



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

6 July 2016

TO: COUNCILLORS N DELANEY, DEVINE AND J KAY

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **TUESDAY, 19 JULY 2016** at **10.30 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

1. APOLOGIES

2. MEMBERSHIP OF THE COMMITTEE

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure rule 4.

3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

4. DECLARATION OF PARTY WHIP

Party Whips are not to be used by this Committee in respect of its functions concerning the determination of New and Temporary Licence Applications, Reviews, Variations, Transfers, Provisional Statements, Interim Authority, Cancellation of Gaming/Club Machine Permits and Counter Notice to Temporary Use Notice. When considering any other matter which relates to a decision of the Cabinet or the performance of any Member of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of any Party Whip and the nature of it, before the commencement of the Committee's deliberations on the matter.

5. DECLARATIONS OF INTEREST

1 - 2

If a Member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of Members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

6. MINUTES

3 - 4

To receive as a correct record the minutes of the meeting held on 4 March 2016.

7. LICENSING HEARING PROCEDURE

5 - 6

**8. APPLICATION FOR A PREMISES LICENCE IN RESPECT OF
WARBRECK GARDEN CENTRE, LYELAKE LANE, LATHOM,
ORMSKIRK, L40 6JW**

7 - 54

To consider the report of the Director of Leisure and Wellbeing.

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:-
Julia Brown on 01695 585065
Or email julia.brown@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**.

Agenda Item 5

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: Kay

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

In attendance: Lancashire Constabulary (PS 1506 Sergeant Bushell)

33. APOLOGIES

Apologies for absence were received on behalf of Councillor Devine.

34. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

35. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

36. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

37. DECLARATIONS OF INTEREST

There were no declarations of interest.

38. MINUTES

RESOLVED That the minutes of the meeting held on 27 November 2015 be noted.

39. LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Procedure.

40. APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL DESIGNATED PREMISES SUPERVISOR FOR A PREMISES LICENCE IN RESPECT OF REDROCK STEAK HOUSE, 140 STATION ROAD, HESKETH BANK.

Consideration was given to the report of the Director of Leisure and Wellbeing as circulated and contained on pages 343 - 353 of the Book of Reports in respect of an application to vary a premises licence to specify an individual Designated Premises Supervisor in respect of Red Rock Steak House, 140 Station Road, Hesketh Bank.

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 which on this occasion was 'the prevention of Crime and Disorder.

The applicant was invited to the meeting but did not attend.

On hearing evidence from the Lancashire Constabulary the Sub-Committee:-

- RESOLVED A. That the application to vary a premises licence in respect of Red Rock Steak House, 140 Station Road, Hesketh Bank be refused due to the high risk that the Crime and Prevention objective would be undermined for the following reasons:-
- i) the Committee accept the evidence from the Police that the applicant has already been convicted of offences of selling goods bearing false trademarks. The Committee believes that this demonstrates a propensity for wrong doing combined with a high level of dishonesty.
 - ii) the Committee accept that formal prosecution has not taken place in relation to the substitution of alcohol at the premises and that the applicant is innocent until proven guilty, the Committee accept the Police's evidence that Lancashire Trading Standards have sufficient evidence to warrant pursuing a prosecution.
 - iii) the Committee considers that the applicant's failure to engage with the Responsible Authorities raises serious concern over his ability to properly run the premises in accordance with the relevant legislation.
 - iv) the applicant failed to attend the hearing and therefore the committee was unable to consider any substantiating evidence in support his application.



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. 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 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)

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

- (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).
 11. 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.
 12. 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.
 13. All parties to the hearing will be provided with the decision and accompanying reasons in writing within five working days of the date of the hearing.

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:

LICENSING SUB-COMMITTEE:

19 July 2016

Report of: Director of Leisure & Wellbeing

Contact for further information: Mrs Samantha Jordan (Extn 5315)
(E-mail: Samantha.jordan@westlancs.gov.uk)

**SUBJECT: APPLICATION FOR A PREMISES LICENCE IN RESPECT OF
WARBRECK GARDEN CENTRE, LYELAKE LANE, LATHOM, ORMSKIRK, L40 6JW**

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) for a Premises Licence in respect of Warbreck Garden Centre, Lyelake Lane, Lathom, Ormskirk, L40 6JW.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1 Address of Premises: Warbreck Garden Centre
Lyelake Lane
Lathom
Ormskirk
L40 6JW

3.2 Premises Licence Holder Richard Allison
The Cottage
Moss Side
Formby
L37 0AF

4.0 THE APPLICATION

- 4.1 On 5 May 2016 an application for a Premises Licence was received. However the premises notice was incorrect as the deadline date was not 28 days from the date the application was accepted. Therefore the application was only accepted from 24 May 2016. A copy of the application is attached as Appendix 1 to this report.
- 4.2 A location plan is also attached as Appendix 2 to this report.

5.0 RESPONSIBLE AUTHORITIES-ENVIRONMENTAL PROTECTION

- 5.1 A Senior Environmental Health Officer met with the applicant and discussed their intentions with regard to the types of events and activities that they plan to run under the premises licence. A site visit was also carried out.
- 5.2 The applicant agreed to reduce the operating times on the premises licence to 2300 hours Sunday to Wednesday and 0000 hours Thursday, Fridays and Saturdays.
- 5.3 The applicant also agreed to accept further conditions put forward by the Senior Environmental Health Officer these are attached as appendix 3.

6.0 RELEVANT REPRESENTATIONS - MEMBERS OF THE PUBLIC

- 6.1 Nine relevant representations have been received from members of the public along with two representations from Lathom South Parish Council and Paul Cotterill, Councillor for Bickerstaffe Ward on behalf of some of the neighbours who live in the locality of the premises and do not support the application. These representations are attached as Appendix 4 to this report.
- 6.2 A petition against the grant of the application has also been received, which includes 33 names of members of the public. However, 5 of these names are included in the nine representations detailed above. The petition is attached as Appendix 5.
- 6.3 The representations detailed above raise concerns regarding potential disturbance from noise and disorderly behaviour. The representations are made under the 'prevention of public nuisance' Licensing Objective.
- 6.4 All members of the public who have made a representation have been advised of the new timings and conditions agreed between the applicant and Environmental Protection.

7.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 7.1 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.

7.2 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

7.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

7.4 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

7.5 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.

7.6 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 & Disorder	pages 10-12
Section 4	Prevention of Public Nuisance	pages 14-16
Section 8	Consideration of Premises Licences & Club Premises Certificates	pages 28-32

8.0 HUMAN RIGHTS ACT IMPLICATIONS

8.1 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.

