



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

13 September 2016

TO: COUNCILLORS DELANEY, DEVINE AND MEE

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **WEDNESDAY, 21 SEPTEMBER 2016** at **2.30 PM** 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 SUB-COMMITTEE**

To be apprised of any changes to the membership of the Sub-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

55 - 56

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

57 - 60

To receive as a correct record the minutes of the meeting held on 19 July 2016.

7. LICENSING HEARING PROCEDURE

61 - 62

8. APPLICATION FOR TEMPORARY EVENT NOTICE - THE LOFT, MOORGATE, ORMSKIRK

63 - 88

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**.

	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.

Agenda Item 6

LICENSING SUB-COMMITTEE

HELD: Tuesday, 19 July 2016

Start: 10.30 am

Finish: 2.35 pm

PRESENT:

Councillor: Delany (Chairman)

Devine
Kay

In attendance: Mr R Allison (Applicant)
Members of the public (objectors)
Councillor Cotterill (Ward Member Bickerstaffe)

Officers: Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

1 **APOLOGIES**

There were no apologies for absence received.

2 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

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

There were no items of urgent business.

4 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

6 **MINUTES**

RESOLVED That the minutes of the meeting held on 4 March 2016 be received as a correct record and signed by the Chairman.

7 **LICENSING HEARING PROCEDURE**

The Chairman outlined the Licensing Procedure.

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

Consideration was given to the report of the Director of Leisure and Wellbeing as circulated and contained on pages 7 to 54 of the Book of Reports in respect of an application under the Licensing Act 2003 for a Premises Licence in respect of Warbreck Garden Centre, Lyelake Lane, lathom, Ormskirk, L40 6JW.

In considering the 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.

The Applicant had previously offered forward conditions and amended timings following discussions with the Senior Environmental Health Officer. Following the conclusion of the evidence the Applicant notified the Sub Committee that he wanted to reduce the operational hours and the time the outside space would be used. The conditions offered by the Applicant have been reviewed by the Committee and additional conditions added in order to maintain the four licensing objectives. As the intention of the Applicant was for licensable activities to cease at 23.00 hours, the application in respect of Late Night Refreshment has not been included.

RESOLVED : The timings be granted as follows:

- A. That the premises shall be open to the public:
Monday to Sunday 09.00 to 23.30 hours.
- B. That the sale/supply of alcohol shall be permitted on and off the premises:-
Monday to Sunday 09.00 to 23.00 hours.
- C. That the provision of live music and recorded music shall be permitted:-
Sunday to Monday 09.00 hours to 23.00 hours
- Conditions
- D. That noise from music and associated sources (including D.J's and amplified voices) shall not be clearly audible at the boundary of any residential premises sharing a boundary with the Premises, at any time regulated entertainment is taking place.
- E. The Sale and Supply of Alcohol and all regulated entertainment being undertaken outside the premises shall

cease after 20.00 hours.

- F That after 20.00 hours each day, customers will not be permitted to congregate in the outside seating area at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents.

- G. That all external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or to allow access or egress.

- H. That the placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 22.00 hours and 08.00 hours on any day so as to prevent disturbance to nearby premises.

- I. That 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.

- J. Signage will be displayed asking customers to respect the needs of the local residents by leaving in a quiet and orderly manner.

- K. Customers waiting for taxis will be asked to remain inside the premises after 20.00 hours until the taxis arrive.

This is the decision of the Licensing Sub – Committee.

The Sub – Committee recommend that a residents meeting takes place to address any issues every six months.

- CHAIRMAN -



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.



