

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.

PRESENT: Councillor Delaney (Chairman)

Councillors: Devine
Mee

Officers: Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Ms M Murray)
Assistant Solicitor (Ms R Chadwick)
Principal Member Services Officer (Mrs S Griffiths)

In attendance: Mr R Arnot (Ward Hadaway Law Firm)
Mr P Willcox (Co-operative)

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. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 October 2015 be noted.

31. LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Hearing Procedure.

32. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF FORMER MOUNT CARMEL PLAYING FIELD (ADJACENT TO AUGHTON PARK TRAIN STATION), LONG LANE, AUGHTON, L39 5BU

Consideration was given to the report of the Assistant Director Community Services as contained on pages 309 to 335 of the Book of Reports in respect of an application for a Premises Licence in respect of Former Mount Carmel Playing Field (adjacent to Aughton Park Train Station), Long Lane, Aughton, L39 5BU.

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 public nuisance’ and ‘prevention of crime and disorder’

On hearing evidence from the Applicants Solicitor, the Sub – Committee:-

RESOLVED: That the application be granted as applied for as follows:-

- i) the premises open to the public between 07.00 hours and 22.00 hours daily
- ii) the sale of alcohol shall be permitted between 07.00 hours and 22.00 hours daily.



WEST LANCASHIRE BOROUGH COUNCIL

LICENSING AND GAMBLING COMMITTEE LICENSING SUB COMMITTEE

HEARING PROCEDURE

1. The 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).
4. The Chairman asks the Director of Leisure and Wellbeing (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 each Responsible Authority (if present) and concluding with the Sub-Committee.
6. 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 Applicant and concluding with the Sub-Committee.
7. Relevant Representations – Interested Parties (if present)
 - (c) 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.

- (d) The other parties to the hearing may then ask questions of the Interested Parties and witnesses, commencing with the Applicant and concluding with the Sub-Committee.
- 8. If several representations (objections) have been received, Interested Parties may 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 Interested Parties being questioned.
- 9. The Chairman to ask all parties and the Sub-Committee if they have any further relevant questions or comments arising from the hearing.
- 10. Interested Parties, Responsible Authorities 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 to determine the application calling the Legal Advisor and Member Services Officer as needed.
- 11. When the Sub-Committee returns the Chairman will announce the decision and give reasons. All parties to the hearing will receive confirmation of the decision in writing within five working days.

End.

If any of the parties, representative 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:

4 MARCH 2016

Report of: Director of Leisure and Wellbeing

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

SUBJECT: APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL DESIGNATED PREMISES SUPERVISOR FOR A PREMISES LICENCE IN RESPECT OF RED ROCK STEAK HOUSE, 140 STATION ROAD, HESKETH BANK

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application to vary a premise licence to specify an individual Designated Premises Supervisor under the Licensing Act 2003 (the Act) in respect of Red Rock Steak House, 140 Station Road, Hesketh Bank.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

- | | | |
|-----|---------------------------------|---|
| 3.1 | Address of Premises: | Red Rock Steak House
140 Station Road
Hesketh Bank
PR4 6SR |
| 3.2 | Premises Licence Holders: | Serlect Services Ltd
140 Station Road
Hesketh Bank
PR4 6SR |
| 3.3 | Designated Premises Supervisor: | Shaun Peter Hartley
31 Bela Grove
Blackpool
FY1 5RD |

4.0 THE APPLICATION

4.1 On 28 January 2016 an application to vary a premises licence to specify an individual Designated Premise Supervisor Licence was received, a copy of which is attached as Appendix 1 to this report.

5.0 POLICE REPRESENTATION

5.1 Lancashire Constabulary submitted a representation against the grant of the application on 11 February 2016, a copy of which is attached as Appendix 2 to this report. The representation raises concerns regarding the potential for failure to co-operate with Responsible Authorities and criminal activities within the premises. The representation is made under the 'prevention of crime and disorder' Licensing Objective.

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 (the 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 where a representation from the Police is received the Licensing Authority must hold a hearing to consider it unless the parties agree that a hearing is unnecessary.

6.4 The Licensing Authority, having regard to the representation:-

- (i) Must reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (ii) Grant the application in any other case.