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

9.1 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).

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

10.1 No additional financial or other resources are required.

11.0 RISK ASSESSMENT

11.1 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)
Location plan	(Appendix 2)
Environmental Protection conditions	(Appendix 3)
Members of the public, Lathom South Parish Council representation & Councillor for Bickerstaffe Ward.	(Appendix 4)
Petition	(Appendix 5)

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Company Director

Address

Building number or name	The Cottage
Street	Moss Side
District	Formby
City or town	Liverpool
County or administrative area	Merseyside
Postcode	L37 0AF
Country	United Kingdom

Contact Details

E-mail	richard@warbreck.co.uk
Telephone number	
Other telephone number	

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Warbreck Garden Centre is located in a rural location with a very low density of residential property in the vicinity and occupies an area of approximately 5 acres. The premises have become a popular leisure destination and includes a 150 seat restaurant in addition to offering gardening, lifestyle and giftware products. The garden centre hosts a broad spectrum of primarily daytime events suited to families and its core gardening customers. It is intended that the entire site is licensed for both on and off supply of alcohol and entertainment both during daytime trading hours and evening events. On supply will primarily be served with a meal in the restaurant. Off supply products will primarily be sold from within the main garden centre building. The range of alcoholic products will appeal to a mature clientele.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Occasional live music may be played indoors or outdoors, however, this will only be indoors after 11pm.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Occasional recorded music may be played indoors or outdoors, however, this will only be indoors after 11pm.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

Start

End

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

Start

End

End

WEDNESDAY

Start

Start

End

End

THURSDAY

Start

Start

End

End

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

It is anticipated that some evening restaurant based events will run past 11 pm. This may include the serving of alcohol and amplified music.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The garden centre and restaurant will not be providing late night refreshment as part of its normal trading pattern but will occasionally for ticketed events throughout the year.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The premises intends to sell alcohol beyond standard garden centre opening hours during a number of scheduled events throughout the year.

The premises may in the future sell alcohol via the internet, typically as part of gift hampers.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- A risk assessment has been carried out against the licensing objectives and appropriate measures implemented
 - A revised staff training schedule has been implemented to cover additional hazards that may result from licensed activity
 - All applicable servers will complete "The Essentials of Alcohol Workbook". Completed tests and declaration sheets will be kept in personnel files as a record of training.
 - Site developments are scheduled to enhance site safety after dark - lighting

b) The prevention of crime and disorder

- CCTV and good lighting are installed throughout the site. More vulnerable areas have enhanced cover.
 - Events will be family orientated or appeal to a mature audience.
 - The DPS will typically be present coordinating evening events
 - Staff inductions / ongoing training cover procedures for dealing with crime or disorder.

c) Public safety

- A comprehensive H&S policy is in place. Risk assessments are periodically updated and monthly maintenance checks carried out on to minimise site risks.
 - 3 qualified first aiders on the premises
 - Fire procedures are regularly tested and trained out to staff. Refresher Fire Marshall training is scheduled.

d) The prevention of public nuisance

- No licensable activity will take place outside after 11pm
 - All doors and windows will be closed after 11pm
 - Many events will be ticketed to ensure customer numbers are controlled
 - Customers will be supervised when leaving the premises
 - Signage will be displayed reminding customers to leave quietly

e) The protection of children from harm

- Implement a 'Challenge 25' age verification policy, including the display of relevant posters to inform customers. No proof no sale. Establish a refusals book for staff to record occasions when a request for alcohol is refused.

Continued from previous page...

- Ongoing staff training. All servers to complete "The Essentials of Alcohol Workbook" applicable to their area or work - i.e. on or off supply retail areas.
- Events will be family orientated or appeal to a mature audience

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

All premises are banded in to five categories, depending upon the non-domestic rateable value (business rates) of the premises:

A = £0-£4,300

B = £4,301-£33,000

C = £33,001-£87,000

D = £87,000-125,000

E = £125,001 and over

The fee for a new Premises Licence is:

A = £100

B = £190

C = £315

D = £450

E = £635

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Continued from previous page...

Date (dd/mm/yyyy)

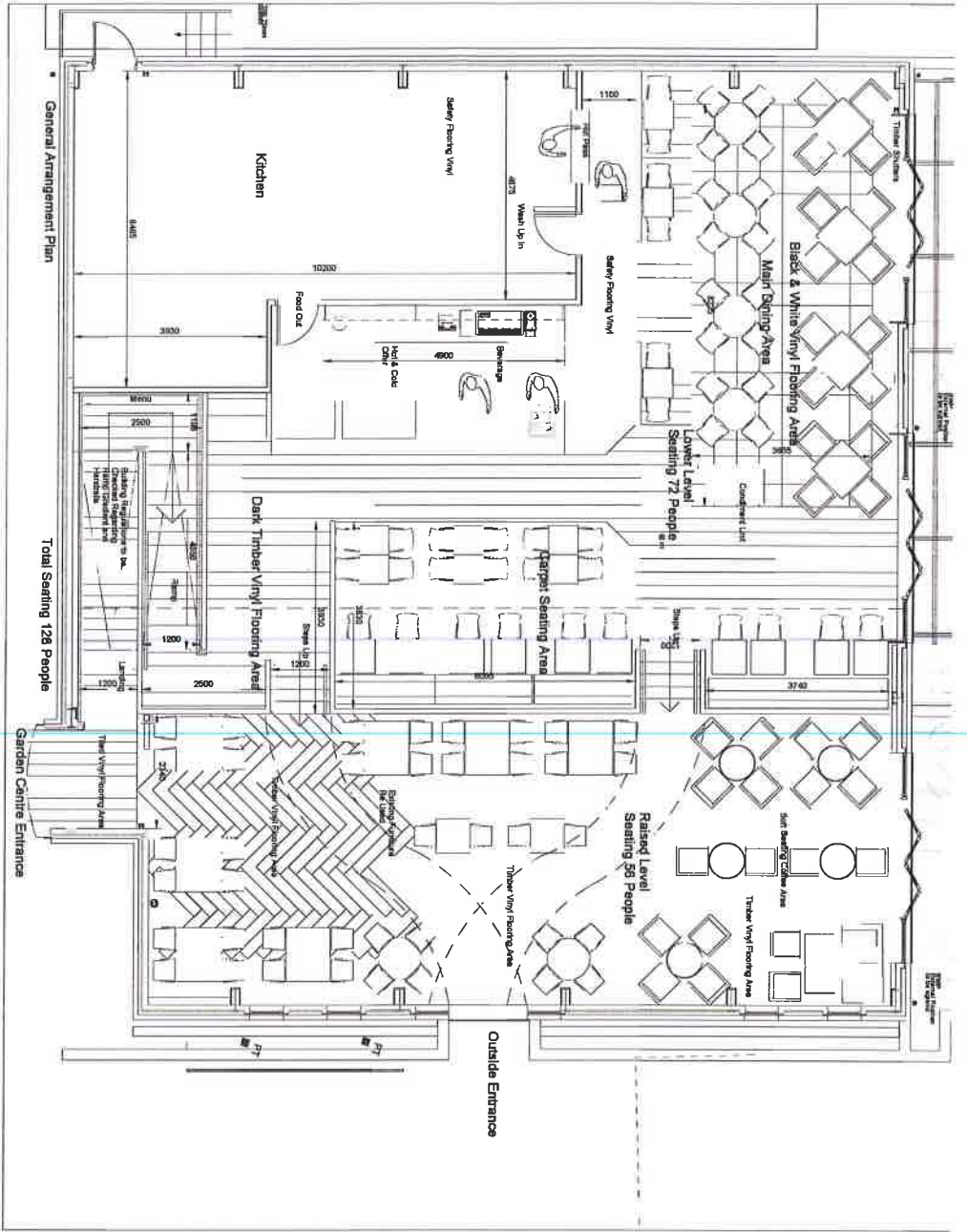
Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/west-lancashire/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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