LICENSING SUB-COMMITTEE:

21 September 2016

Report of: Director of Leisure & Wellbeing

Contact for further information: Miss Michaela Murray (Extn 5315)
(E-mail: michaela.murray@westlancs.gov.uk)

SUBJECT: TEMPORARY EVENT NOTICE SUBMITTED IN RESPECT OF THE LOFT, 13 MOORGATE, ORMSKIRK L39 4RT

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 Under the Licensing Act 2003 (the Act), to consider a Temporary Event Notice (TEN) submitted in respect of The Loft, 13 Moorgate, Ormskirk L39 4RT

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

- | | | |
|-----|-------------------------------|---|
| 3.1 | Address of Premises: | The Loft
13 Moorgate
Ormskirk
L39 4RT |
| 3.2 | Premises Licence Holder | McComb Property Company Ltd
Southsprings
St Michaels Road
Aughton
L39 6SA |
| 3.3 | Designate Premises Supervisor | Leah Jayne King
47 Roland Avenue
St Helens
WA11 9AS |

4.0 THE NOTICE

- 4.1 On 6 September 2016 a TEN was received. A copy of the notice is attached as Appendix 1 to this report.
- 4.2 A location plan and a copy of the existing Premises Licence are also attached as Appendices 2 and 3 to this report respectively.

5.0 RELEVANT PERSONS

Environmental Health Authority

- 5.1 On 9 September 2016, an objection notice was submitted by a Senior Environmental Health Officer from the Council's Environmental Protection Service. The objection raises concerns regarding potential disturbance from recorded music and patrons that would cause a public nuisance to occupiers of residential dwellings in close proximity. The objection is made under the 'prevention of public nuisance' Licensing Objective.
- 5.2 A copy of the objection notice is attached as Appendix 4 to this report,

Lancashire Constabulary

- 5.3 No objections.

6.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 6.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 6.2 As Members will be aware, the four licensing objectives are as follows:
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 6.3 The Act provides that on receipt of an objection notice, the Licensing Authority must hold a hearing to consider it.
- 6.4 In determining this matter, the Licensing Authority should have regard to the TEN, the objection and any information provided at the hearing. The Licensing Authority

may take the following steps if it considers it appropriate for the promotion of the licensing objectives:

- (i) Accept the TEN as notified
- (ii) As the TEN relates to a premises that is already licensed accept the TEN as notified but impose one or more of the existing Premises Licence conditions insofar as such conditions are not inconsistent with the event
- (iii) Reject the TEN and issue a counter-notice to render the event unauthorised. In such cases, the reasons for the decision must also be provided

6.5 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 Public Nuisance	pages 14-17
Section 10	Consideration of Temporary Event Notices	page 34

7.0 HUMAN RIGHTS ACT IMPLICATIONS

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

Article 6

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

Article 8

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

Article 1 of the First Protocol

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

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 No additional financial or other resources are required.

10.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1: Temporary Event Notice

Appendix 2: Location plan

Appendix 3: Premises Licence - The Loft, 13 Moorgate, Ormskirk L39 4RT

Appendix 4: Objection Notice - Environmental Protection

6.9.16
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West Lancashire Borough Council Licensing Service

Temporary Event Notice

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

Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	KING		
Forenames	LEAH JAYNE		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 11	Month 04	Year 1979
4. Your place of birth	WHISTON		
5. National Insurance Number	JT 765772 A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
47 ROLAND AVE			
Post town	ST HELENS	Post code	WA11 9AS
7. Other contact details			
Telephone numbers			
Daytime	07949 259909		
Evening (optional)	07905 707496		
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)	leahjay47@gmail.com		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town			Post code

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)
(Please read note 2)

13 MOORGATE
ORMSKIRK
L39 4RT

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	LA000005263
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Club premises certificate number	
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If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below.
(Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

NIGHT CLUB SELLING ALCOHOL BETWEEN HOURS OF
10 PM - 2 AM

Please describe the nature of the event below. (Please read note 5)

UNIVERSITY FRESHERS EVENT

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/> LJK
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
18th Sept 16 20th Sept 16	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
02:00 - 3AM 18th 19th 01:00 - 2AM 20th	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	350
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)	
N/A	

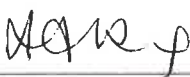
4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	ST HELENS	
Licence number	PA 1596	
Date of issue	MARCH 2013	
Date of expiry	17 MARCH 2023	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have: (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	19/18/16
Name of Person signing	LEAH KING

For completion by the licensing authority	
10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



Superstore
Page 75

The Loft



Date: 14/09/2016

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West Lancashire Borough Council

