licence / Club Premises Certificate Holder (or representative) will present their case. This will include general opening remarks followed by calling witnesses.
 - (b) The other parties to the hearing may then ask questions of the Premises Licence / Club Premises Certificate Holder and witnesses, commencing with the Applicant and concluding with the Sub-Committee.

9. If several representations (objections) have been received, the Premises Licence / Club Premises Certificate Holder (or representative) will question the Interested Parties, Responsible Authorities and witnesses in turn in an order to be determined by the Chairman.

10. The Chairman to ask all parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.

11. The Applicant and the Premises Licence / Club Premises Certificate Holder to make their closing address in that order (so that the Premises Licence / Club Premises Certificate Holder has the final say).

12. 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.

13. The Sub-Committee will retire to determine the application, calling the Legal Advisor and Member Services Officer as needed. All parties may then leave the hearing.

14. All parties to the hearing will receive details of the decision and reasons in writing within five working days of the date of the hearing.

End.

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



AGENDA ITEM: 8

**LICENSING SUB-COMMITTEE:
22 July 2015**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

**Contact for further information: Miss Michaela Murray (Extn 5326)
(E-mail: Michaela.murray@westlancs.gov.uk)**

**SUBJECT: APPLICATION FOR VARIATION OF A PREMISES LICENCE IN
RESPECT OF COSTCUTTER EXPRESS SERVICE STATION, RAINFORD ROAD,
BICKERSTAFFE**

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for the Variation of a Premises Licence in respect of Costcutter Express Service Station, Rainford Road, Bickerstaffe.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1	Address of Premises:	Costcutter Express Bickerstaffe Service Station Rainford Road Bickerstaffe L39 OJG
3.2	Premises Licence Holder	St Albans Operating Company Ltd Clock House Court 5 – 7 London Road St Albans AL1 1LA
3.3	Designated Premises Supervisor	Mr Joseph Pravin Fernando 6 Stradey Close Coventry CY3 2UF

4.0 THE APPLICATION

- 4.1 On 18 May 2015 an application for a Variation of a Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A copy of the current Premises Licence is attached as Appendix 2 to this report.
- 4.3 A location plan is attached at Appendix 3 to this report.
- 4.4 There have been 1 relevant representation received against the application this has been received from a local resident. A copy is attached as Appendix 4.
- 4.5 On 12 June 2015 Lancashire Constabulary submitted a representation against the grant of the application, a copy of which is attached as Appendix 5 to this report. The representation requested a number of conditions to be added to the licence advising that if the conditions were accepted the representation would be withdrawn.
- 4.6 On 25 June 2015 the conditions were accepted.

5.0 RELEVANT REPRESENTATIONS - MEMBERS OF THE PULIC

- 5.1 The representations from the local residents (Appendix 4) raise concerns regarding disturbance from disorderly behaviour. The representations are made under the 'prevention of crime and disorder', 'public safety' and 'prevention of public nuisance' Licensing Objectives.

6.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 6.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 6.2 As Members will be aware, the four licensing objectives are as follows:
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 6.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

6.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:

- (i) Modify or add conditions in respect of the variation application
- (ii) Refuse a licensable activity from the variation

6.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

6.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 14	The Prevention of Crime & Disorder	pages 10-11
Section 15	Public Safety	pages 12-13
Section 16	Prevention of Public Nuisance	pages 14-16

7.0 HUMAN RIGHTS ACT IMPLICATIONS

7.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6

that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8

that everyone has the right to respect for his home and family life;

Article 1 of the First Protocol

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 The recommendations contained in this report have limited sustainability and/or community strategy implications. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community. The Licensing Objectives contained in the Policy fit closely with many aspects of the Community Strategy and has the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D); Health and Social Care (issue A).

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 No additional financial or other resources are required.