General Arrangement Plan

Counting System

Date	By	Area	Count	Notes

On one scale, show General Arrangement Plan.

All dimensions to be provided on the plan to the nearest 1/8" (3.175 mm).

The drawing is to be used in conjunction with all other documents for the project.

This drawing is prepared by WARD INTERIORS LLC.

Ward Interiors
 158 8 Ave
 Suite 100
 Denver, CO 80202
 Phone: 303.733.1111
 Fax: 303.733.1112
 www.wardinteriors.com

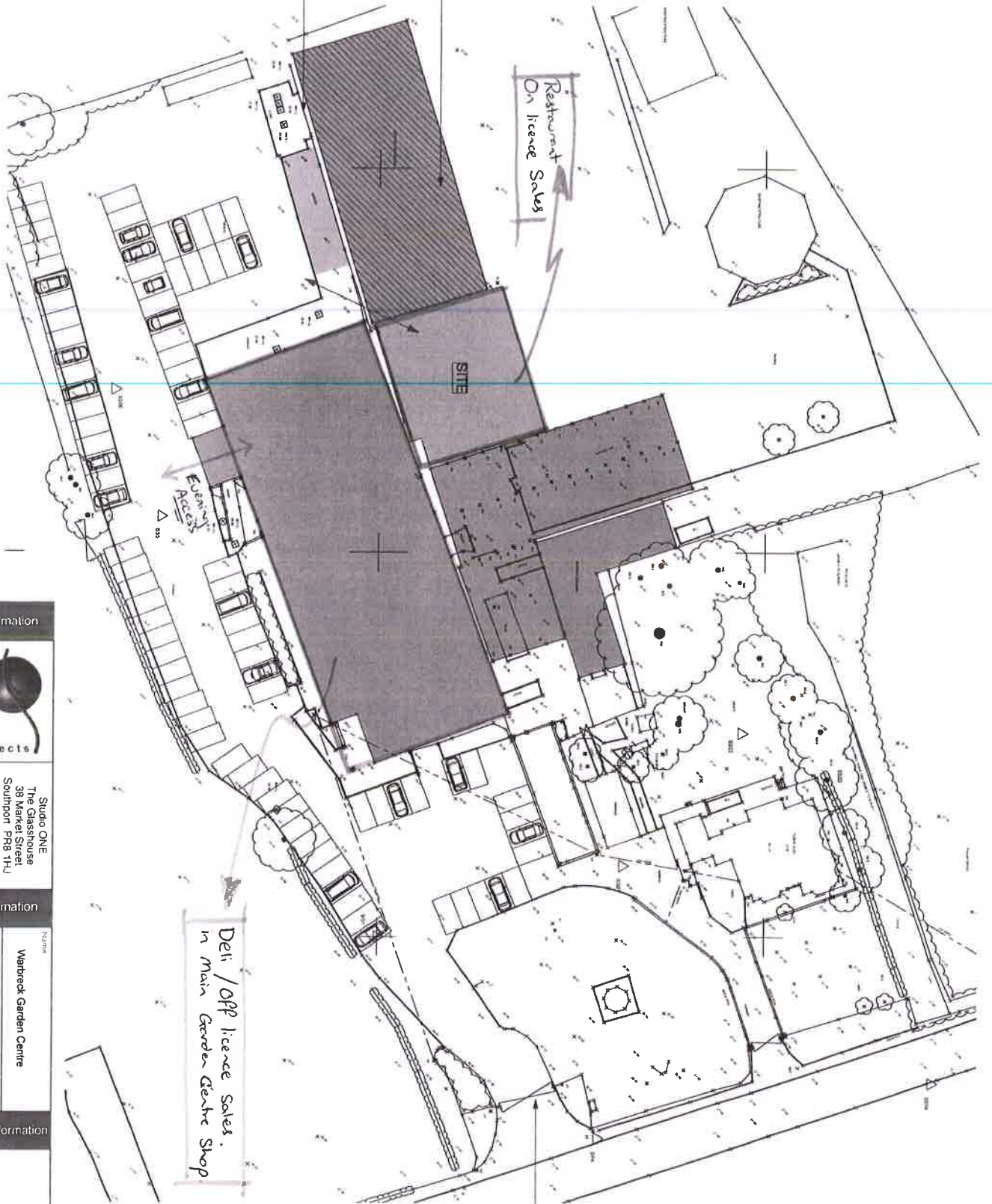


215430



EXISTING CANOPY TO BE REMOVED DURING CONSTRUCTION WORKS TO FORM ACCESS TO THE SITE FROM THE CAR PARK

SITE COMPOUND (Extent of car park to be utilised for site compound to be agreed between Warbreck Garden Centre and client)