LEISURE AND WELLBEING SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

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

Licensing Act 2003

Premises Licence

LN/000005863

Part 1 – Premises Details

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

The Loft

The Loft, Alpine Bar, Moorgate, Ormskirk, Lancashire, L39 4RT, L39 4RT

Telephone: 01695 577415

WHERE THE LICENCE IS TIME LIMITED THE DATES:

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

On & Off Sales Alcohol Sale/Supply Similar Facilities Live Music	Recorded Music Dance performance	Similar Entertainment Facilities for Music	Facilities for Dance

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

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Whole Premises	Monday	10:00	01:00
		Tuesday	10:00	01:00
		Wednesday	10:00	02:00
		Thursday	10:00	02:00
		Friday	10:00	02:00
		Saturday	10:00	02:00
		Sunday	10:00	02:00
Similar Facilities Live Music Recorded Music Dance performance Similar Entertainment Facilities for Music Facilities for Dance	Whole Premises	Monday	10:00	01:00
		Tuesday	10:00	01:00
		Wednesday	10:00	02:00
		Thursday	10:00	02:00
		Friday	10:00	02:00
		Saturday	10:00	02:00
		Sunday	10:00	02:00

THE OPENING HOURS OF THE PREMISES:

Description	Days	Time From	Time To
On & Off Sales	Monday	10:00	01:30
	Tuesday	10:00	01:30
	Wednesday	10:00	02:30
	Thursday	10:00	02:30
	Friday	10:00	02:30
	Saturday	10:00	02:30
	Sunday	10:00	02:30

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

On & Off Sales



West Lancashire Borough Council

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Licensing Act 2003

Premises Licence

LN/000005863

Part 2

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

Name: Mccomb Property Company Limited
Address: South Springs
St. Michael Road
Aughton
Ormskirk
L39 6SA
Telephone: 01695 422488
Email: johannacrowley@formbyhall-investments.com

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

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

Name: Ms Leah King
Address: 47 Roland Avenue
St Helens
WA11 9AS
Telephone:

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

Licence No: PA1596 Issued by: St Helens Council



West Lancashire Borough Council

LEISURE AND WELLBEING SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE,
WEST LANCASHIRE, WN8 8EE

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

Licensing Act 2003

Premises Licence

LN/000005863

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and
“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The Mandatory Conditions on this licence are those that were in force at the time the Licence was printed, but that they are subject to amendment by Central Government. Current Mandatory Conditions can be viewed at www.gov.uk.

The premises licence holder should be warned that it is a requirement that they must comply with the Mandatory Condition in force not merely the ones contained on the licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

----- Annex 2 -----

Alcohol Sale/Supply, Recorded Music, Live Music, Music Facilities, Dancing Facilities Similar Entertainment, Performance of Dance & Similar Facilities on Christmas Eve, Boxing Night & New Years Eve to 03.00 the following morning.

Opening hours of the premises on Christmas Eve, Boxing Night & New Years Eve to 03.30 the following morning.

The Premises shall adopt the challenge 25 scheme, persons who appear to be under the age of 25 shall be required to produce proof of age by way of one of the following ie Photo driving licence or passport.

There will be a refusals book at the premises that should be completed daily.

No customers shall leave the premises with an open container (bottle or any glass).

All recorded music shall be controlled by a sound level-limiting device, the level of which shall be determined by an Environmental Health Officer of West Lancashire Borough Council.

Noise from music and associated sources (including D.J.s and amplified voices) shall not be audible at the boundary of any neighbouring residential premises at any time.

No irresponsible promotions of alcohol beverages shall be offered to the customers.

No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

A sign shall be displayed at the premises indicating the normal hours during which the premises are open to the public.

All fire doors shall be maintained effectively self closing and shall not be held open other than by approved devices.

Notices detailing the actions to be taken in the event of a fire or other emergencies including how the fire alarm shall be summoned shall be prominently displayed.

A sign shall be located at the exits requesting that customers leaving the premises do so quietly and with consideration to neighbours.

All windows and doors (except for entry and exits) shall remain closed during the performance of regulated entertainment.

No one under the age of 18 shall be allowed to enter or remain on the premises after 20.00.