10.0 RISK ASSESSMENT

10.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Premises licence application	(Appendix 1)
Premises Licence	(Appendix 2)
Location plan	(Appendix 3)
Public representation	(Appendix 4)
Police representation	(Appendix 5)

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ST ALBANS OPERATING COMPANY LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 2699/2
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description COSTCUTTER EXPRESS BICKERSTAFFE SERVICE STATION FS240 RAINFORD ROAD BICKERSTAFFE			
Post town	ORMSKIRK	Postcode	L39 0JG

Telephone number at premises (if any)	01695 50346
Non-domestic rateable value of premises	£47000

Part 2 – Applicant details

Daytime contact telephone number	01727 898891		
E-mail address (optional)			
Current postal address if different from premises address	CLOCK HOUSE COURT 5-7 LONDON ROAD		
Post town	ST ALBANS	Postcode	AL1 1LA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? X Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

EXTEND THE HOURS FOR THE SALE OF ALCOHOL

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

X

Sale by retail of alcohol (if ticking yes, fill in box J)

X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	00.00	05.00						
	23.00	24.00						
Tue	00.00	05.00						
	23.00	24.00						
Wed	00.00	05.00				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
	23.00	24.00						
Thur	00.00	05.00						
	23.00	24.00						
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)					
	23.00	24.00						
Sat	00.00	05.00						
	23.00	24.00						
Sun	00.00	05.00						
	23.00	24.00						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	00.00	24.00						
Tue	00.00	24.00						
Wed	00.00	24.00						
Thur	00.00	24.00						
Fri	00.00	24.00						
Sat	00.00	24.00						
Sun	00.00	24.00						
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CHANGE ALCOHOL HOURS CONDITIONS

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
COPY ENCLOSED – MASTER PREMISES LICENCE TO FOLLOW UNDER SEPARATE
COVER DIRECT FROM APPLICANT HO

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

OTHER EXISTING AND MANDATORY CONDITIONS TO REMAIN - ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 21 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 21, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS, USEABLE WASTE BINS PROVIDED ON THE FORECOURT

e) The protection of children from harm

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING AND REFRESHER TRAINING, CHALLENGE 21 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	14 TH MAY 2015
Capacity	LICENSING SOLUTIONS - DULY AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

LICENSING SOLUTIONS
32 CHURCH ROAD
LOCKS HEATH

Post town	SOUTHAMPTON	Post code	SO31 6LU
Telephone number (if any)	07831 159450		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) chris@licensingsolutions.org.uk			



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000002911

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION:

Costcutter

Costcutter, Bickerstaffe Service Station, Rainford Road, Bickerstaffe, L39 0JG Telephone: 01695 50346

WHERE THE LICENCE IS TIME LIMITED THE DATES:

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

Off Sales
Alcohol Sale/Supply
Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Whole Area	Monday	06:00	23:00
		Tuesday	06:00	23:00
		Wednesday	06:00	23:00
		Thursday	06:00	23:00
		Friday	06:00	23:00
		Saturday	06:00	23:00
		Sunday	06:00	23:00
Late Night Refreshment	Whole Area	Monday	23:00	05:00
		Tuesday	23:00	05:00
		Wednesday	23:00	05:00
		Thursday	23:00	05:00
		Friday	23:00	05:00
		Saturday	23:00	05:00
		Sunday	23:00	05:00

THE OPENING HOURS OF THE PREMISES:

Description	Days	Time From	Time To
Off Sales	Monday	00:00	00:00
	Tuesday	00:00	00:00
	Wednesday	00:00	00:00
	Thursday	00:00	00:00
	Friday	00:00	00:00
	Saturday	00:00	00:00
	Sunday	00:00	00:00

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES:

Off Sales



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Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE:

Name: St Albans Operating Company
Address: St Albans Operating Company, Clock House Court, 5-7 London Road, AL1 1LA
Telephone:
Email:

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE):

677691

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL:

Name: Joseph Pravin Fernando
Address: 6 Stradey Close, Coventry, CV3 2UF,
Telephone:

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL:

Licence No: Issued by: Rugby Borough Council RY/CV3/0682-PL



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

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ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence –
 - a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) At a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Irresponsible promotions

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing of alcohol into the mouth

1. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free tap water

1. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Exhibition of films

1. Where the film classification body is specified in the licence, unless (2) applies, admission of children must be restricted in accordance with any recommendations made by that body
2. Where –
 - a) The film classification body is not specified in the licence, or
 - b) The Licensing Authority has notified the holder of the licence that this condition is applied to the film in question.

Admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

Door Supervision

1. Any individual employed on the premises to carry out a security activity must be licensed by the Security Industry Authority.

Minimum Alcohol Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - b) “permitted price” is the price found by applying the formula— $P=D+(D \times V)$ where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

An alarm system with panic buttons shall be installed at the premises.

CCTV with recording facilities shall be installed in the premises

Spirits shall only be displayed and located behind the counter.

Staff shall be trained in fire safety procedures and the use of fire safety and fire fighting equipment.

Waste bins to be provided on the forecourt.

Staff shall be trained in how to deal with public nuisance situations.

There shall be full ongoing alcohol training and refresher training to all staff in regards to the challenge 21 initiative

Challenge 21 signage is to be displayed.

A sale refusal system and refusal book shall be operated and maintained.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Dated: 08 July 2015



Assistant Director Community Services



West Lancashire Borough Council

COMMUNITY SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/00002911

ANNEX 4 - PLANS



0 105m
Lancashire County Council - Produced Under OS Copyright Licence 100023320

Costcutter



Date: 25/06/2015

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 Centre of map: 345212:405034

5 Skelmeedale Road
Bickerstaffe, Ormskirk

Lancashire

L39 0EZ

27/5/15

Dear Mr Hodge,

#

I am writing regarding the contractor at Ferris Lane ends Bickerstaffe being given permission to have a licence to sell alcohol 24hrs.

I find this rather disturbing as a neighbour just living across the road from this garage. I used to work in Asda (Skam) on nights and they had to stop selling alcohol between the hours of 12am to 6am because of the anti-social behaviour it caused.

It wasn't decent working people who were the trouble it was teenagers, young adults, youths & yobs. They had little regard for neighbours who lived around about or their property, they were loud drunk and at times violent all fuelled by alcohol. Also I think it will cause drink/driving they can get on the motorway / Ormskirk / Rainford or back into Skelmeedale. Starbucks has been

broken into twice already.

Also when starbucks had an extension built on the side for a subway there was a notice put up facing away from our houses and about 3 inches off the ground so no one could see it because we would have objected, we are already seeing more litter thrown around.

Now they have done the same with this request for an extended licence they have put it up on a lamppost facing away from our homes facing a brick wall which I feel is very unfair of the council to do this.

My objections are :- encouraging drink driving rowdy youths / teenagers young adults & jobs who have no regard for persons who live by the garage or their property. I hope you will think of this when you make your decision

Yours Faithfully



Brown, Julia

To: Elsden, Philip
Subject: RE: Reps for Costcutter,express, Bickerstaffe service station, Southport Road.

From: Elsden, Philip [REDACTED]
Sent: 12 June 2015 12:29
To: Murray, Michaela
Subject: Reps for Costcutter,express, Bickerstaffe service station, Southport Road.

All,

With regards to the above application to vary the premises licence, I would like to make the following representation. I am concerned that the premises could suffer an increase in travelling criminality giving its proximity to the M58 and being the only premises in that area selling alcohol 24hrs. Having had a look at the proposed conditions, I would like to request the applicant accept the following minor amendments regarding CCTV and late night sales :-

Additional mandatory conditions

“The premises will be fitted with a formal digital CCTV system consisting of day/night capable cameras. These cameras are required to cover the interior and exterior of the premises.

The CCTV images should clearly show actions of persons involved in an incident, give evidence of identity of offenders and also show an overall view of the scene.

CCTV signage should be displayed both internally and externally to the premises. A4 size advisory CCTV signage must be erected on the front door. The external CCTV camera should ideally be caged.

The CCTV recording equipment shall be stored in a secure location e.g. in a locked room and the monitor shall be placed behind the counter. Recordings should be stored on the systems digital hard drive for at least 30 days and a member of staff must be formally identified to download images when requested to do so within a timescale of 2 working days”

Between the hours of 23:00 and 05:00 the doors must be locked and a ‘Night Hatch Service’ must be used for transactions with access at the discretion of the cashier.

Regards

PS2520 Elsden

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