Deli / OPP licence Sales.
in Main Garden Centre Shop

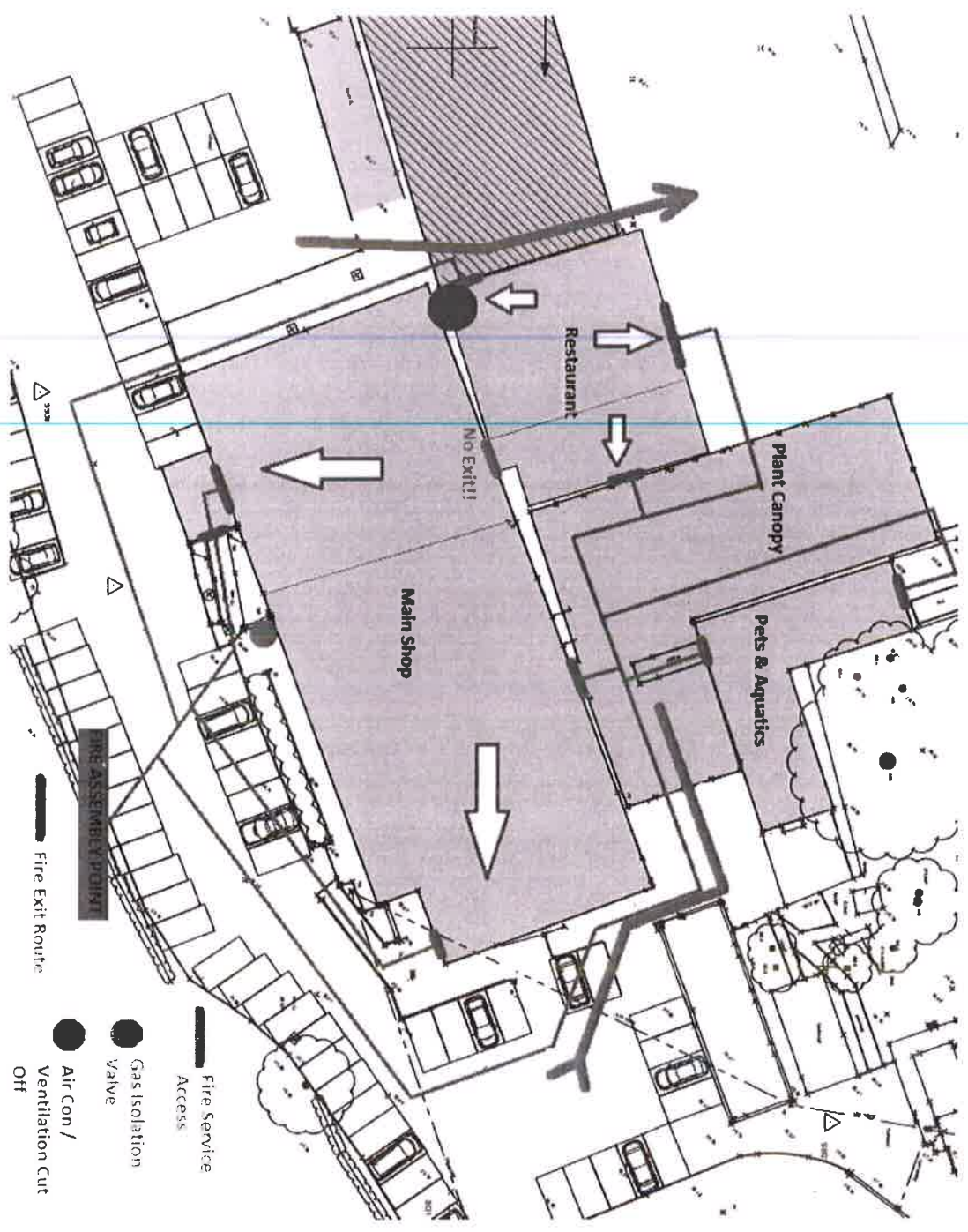
ACCESS TO SITE COMPOUND & SITE

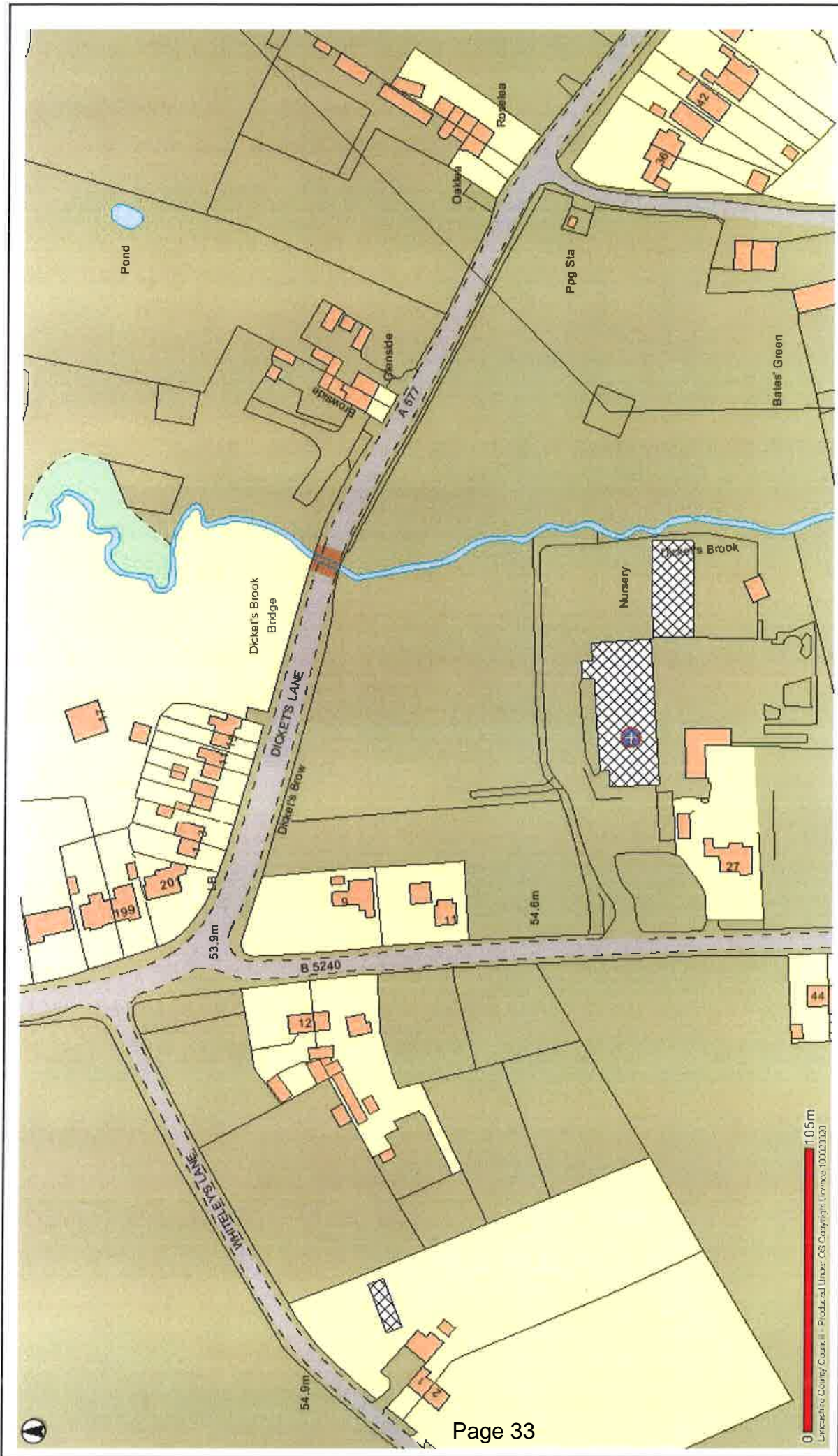
BUILDING REGS

<p>Rail Information</p> 	
<p>Studio ONE The Glasshouse 36 Market Street, Southport PR8 1HU T: 01704 865511 F: 01704 865522 studio@ralarchitects.com www.ralarchitects.com</p>	
<p>Job Information</p>	
Name	Warbreck Garden Centre
Number	0207594
<p>Drawing Information</p>	
Number	SC01
Reviewer	
Date	Oct '14
Scale	1:500 @ A3
<p>Site Compound</p>	

This drawing is protected under the copyright of RAL Architects Ltd. All dimensions to be checked on site prior to commencement of construction. Any discrepancies will be reported to RAL.

FIRE EVACUATION PLAN – FIRE MARSHALL DETAIL





Warbreck Garden Centre

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Date: 22/06/2016





Memorandum

To Senior Licensing Officer Ref: 215797
From Environmental Protection and Community Ref:
Safety Manager
Subject Warbreck Garden Centre, Lyelake Lane, Lathom
Date 14th June 2016

Thank you for consulting me with regard to this premises licence application.

I did have some initial concerns about noise particularly with the applicant applying for the licence to run till 0100 hours every day of the week. This is because although the area is rural there are residential properties in fairly close proximity.

I have met with the applicant and discussed their intentions with the types of events and activities that they plan to run under the premises licence and carried out a site tour where I was able to see the location of the restaurant where the majority of evening events will take place, along with its car park area.

The applicant has also agreed to reduce the operating times on the premises licence to 2300 hours Sunday to Wednesday and 0000 hours Thursday, Fridays and Saturdays at 0000hrs.

I further discussed with the applicant that I felt that some of the risks to the prevention of the public nuisance objective were not fully covered and so the applicant has agreed to accept the following further conditions:

- Noise from music and associated sources (including D.J.'s and amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises at any time.
- Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 2200 hours.
- The placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 2000 hours and 0800 on any day so as to prevent disturbance to nearby premises.
- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

- The licensee shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

Please note that these conditions should be attached in addition to those already specified under the public nuisance objective by the applicant.

On this basis I have no objections to this premises licence application.

.....
Gill Perkins
Senior Environmental Health Officer
Ext 5633

Jordan, Samantha

From: Scott Craig [REDACTED]
Sent: 17 June 2016 13:01
To: Licensing Enquiries
Cc: Jordan, Samantha
Subject: 42837/warbreck

Hi,

Following telephone conversation this morning with one of your colleagues. We are shocked and appalled that Warbreck garden Centre have put in for a Application for an out of hours alcohol licence. The alcohol licence I believe is for late night music events, indoor and outdoor to be allowed seven nights a week upto 1am in the morning directly across from our family home.