6.5 In deciding which of these powers to use it is expected that the Licensing Authority should, so far as possible, seek to establish the causes of the concerns that the representation identifies. 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 4 Prevention of Crime and Disorder pages 10-12

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

Application to vary a premise licence to specify a Designated Premises Supervisor	(Appendix 1)
Police Representation	(Appendix 2)



West Lancashire Borough Council Licensing Service

Application to vary a premises licence to specify an individual as
designated premises supervisor under the Licensing Act 2003

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE
Tel: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Website: www.westlancs.gov.uk/licensing

Application to vary a premises licence to specify an individual as designated premises supervisor 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 Red Rock Steak House (Selected Services Ltd)
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises Licence Number

LN/00002891

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
140. STATION ROAD. HESKETH BANK	
Post town	PR4-6SR
Post code	PR4-6SR

Telephone number of premises (if any) 01772-814652

Description of Premises (please read guidance note 1)

RESTAURANT AND BAR

Part 2

Full name of proposed designated premises supervisor

SHAUN PETER HARTLEY

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

PA 0954 . BLACKPOOL

Full name of existing designated premises supervisor (if any)

GIUSEPPE FONTANA

Please tick ✓ (yes)

I would like this application to have immediate effect under Section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick ✓ (yes)

- I have made or enclosed payment of the fee

- I will give a copy of this application to the chief officer of police

- I have enclosed the consent form completed by the proposed premises supervisor

- I have enclosed the premises licence, or relevant part of it or explanation

- I will give a copy of this form to the existing premises supervisor, if any

- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature: S.R. Hartley

Date: 28-1-2016

Capacity: PARTNER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 4). 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 7)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	hartleyslaw13@gmail.com

Guidance Notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



West Lancashire Borough Council
Licensing Service

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE

Tel: 01695 577177

Fax: 01695 585126

Email: licensing.enquiries@westlanacs.gov.uk

Website: www.westlanacs.gov.uk/licensing

Consent of individual to being specified as premises supervisor

I, SHAUN PETER HARTLEY
[insert full name of prospective premises supervisor]

of:
31, BELA GROVE, BLACKPOOL FY1-5RD.

[Insert home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for:

Variation of DPS
[Type of application]

by:
SHAUN P
[Insert name of applicant]

relating to a premises licence: LN/2891
[Insert number of existing licence, if any]

For:
RED ROCK STEAK HOUSE, 140 STATION RD
PR4-6SR
[Insert name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by:

Red Rock Steak House (Serted Services Ltd)
[Insert name of applicant]

Concerning a supply of alcohol at:

RED ROCK STEAK HOUSE, 140, STATIONS RD,

MESKETH BANK, PRA-6SR

[Insert name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for, or currently hold a personal licence, details of which I set out below:

Personal licence number: PA 0954
[Insert personal licence number, if any]

Personal licence issuing Authority:

BLACKPOOL
[Insert name and address and telephone number of personal licence issuing authority, if any]

Signed:



Name (please print):

SHAUN PETER HARTLEY

Dated:

28-1-2016

From: Bushell, Anthony <Anthony.Bushell@lancashire.pnn.police.uk>
Sent: 11 February 2016 10:40
To: Murray, Michaela
Cc: Robson, Linda
Subject: DPS Variation - Red Rock Steak House

Morning

We are in receipt of an application to vary the Designated Premises Supervisor at Red Rock Steak House, Station Road, Hesketh Bank. The proposed DPS is Shaun Hartley. With regards this application the police feel there are exceptional circumstances which mean the granting of this application would undermine the Prevention of Crime and Disorder Licensing Objective.

The grounds for the representations are as follows;

Shaun Hartley appeared before Blackpool Magistrates on 14th January 2015 where he was convicted for offences of selling goods bearing false trade marks. Although this is not a relevant offence under Schedule 4 of the Licensing Act 2003, as the goods subject of the offence were not alcohol it is a criminal offence with a dishonest element.

It has also come to police attention that Lancashire Trading Standards are investigating offences relating to the substitution of alcohol at the premises subject of this information. They have tried on numerous occasions to arrange to interview Hartley in relation to these offences. Hartley has indicated that he will meet with them but to date has failed to do so. It is the intention of Trading Standards that if unable to obtain an explanation from Hartley they will have no alternative but to prosecute him.

The police have contacted Hartley to arrange an interview in relation to the application to be DPS, during the conversation it was pointed out to Hartley that Trading Standards needed to speak to him and that there was a possibility he may face prosecution for the offences. He stated he would resolve the problem and contact them.

Arrangements were made to meet Hartley at 10am Thursday 11th February 2016, however he contacted the police to inform them that he is shutting the premises and will be withdrawing his application to become DPS. A check with Trading Standards confirms that Hartley has failed to make contact with them as promised.

The substitution of alcohol is a criminal offence and it would appear that Hartley is actively failing to co-operate with authorities, we feel a DPS should be someone who is willing to work with responsible authorities and if they demonstrate they are unable to do so then it is felt they are not suitable to be involved in running or managing licensed premises.

Regards

PS 1506 Tony Bushell
South Licensing - Preston and West Lanes
Preston DHQ
Lancaster Road North
Preston
PR1 2SA
01772 209794
07984650358
anthony.bushell@lancashire.pnn.police.uk

