



Jacqui Sinnott-Lacey
Chief Operating Officer
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Thursday, 17 August 2023

TO: COUNCILLORS P BURNSIDE, G OWEN AND I ECCLES

Dear Councillor,

**ADDITIONAL INFORMATION - LICENSING & GAMBLING SUB-COMMITTEE
MONDAY, 21 AUGUST 2023**

Please find attached Alpine License Chronology 16.08.2023 pertaining to Alpine Club Lodge.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL' with a flourish.

Jacqui Sinnott-Lacey
Chief Operating Officer

**AGENDA
(Open to the Public)**

8. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF ALPINE CLUB LODGE, RAILWAY ROAD, ORMSKIRK, L39 2DN** 331 - 334
To consider the report of the Corporate Director of Place and Community.

We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

FIRE EVACUATION PROCEDURE: Please see attached sheet.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-

Chloe McNally on 01695585207

Or email Chloe.McNally@westlancs.gov.uk

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S) Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Alpine Licences Chronology

With regards the Alpine Licences that have been provided to all parties as Appendices to the Hearing report, they are incorrect with regards the DPS specified in each licence.

There has been an administrative change to LN 5834 which updated the DPS record relating to this licence, to show Lee Green as the current DPS. This was in fact a replication of the DPS record on LN8442.

This was done as it was initially thought there had been an administrative error in relation to attaching the correct application to the correct licence. This has been created partly due to the way the licences and accompanying worksheets are ordered on our database.

As a result of correspondence received yesterday it has prompted a more in-depth scrutiny of the worksheets and in particular the original applications submitted by the Premises Licence Holders.

As a result, the below is an outline of the chronology of applications and detailed which licence they related to.

At the end of this document, I have listed what should be the correct DPS records for each premises based on the applications made by the Premises Licence Holders and also consideration of potential offences under the Licensing Act 2003 'the Act'.

Application Chronology

10/03/16 – Worksheet (WK) 214166 – Transfer Premises Licence application. Transfer to Lancashire Leisure Ltd (**LN5051**)

10/03/16 - WK 214167 - DPS variation application received by West Lancashire Borough Council (WLBC) made by Lancashire Leisure Ltd. This proposed Adam Cooke as the new DPS. (**LN5051**)

17/11/17 – WK235225 – New Premises Licence Application for 17 – 23 Railway Road. Application made by Whitfields Solicitors on behalf of Lancashire Management Ltd. The proposed DPS on the new licence is Adam Cooke (**LN8442**)

04/06/18 – WK240466 - New Premises Licence Application for 17 – 23 Railway Road. Application made by Whitfields Solicitors on behalf of Lancashire Management Ltd. The proposed DPS on the new licence is Adam Cooke (**LN8534**)

11/07/18 – WK242014 – DPS variation application received by WLBC made by Whitfields Solicitors on behalf of Lancashire Management Ltd. This proposed Scott Flannery as the new DPS replacing Adam Cooke.

It is assumed that this was in fact to vary the DPS on LN 8442 and it has been attached to that record. We believe this was the intention of Lancashire Management Ltd. However, upon checking the original application form submitted it details the licence number reference as LN5051. This is further confirmed as the applicants have submitted old premises licence with the application and this is LN5051. Therefore, the application was attached to the wrong component and incorrectly updated the DPS record on LN8442 when it should have updated LN5051

16/04/21 – WK265632 – DPS Variation received by WLBC made by Martin Fessey as the director of Lancashire management Ltd. This proposed Martin Fessey as the new DPS. The application form references LN 8442 and also states that the current DPS was Scott Flannery.

As stated above this further re affirms the intention to put Scott Flannery on as DPS for LN 8442 but that is not what the application specified. This application was attached to the correct component LN 8442

30/04/21 – WK265938 - DPS Variation received by WLBC made by Martin Fessey as the director of Lancashire management Ltd. This proposed Lee Green as the new DPS replacing Martin Fessey. The application form references LN 8442 and references the current DPS as Martin Fessey.

This is the current DPS for LN8442, the application was attached to the correct component LN8442.

DPS Chronology based on the applications.

LN 5051

Adam Cooke 10/03/2016 to 11/07/2018

Scott Flannery 11/07/2013 to present

LN 8442

Adam Cooke 17/11/17 to 16/04/2021

Martin Fessey 16/04/2021 to 30/04/2021

Lee Green 30/04/2021 to present

LN 8534

Adam Cooke 04/06/2018 to present

Further Considerations

The below considerations are based on the current information we hold with regards the three live premises licences.

LN5051 – this is a live licence which has been renewed each year as it still attracts an annual fee which appears to have been paid regularly. However, this licence is effectively defunct as it relates to the premises which was at 17 – 21 Railway Road and the plan attached to the licence, which forms part of the authorisation to provide licensable activities, is not reflective of the current premises layout.

Therefore, any provision of licensable activities under this licence would be unauthorised and a criminal offence under the Act.

LN8442 – there are three areas of consideration for this licence and whether the Premises Licence Holder operating under this licence would be committing offences under the Act.

1. This is a live licence, however, there has been no licence fee paid on this licence since it was granted.

The rateable value of the premises puts it in Band B so attracts an annual fee of £180.00. Therefore, it appears the PLH owes the council 5 years fees from July 2019 to July 2023. This would be a total of £900.00.

This being the case it could be argued that as the annual fee was not paid on the anniversary of the licence grant then the licence would be suspended and therefore provision of licensable activities unlawful.

2. LN8442 relates to the expansion of the premises from 17 – 21 to 17 – 23 Railway Road and the plan attached with the new application reflects this increase in area. However, the current layout of the premises differs from the plan forming part of the authorisation of LN8442 and as such any provision of licensable activities under this licence again would be unlawful.

3. With regards the DPS variation applications, due to the error in the application as outlined above regarding Scott Flannery, it would appear that there has been no change of DPS from 17/11/17 till Martin Fessey took over on 16/04/21. Technically therefore, from the erroneous application made on 11/07/18 (when presumably Adam Cooke left the premises) to 16/04/21 there has been no DPS. If this is the case then any alcohol sales between those dates would be unlawful.

LN 8534 - this is a live licence which has been renewed each year as it still attracts an annual fee which appears to have been paid regularly.

This licence contains the most up to date conditions and a plan that is reflective of the current layout. Therefore, this is the licence that the Premises Licence Holder should be compliant with.

On initial application on 04/06/2018, Adam Cooke was specified as DPS. If, as it appears Adam Cooke left the premises/company on 11/07/2018 (based on Scott Flannery transfer) then there has been no DPS associated with this licence since 11/07/2018 to present date. Therefore, any reliance on this licence for the sale by retail of alcohol between the dates specified would be unlawful.