This is a complete change of usage of the garden centre and is not in keeping with its rural location. Warbreck Garden Centre over the last ten years has aggressively expanded their business and this is already causing an impact with local residence with light and noise pollution but this is just a step to far.

My main concerns will be the noise of revellers partying until 1am as the premises faces my house. The other major concern will be the nuisance caused by the drunken revellers leaving the premises after they have stopped serving alcohol which will be past 1am. There will be noise and disturbance from taxis and cars leaving the premises all evening long and the overspill of people walking home down dark country roads and the potential hazard that it brings.

The granting of this licence will have a direct negative impact with residence within a ½ mile radius of the premises and gravely reduce the quality of life in a small rural area

I and my family and like many others in the area moved to our current home over 13 years ago to get away from such noise and light pollution which we experienced in our local town for a quieter life.

Lastly and I do not know if this holds any bearing to my appeal against this licence, there will also be a quite severe negative impact to property values in the area with a noisy entertainment venue within ear shot of our homes. I will appreciate if you can make contact with myself to discuss my concerns and advise me on what course of action can be taken to prevent this licence application going through.

Please note we are happy to see a local business thrive but Warbreck garden centre is just that a garden centre and not a events venue such a thing would never of been allowed when the business started up.

SCOTT CRAIG

THE BROWSIDE
DICKETS LANE
LATHOM

WN8 8UH

HOME: [REDACTED]

OFFICE: [REDACTED]
[REDACTED]
[REDACTED]

Jordan, Samantha

From: [REDACTED]
Sent: 20 June 2016 10:13
To: Jordan, Samantha
Subject: Warbreck garden centre application

We wish to register our objections to the application for the license for alcohol and music at Warbreck Garden Centre. The reasons for this are as follows:

Public nuisance on what is a quiet residential area.

Public Safety on a narrow country lane with little and no pavements, increased volume of traffic and minimal street lighting at night time could be compromised, especially where alcohol is consumed.

Public welfare of the community, indoor and outdoor loud music will create noise pollution for properties within a few miles radius as it will carry quite easily over the surrounding fields causing disturbance.

Insecure boundaries of the garden centre could cause adjacent properties potential for intrusion.

We oppose all applications for alcohol and music to be consumed on this property as it implies more of a change of business considering this is but a garden centre when all is said and done.

Yours sincerely
Mr & Mrs Earnshaw
46, Lyelake Lane
L406JZ

Jordan, Samantha

From: Sydney Warburton [REDACTED]
Sent: 17 June 2016 11:35
To: Jordan, Samantha
Subject: licence application at warbreck garden centre

I have serious concerns over the recent application seeking an out of hours alcohol licence and late night music events, seven days a week

this application can only spell trouble and aggravation, not to mention the noise disturbance for the residents, many of whom are retirees like myself.

