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Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 20 July 2016

<p>COUNCIL MINUTE BOOK 20 July 2016</p>

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| 1. MINUTES OF CABINET, OVERVIEW & SCRUTINY COMMITTEES AND SUB - COMMITTEES | 1 - 20 |
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Agenda Item 1



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12 July 2016

These minutes are not included on the Council agenda (except for specific items, which may be included on the agenda, if necessary) but are enclosed for information for the Council Meeting on Wednesday 20 July 2016.

1. MINUTES OF CABINET AND OVERVIEW & SCRUTINY COMMITTEES

A. Minutes of Cabinet held on Tuesday 14 June 2016.
Pages 1 to 8

B. Minutes of Executive Overview and Scrutiny Committee held on Thursday 31 March 2016.
Pages 9 to 12

C. Minutes of Executive Overview and Scrutiny Committee held on Thursday 30 June 2016.
Pages 13 to 14

2. MINUTES OF SUB - COMMITTEES

A. Minutes of Meeting of Licensing Sub-Committee held on Friday 4 March 2016.
Pages 15 to 16

B. Minutes of Employment Appeals Sub-Committee held on Thursday 9 June 2016.
Pages 17 to End

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CABINET

HELD: 14 JUNE 2016

Start: 7.00pm

Finish: 7.25pm

PRESENT:

Councillor: I Moran (Leader of the Council, in the Chair)

Portfolio

Councillors	T Aldridge	Older People
	Y Gagen	Deputy Leader of the Council & Leisure and Human Resources
	J Hodson	Planning
	K Wright	Health & Community Safety
	C Wynn	Finance

Officers:

- Chief Executive (Ms K Webber)
- Director of Housing and Inclusion (Mr B Livermore)
- Director of Leisure and Wellbeing (Mr D Tilleray)
- Borough Solicitor (Mr T Broderick)
- Borough Treasurer (Mr M Taylor)
- Principal Member Services Officer (Mrs S Griffiths)

In attendance: Councillors Mrs Blake, Cotterill, Pendleton (part) and D Westley.

1. APOLOGIES

Apologies for absence were submitted on behalf of Councillors Patterson and Wilkie.

2. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS

There were no items of special urgency.

3. DECLARATIONS OF INTEREST

1. Councillor Aldridge declared a non-pecuniary interest in agenda item 7(a) – 'Use of S106 monies in Skelmersdale' as a Member of Lancashire County Council, as did Councillor Gagen as an employee of Lancashire County Council.

2. Councillors Aldridge and Wright declared non-pecuniary interests in agenda item 7(e) – ‘Environmental Improvements Budget’ as they are either tenants of council accommodation or they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a disclosable pecuniary/pecuniary interest they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in this report relates particularly to the relevant tenancy or lease.

4. PUBLIC SPEAKING

There are no items under this heading.

5. MINUTES

RESOLVED That the minutes of the Cabinet meeting held on 15 March 2016 be received as a correct record and signed by the Leader.

6. CONFIRMATION OF PROCEDURAL MATTERS

- RESOLVED A. That the appointment of Cabinet, Committees, Panels and Working Groups for 2016/17, as circulated at the Annual Meeting of the Council on 18 May 2016, with the terms of reference included in the Constitution, be noted.
- B. That the ‘Proper Officer Provisions and Scheme of Delegation to Chief Officers’, insofar as they are executive functions, and the Scheme of Delegation to Cabinet Members, as set out in the Constitution, be noted.

7. MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 1 - 366 and 437 – 440 and page 445 of the Book of reports.

8. USE OF SECTION 106 MONIES IN SKELMERSDALE

Councillor Gagen introduced the joint report of the Director of Leisure & Wellbeing and Director of Development and Regeneration which considered a proposal for the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Skelmersdale.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the use of S106 monies to fund the proposed project to install seating and rest areas along the proposed cycle route in Tawd Valley Park, be approved.

9. USE OF SECTION 106 MONIES IN UP HOLLAND

Councillor Gagen introduced the joint report of the Director of Leisure & Wellbeing and Director of Development and Regeneration which considered a proposal for the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Up Holland.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the allocation of £8,836 from the S106 agreement from Land at Crawford Arms to contribute towards the proposed installation of new play facilities at Crawford Village Green, be approved.

10. ADOPTION OF THE WEST LANCASHIRE STATEMENT OF COMMUNITY INVOLVEMENT

Councillor Hodson introduced the report of the Director of Development and Regeneration which sought approval for the adoption of the West Lancashire Statement of Community Involvement.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED

- A. That, following consideration of the Consultation Report at Appendix B and the Adoption Statement at Appendix C, the West Lancashire Statement of Community Involvement ('SCI') at Appendix A be adopted subject to any amendments made by the Director of Development and Regeneration in consultation with the relevant Portfolio Holder, following consideration of the SCI by Planning Committee, as per resolution B. below.
- B. That the Director of Development and Regeneration be authorised, in consultation with the relevant Portfolio Holder, to make any necessary amendments to the SCI in the light of agreed comments from Planning Committee, before the document is published.

11. PROVISION FOR TRAVELLER SITES DEVELOPMENT PLAN DOCUMENT

Councillor Hodson introduced the report of the Director of Development and Regeneration which sought approval for suspension of the preparation of the document entitled "Provision for Traveller Sites Development Plan".

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the preparation of the Provision for Traveller Sites Development Plan Document ('Traveller Sites DPD') be suspended and that it be noted that the issue of Traveller site allocations will instead be dealt with as part of the future review of the Local Plan.