Anyone who appears to be under the age of 21 and who is attempting to buy alcohol shall be required to produce proof of age before such a sale is made.

The Licence Holder or his representative shall conduct an assessment of the noise coming from the premises between 23.30 and 00.00 on every occasion the premises are used for regulated entertainment after 00.00 and shall take steps to reduce the level of noise where it is audible at the boundary of any neighbouring residential premises.

Door supervisors and other members of staff shall request customers to leave quietly and have respect for their residential neighbours.

The Designated Premises Supervisor shall ensure that staff arriving early morning (and in any event such staff shall not arrive earlier than 10.00) or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residence and clear notices must be displayed at all points where staff leave the building that instruct to respect the needs of local residents having to leave the premises and area quietly.

The premises shall register and be a member of the town centre radio link and pub watch and the DPS shall regularly attend meetings.

A door supervisor shall control the queue to the premises to ensure that customers are advised of the amount of time they are going to have to wait to gain entry and to prevent and customers who have behaved in such a way as to cause a public nuisance or disturbance from entering the premises.

The premises shall keep and maintain a door supervisor logbook showing each period of duty of that door supervisor, his/her full name and SIA badge number, the time at which he/she commenced that period of duty with a signed acknowledgement by that person, the time at which he/she finished the period of duty with signed acknowledgement by that person, any times during the period of duty when he/she was not on duty and if the door supervisor is not an employee of the DPS or his/her employer the full name of the person by whom the door supervisor is employed or through whom the services of that person were engaged.

A minimum of two door supervisors shall be positioned at the exit of the premises to encourage orderly dispersal of customers from the time the sale of alcohol ceases until the time the premises is closed to members of the public.

An incident book shall be kept and maintained at the premises and shall record the time/date and comprehensive details of all incidents.

At least one personal licence holder shall be present and in control of the premises from 19.00 daily except in the case of an emergency.

Half an hour before the premises is to close to the public, music will be played at a significantly reduced volume and tempo.

Signage shall be clearly displayed at all public entrances to the premises outlining the capacity to the premises.

From 22.00 on any day, a minimum of two door supervisors shall be employed with one being visible at the front entrance at all times and on Wednesdays, Fridays and Saturdays, the number shall be increased to a minimum of three door supervisors after 23.00 until the premises close to the public.

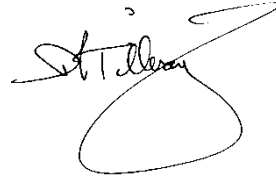
If on Mondays and Tuesdays the premises are used for licensable activities but limited only to private pre booked functions where entry by the public is restricted or is by ticket only the number of door supervisors shall be at the discretion of the DPS.

In addition the DPS shall regularly carry out a risk assessment of the minimum number of door supervisors that are required to properly and efficiently manage the premises and increase when necessary.

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

None

Dated: 16 September 2016



Director Of Leisure And Wellbeing



West Lancashire Borough Council

LEISURE AND WELLBEING SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE,
WEST LANCASHIRE, WN8 8EE

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

Licensing Act 2003

Premises Licence

LN/000005863

ANNEX 4 - PLANS



Memorandum

To Senior Licensing Officer Ref:
From Environmental Protection and Community Ref:TEN/220880
Safety Manager
Subject Re: Late Temporary Event Notice –18 September 2016 to 20
September 2016
Name: Leah Jayne King
Premises: The Loft, 13 Moorgate, Ormskirk
Date 9 September 2016

I have received a Late Temporary Event Notice for the above premises.

Under Section 104(2) of the Licensing Act 2003, I am submitting an objection notice to the granting of this application as the West Lancashire Borough Council, being the relevant person, is satisfied that allowing these premises to be used in accordance with the notice would undermine the public nuisance objective.

The proposal is to include regulated entertainment and serving of alcohol until 0300 hours on each day of the TEN.

The grounds for this objection are that I consider that noise from recorded music and patrons in the vicinity would cause a public nuisance to occupiers of residential dwellings in close proximity. There have been recent complaints about noise from music at these premises affecting residential properties which have been substantiated by officers of this Service.

.....

Jill Antrobus
Principal Environmental Health Officer
Ext 5251