I had to retire early due to ill health and sort a quiet location with views, the noise from events until early morning will cause a lot of stress on myself and other residents, who have sort a quite location to spend our later days in peace

The recent planing given to warbreck to build the named plantation restaurant stated its use was in conjunction with the garden centre, NOT! for holding all night /early morning events.

I put up with the noise of construction knowing it would stop when finished, however the late night music and alcohol consumption will not go away and as stated earlier this will have a great impact on health issues not only to myself but other residents due to sleep deprivation.

~~Not to mention attracting undesirables (drunks) to what is a very respectful area, surely there are enough venues nearby for this sort of activity (late night drinking and loud music)~~

PLEASE NOT HERE IN LATHOM.

Kind regards
Mr S. Warburton.
74 Dicketts Lane

Jordan, Samantha

From: David Mitchell [REDACTED]
Sent: 15 June 2016 13:02
To: Jordan, Samantha
Subject: Licensing objection

Samantha,

I would like to strongly object to the licensing application for a change of use at Warbreck Garden Centre.

Specifically that it become licensed for the sale of alcohol and late night music events.

When all said and done this is a "garden centre" in a quiet rural area. Was the application for the expansion of the Plantation Restaurant just a decoy in order to push forward for a fully licensed music venue. I am sure had the application for that expansion included a request for a liquor license and entertainment license it would have been declined.

I am glad to see a local business thrive and improve but not to the detriment of the local community. With regards the safety aspect it is located on a poorly lit B road immediately adjacent to what is already a very busy and dangerous junction at Iyelake / Dickets Lane, an increase in the volume of traffic at this location late at night coupled with drunken revellers in the road trying to hail taxis can only to the likelihood of more serious and potentially fatal road accidents. The disturbance to the local community would also be colossal, the buildings are adjacent to open ground both front and rear which means that the carriage of sound from live or pre recorded music would go for miles disturbing large portions of the community and livestock.

There is also the Railway PH which is no more than a mile from the location which has closed due to lack of business, it is apparent that this community would not financially support the addition of another licensed premises.

We have well established public houses in the area which are struggling to survive why would we need to permit the addition of another, particularly one that would obviously cause a huge disruption to a quiet rural community and for the reasons described present a hazard to both locals and potential customers given its dubious location.

When all said and done this is a garden centre with a new restaurant why does it need to sell alcohol and become a concert venue..???

Yours sincerely

Dave Mitchell
Local Resident

Jordan, Samantha

Subject: FW: Licensing objection

From: David Mitchell [REDACTED]
Sent: 22 June 2016 14:31
To: Jordan, Samantha
Subject: Re: Licensing objection

Samantha,

I note the points you raised in your previous response in relation to potential restrictions that would be placed in the event of a licence being granted.

It also comes as no surprise that the applicant is prepared to accept these in order to progress their application. I am fairly confident they would agree to walk on hot coals on a daily basis if required.

I note that there is no method of controlling the noise, behaviour or nuisance of perspective patrons who may visit.

Nor is there any provision for the attendance of taxis at the site, which given its rural location would be required.

Finally from a safety perspective there is no provision for a continuous pavement running to either Ormskirk or Skelmersdale, Burscough or St Helens which is where the patrons will gravitate towards. This will necessitate that drunken revellers walk in the live roadway on at best poorly lit areas but invariably without lighting. That alone is a recipe for a fatality and who will that responsibility lie with...??? You, the applicant, the council, certainly not me.

As requested my address
Oaklea, Dickets Lane, Lathom WN8 8UH

Finally yes I have endorsed the petition.

Yours sincerely

Dave Mitchell

Sent from my iPhone

On 22 Jun 2016, at 09:46, Jordan, Samantha <Samantha.Mullen@westlancs.gov.uk> wrote:

189 Wigan Road,
Lathom,
Ormskirk,
Lancashire
L40 6JN
June 19th 2016

Ms S. Jordan
Senior Licensing Officer
WLBC

Dear Ms Jordan,

Licensing application: Warbreck Garden Centre, Lyelake Lane, Lathom

We wish to lodge our objections to this application.

The application states that the location is a 'rural area with a low density of residential property'. The area is actually semi-rural, with a number of residences within the immediate vicinity of the garden centre. It is also within a few hundred yards of the A577, with its linear residential development. Due to this semi-rural location, noise carries a long way, particularly at night. Private functions have caused noise issues in the past, but fortunately they have only taken place infrequently. However, should this application be granted, then neighbours and residents further afield could be subject to noise seven days a week, every day of the year and up to 1am in the morning.

The application also states that 'ticketed events' will be taking place on site. Surely this also becomes a planning issue for change of use?

It also claims that alcohol will not be served as part of its normal trading pattern, but if this application is granted as it stands, then the opportunity to do just that is being granted.

There is also the issue of road safety. The garden centre entrance is on an unlit 'B' road. Should these 'ticketed events' take place there will be a vast increase in traffic leaving the premises during the evening/night. There will also be general noise from the patrons leaving the venue, voices and slamming car doors at 1.30am. The quality of life of residents will be severely impacted, should this application be granted.

This is a garden centre and to change its use so dramatically is not acceptable at this location.

We are aware that a number of residents are most unhappy with this application and hope that all objections will be taken in to account when making your decision.

Yours sincerely,

Mrs R Halsall
Mr B Halsall

Mr & Mrs B.V. Mitchell
27 Lyelake Lane
Lathom
Ormskirk
L40 6JW

20 June 2016

Samantha Jordan. Senior Licensing Officer
West Lancs Borough Council
Licensing Department

REF. WARBRECK GARDEN CENTRE PREMISES LICENSE APPLICATION
428371

We live in the closest property to the garden centre, in fact the previous owners of our house used to run the garden centre. We are a family with two young children, 13 and 10 years old.

We decided to buy and invest a substantial amount of money in renovating the property in 2013. The quite rural location was a big part of our family decision.

During our ownership we have had many dealings with the new owners of "Warbreck" having their water supply through our kitchen and enforcing "rights of drainage" through their property to name but a few. I can not say they have been dealt with to our satisfaction. We treat people as we expect to be treated ourselves with honesty and respect. We have been promised action over many mutual issues such as the boundaries and security of our property but unfortunately no promises are kept. We are happy to see the business do well but we feel that this application is the thin end of the wedge to develop a quite garden centre into an evening entertainment venue. Regardless of any restrictions or promises to keep these events to a minimum. We feel it would not be long until marques were erected for all manner of events. e.g. Live bands, weddings, birthday parties etc

We therefore wish to register strong objections to the application of a Premise license for alcohol and music at the above premises for the following reasons:

1, **Evening Noise**, in a quiet residential and rural area. Any noise after close of business hours i.e. 9:00-18:00 hours seven days a week will interfere with the quality of life. My 10 year old daughters bedroom is approximately 150 feet from the proposed venues door. Indoor music, out door voices and vehicles doors slamming, starting up and driving away carry great distances at night.

2, **Road Safety**. Lyelake Lane is a fast B road with no street lights. The garden centre has just erected road side signage which obstructs the view of exiting vehicles and obstructs the on coming vehicles view of us leaving our driveway. Without new highway infrastructure in place future accidents are certain. The location prevents customers walking to the garden centre and if alcohol was served the necessity of taxis dropping off and collecting patrons adds to the noise.

3, Public Safety. The location of the garden centre does not allow easy pedestrian traffic due to the lack of pavements. Patrons may not be aware of this fact and may try to walk home after events where alcohol has been consumed. Street lights are imperative to protect the venerable pedestrian.

We are encouraged by the unanimous condemnation of this proposal by our neighbours along Lyelake Lane, Dickets Lane and surrounding properties. We hope that the weight of our objection is taken in to consideration when the final decision is reached.

Thank you for time taken reading our letter. Please feel free to call and arrange a visit us to see the negative impact this license would have on our quality of life.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Mr & Mrs Bradley Mitchell 27 Lyelake Lane Lathon L40 6JW 

Jordan, Samantha

Subject: FW: Warbreck Garden Centre-New Premises Application

From: jackie croft [REDACTED]
Sent: 20 June 2016 17:48
To: Jordan, Samantha
Subject: FW: Warbreck Garden Centre-New Premises Application

Hi Samantha,

I have spoken to my family of four adults living at 42 Dickets lane, Lathom. WN8 8UH.

I would like to object to application to serve alcohol and extend the opening hours to Warbeck Garden Centre.

I live at the rear of the garden centre, we will be in a direct line to hear the noise made from people being outside in a rural area, sound travels far in a rural setting and especially during the evening. We feel that the garden centre have not considered the people who live locally to them. They are putting financial gain ahead of the quality of people's lives. We have only lived in the area for two and half years, the reason we chose this area was because of the quiet rural setting with no late night disturbance and the quietness of the neighbourhood.

Myself and my all family feel very strongly that this application should not be allowed and the garden centre operate within the capacity of gardening, we understand that for financial reasons it operates a cafe during the normal day time opening hours. The cafe draws a lot of extra people to visit the garden centre as you can see from the car park, this can on Sundays cause a queue to get in and out of the garden centre onto what is already a busy road (Lylake Road).

Less than half a mile away from the garden centre is a Cricket Club which has a licence to sell alcohol and also has space for large car park and outside area for entering if required. Only a few miles in Ormskirk there is a Rugby club, Golf Club and many other venues that have drinks licence and outside entertaining spaces.

The garden centre is duplicating what is already in the very local area, such as a aquatics centre, there is already 2 local pet shops and a farm suppliers all within 2.5 to 3 miles away. They are renting space out to a business for a therapy site when again there are already many therapy centres close by. They are now selling food in the deli, which is replicating the food sold at Taylors Farm Shop and also the farm Shop on the Rainford By Bass, i do understand that they need to make a profit but i feel by allowing the garden centre to serve alcohol this could possibly have adverse effects on the local community and vast amount of animals, pigs, sheep, Shetland ponies, horses, chickens and other farm animals with the noise, pollution from increased road traffic would not be beneficial to the animals.

With late nigh entertainment there will be many taxis causing noise from people getting in and out of the taxi.

Pedestrians would be walking around the local area late at night to get home, especially if a taxi does not arrive from them. People who might potentially use the garden late at night will not be vandals but when people are fuelled by alcohol they have a tendency to cause damage to property and cars.

There are many elderly people living in the area who would be very scared if they saw people lurking around late at night.

It is a potential for people to drink and drive, with Lylake Road being a road made of many bends and already notorious for accidents from people driving without due care and attention, this will only increase the amount of accidents along this road and the junctions either end.

Lylake road is not a road built for pedestrians but if people were unable to get a taxi and they ventured late at night along the dark unlit road this is a accident or even a fatality waiting to happen.

The reasons for objecting to the licence application are as you state below but as a resident i fear for what will happen when music and alcohol are put together and the consequences on people to live in peace in a quiet rural area with the sound of the animals.

I like many other people support the garden centre, buying plants and eating regularly as one does in garden centres these days to ensure the local business stays viable BUT when the owners repay the local people by applying for late night music and a drinks licence this is grossly unfair and i object and only hope that the licensing board agree with myself and family by declining the application as the extra arrangements that you have suggested are going to be hard to police during the early hours of the morning.

Kindest regards

Jackie Croft

Jordan, Samantha

From: [REDACTED]
Sent: 21 June 2016 21:47
To: Jordan, Samantha
Subject: Fwd: Warbreck garden centre s application for an alcohol andmusic license

Hi Samantha. Sorry sent you a incomplete email please find attach finished item

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 21 June 2016 21:26:03 BST
To: "Samantha.Mullen@westlancs.gov.uk" <Samantha.Mullen@westlancs.gov.uk>
Subject: Warbreck garden centre s application for an alcohol andmusic license

We live beside the garden centre

our land boarders warbreck garden centre we are a retired couple who enjoy the peace that is afforded by living in a quiet rural community .if this license is granted our quality of life will be greatly affected for the following reasons

Noise from the venue from live and dj music
Noise from drunken revellers before during and after the event
Constant traffic coming and going from the venue taxis pick ups and people walking past the house may i add poorly lit lane and the dangers that brings

And the safety fears for our young grand children who will be disturbed by the noise .we fear the children will not feel safe in in the garden.this is a complete change of usage for this business and not what any of the local residents expected when they moved here.we feel that our privacy will be invaded ,as well as our peace of mind .I note from you email that warbrecks are proposing to maintain the fence bordering our property ,well they haven't managed to do so for the last 15 years so i don't have any faith in that .we have no issues with warbreck garden centre as a thriving business however this licence for the events and late night alcohol sales runs rough shod over all the local residents and will make there lives a misery.

Robert and Joan Craig.
lane

Sincerely,

37 Lyelake

L406JW.
[REDACTED]

This

Sent from my iPad

Jordan, Samantha

From: Lawrence Raeburn [REDACTED]
Sent: 17 June 2016 09:31
To: Jordan, Samantha
Subject: 428371 Warbreck Application

Hello Samantha,

My name is Lawrence Raeburn from 199 Wigan Road, Lathom and I am writing to you about my concerns over the above application.

Let me say from the outset I have no objections over the application for the license regarding the sale of alcohol in their trading hours at it stands i.e. 9.30am – 5.00pm, this would no doubt help with their restaurant. But, extending this to the evening and in to the early hours is a different matter entirely.

You may appreciate the road is a major route for traffic during the day and sometimes the noise can be deafening, it does ease up in the evenings, by allowing the license in the evenings and with their proposal to have music inside (which I think we would hear) and outside, where are we to go to have some relief from the noise? Therefore may I suggest it will make the quality of the lives of the surrounding residents take a retrograde step.

My wife has similar views,

Thank you for taking the time to read this,

Yours sincerely,

Lawrence Raeburn



Lathom South Parish Council

serving our local community

*Clerk: Mrs Elizabeth-Anne Broad JP, LLB (Hons), MA, CiLCA
1 Pinewood, Skelmersdale, Lancashire, WN8 6UZ
01695 557678 07973340254
Lathomsouthpc.clerk@yahoo.com*

West Lancashire Borough Council, Licensing Section,
Robert Hodge Centre, Stanley Way,
Skelmersdale, WN8 8EE. By email to licensing.enquiries@westlancs.gov.uk

20th June 2016

Dear Sirs,

Re: Warbreck Garden Centre, Lyelake Lane, Lathom, Lancashire.

With reference to the new Premises Licence application currently under consideration, Lathom South Parish Council has received a number of enquiries from neighbours in the area concerned that their amenity will be impacted upon by the granting of the proposed licence.

In view of their concerns, the Parish Council wish to comment that it is essential that the prevention of public nuisance measures mentioned be added as conditions to the application, namely:-

- Noise from music and associated sources (including D.J.'s and amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises at any time.
- Any outside area, which is used for the consumption of alcohol, shall cease to be so used at 2200 hours.
- The placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 2000 hours and 0800 on any day so as to prevent disturbance to nearby premises.
- All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency
- The licensee shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

Yours sincerely,

Mrs Elizabeth-Anne Broad
Clerk to Lathom South Parish Council

Jordan, Samantha

From: Paul Cotterill [REDACTED]
Sent: 21 June 2016 09:18
To: Licensing Enquiries
Subject: Warbreck Garden Centre application

Good morning

Having looked at the above application, and heard representations from people living in the vicinity of Warbreck Garden Centre, I feel found to register my objection to the application, including in its amended form.

I support the concerns raised in the joint letter from local residents, and ask that these concerns be taken fully into account. A 'catch-all' application of this type, seeking permission for extended hours for each day of the week, is not suited to the location of the premises rural area, given both the impact of noise and site movements on nights when it might be used, and even the impact that the 'threat' of its use might have on residents in the immediate area.

I am always loathe to seek restrictions on businesses, especially well run ones like Warbreck Garden Centre, but on this occasion I feel this is a stretch too far, and benefits to the business in terms of growth and jobs, in an area of service quite distinct from the Garden Centre's original offer, is outweighed by the valid concerns of local residents. There is nothing to stop the business making occasional stand along applications for functions, and any such application should be considered on its merits, but an application for a permanent licence of this type cannot be justified at this location.

I would therefore suggest refusal of this current application.

Best regards

Paul Cotterill
Councillor for Bickerstaffe Ward

Please acknowledge to;
Mr A.P. Bridge
41 Lyelake Lane
Lathom
Ormskirk
L40 6JW

16 June 2016

Samantha Jordan. Senior Licensing Officer
West Lancs Borough Council
Licensing Department

I/We wish to register objections to the above application for a Premise license for alcohol and music at the above premises for the following reasons:

1, It is wholly inappropriate at a garden centre located in a quiet residential and rural area.

2, **Public Nuisance** The times of operation from 09:00 to 23:00 or 00:00 will indeed create noise and nuisance in a residential area.

3, **Public Safety** The increase in traffic throughout the evening and early hours of the morning will be significant on a small rural road with no street lighting.

4, **Public Welfare of the Community** Indoor and outdoor amplified music is intrusive to the community within a half mile radius of the premises at any time, especially during the quiet evening hours.

5, **Public Safety** The location of the garden centre does not allow easy pedestrian traffic due to the lack of pavements. Patrons may not be aware of this fact and may try to walk home after events where alcohol has been consumed. The need therefore of taxi visits will increase the disturbance caused.

6, **Insecure Boundaries** of the garden centre to adjoining properties could allow the potential of night time intrusions on to adjoining properties.

We have seen documented suggestions from authorities that if a license was granted with reduced hours, future amendments to increase them could be applied for. This is a major concern for all who are now opposed to the application. Most of the affected neighbours have only been made aware of this over the last 5 days. The negative response has been overwhelming.

I/We therefore demand that this application be refused, it being intrusive and inappropriate to the style of business and its rural and residential location.

Signed on the attached schedule

DICKETTS LANE

Name **House No. Tel no** **Signature**

Baxter 13

Birch 44

Ilisley 60

Littlehales 52

Hugo 72

Warburton 74

C.D.Burgess 50

G. Appleton 3

C. Baxter 5

M. Critchley 84

W. Makin 46

N. Yates 54

Charnley 56

→ J. Love 62

L. Heywood 78

* Mitchell Oaklea.

I. Glover Micklewood

D. Riley Bates Green Cottage

D. Rimmer 46

ASHCROFT. 17

* SCRAVI THE BROW SIDE

DICKETS LANE (CONTD)

NAME	House No	TEL No.	SIGNATURE
MR A SHAW	11, DICKETS LANE		LAWSON
TEL -			
JOHN WOOD. BAKER GREEN FARM			
E. WELSBY	94		

WIGAN ROAD

Name House.No Tel No Signature

K. Wright 187

S. Brookfield 201

L. Raeburn 199

LYELAKE LANE

A. Bridge 41

*

R. Craig

37

*

B. Mitchell

27

G. Holt 14

D. Brimage 44

P. Earnshaw 46