12. ENVIRONMENTAL IMPROVEMENTS BUDGETS

The Leader introduced the report of the Director of Housing and Inclusion which considered an approach for the priority for investment of the Environmental Improvements Budget and the Visual Appearance of Render Pilot Scheme Budget.

A motion from the Leader was circulated at the meeting.

Minute no. 6 of the Landlord Services Committee (Cabinet Working Group) held on 8 June 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the motion from the Leader, the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED

A. That the Director of Housing and Inclusion, in consultation with the relevant Portfolio Holder, be authorised to utilise the £100,000 set aside within the Environmental Improvements Budget, together with any monies remaining out of the £15,000 within the Visual Appearance of Render Pilot Scheme Budget, towards meeting the cost of providing additional car parking at certain sheltered accommodation schemes within the Borough commencing with Holly Close, Westhead.

B. That, subject to available funding remaining within the two aforementioned budgets, the Director of Housing and Inclusion, in consultation with the relevant Portfolio Holder, be authorised to invest funding into the remodelling of communal bin store areas on a priority basis in order to address issues of crime and disorder.

13. ONE FOR ONE CAPITAL RECEIPTS

The Leader introduced the report of the Director of Housing and Inclusion which sought approval of the use of one for one retained capital receipts to deliver affordable new housing which would remove the requirement to return capital monies to the Government.

Minute no. 8 of the Landlord Services Committee (Cabinet Working Group) held on 8 June 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the financial implications of utilising the retained one for one capital receipts as outlined in section 6 of the report, be noted.
 - B. That the Director of Housing and Inclusion, in consultation with the Housing Portfolio Holder, identify a site for development within the Borough and seek all necessary planning approvals as required to deliver additional affordable homes

14. WHITTLE DRIVE PLAYING FIELDS

Councillor Gagen introduced the joint report of the Director of Leisure & Wellbeing and Director of Development and Regeneration which considered a request from West End Football Club to revise arrangements for the club's use of football pitch and changing rooms at Whittle Drive Playing Fields, Ormskirk.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That to give effect to the arrangements at resolution B, the Director of Leisure & Wellbeing be authorised to terminate the existing lease and negotiate and complete a new lease with West End Football Club, subject to any necessary statutory consultations being undertaken and consents being obtained.
 - B. That the Director of Leisure & Wellbeing be authorised to enter into a new 25 year lease with West End Football Club in relation to land and changing pavilion at West End Playing Fields (shown hatched red on the plan at Appendix 1 to the report).

15. ORMSKIRK TOWN CENTRE RESEARCH FINDINGS AND ACTION PLAN

The Leader introduced the report of the Director of Development and Regeneration which provided an update on the findings and recommendations of the Ormskirk Town Centre Destination Research project and their effect on the adopted Ormskirk Town Centre Strategy Action Plan.

A motion from the Leader was circulated at the meeting.

In reaching the decision below, Cabinet considered the motion from the Leader and the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That in light of the Ormskirk Town Centre Destination Research project findings no changes be made to the adopted Ormskirk Town Centre Strategy or its associated Action Plan (appendix 2 to the report).
 - B. That no changes be made to the historical associations of Ormskirk as a market town as a result of the Ormskirk Town Centre Destination Research findings.

17. QUARTERLY PERFORMANCE INDICATORS Q4 2015-16

The Leader introduced the report of the Borough Transformation Manager & Deputy Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 31 March 2016.

Minute no. 7 of the Landlord Services Committee (Cabinet Working Group) held on 8 June 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the Council's performance against the indicator set for the quarter ended 31 March 2016 be noted.
 - B. That the call-in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate & Environmental Overview and Scrutiny Committee on 14 July 2016.

18. LOCAL LAND CHARGES RULES 2017

The Leader introduced the report of the Borough Solicitor which sought approval to the Council's response to the Land Registry's consultation in relation to draft Local Land Charges Rules 2017.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the consultation response at Appendix 1 to the report be approved for submission.
 - B. That call-in is not appropriate for this item as the consultation exercise closes on 11 July 2016.

19. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

20. MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 367 – 436 and 441 – 444 of the Book of Reports.

21. HALL GREEN OPTION APPRAISAL

The Leader introduced the report of the Director of Housing and Inclusion which advised on the outcome of an option appraisal exercise undertaken in relation to Hall Green.

Minute no. 10 of the Landlord Services Committee (Cabinet Working Group) held on 8 June 2016 was circulated at the meeting.

Revised recommendations of the Director of Housing and Inclusion were circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group), the revised recommendations of the Director of Housing and Inclusion and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED A. That the option to further consider the redevelopment of the Hall Green site be approved and that the next steps as outlined in paragraph 6 of the report, be noted.
- B. That following the outcome of the further work, a report be submitted to Cabinet in September 2016.

22. 192-198 ENNERDALE (FORMER HOUSING OFFICE)

The Leader introduced the report of the Director of Housing and Inclusion which reviewed progress on the lease for 192-198 Ennerdale, Skelmersdale.

Minute no. 9 of the Landlord Services Committee (Cabinet Working Group) held on 8 June 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED That the Director of Housing and Inclusion continue negotiations in pursuance of agreeing the lease with TCL and, if no reasonable progress can be made, organise the demolition of the building.

23. ORMSKIRK BUS STATION AND POTENTIAL MOOR STREET GATEWAY

The Leader introduced the report of the Director of Development and Regeneration which gave consideration to the way forward in relation to a potential 'Moor Street Gateway' project.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED That soft market testing to identify options for suitable development of the Ormskirk Bus Station site be undertaken as set out in Section 5 of the report, and a further report be submitted to Cabinet in due course.

Note

No representations had been received in relation to the above items being considered in private.

.....
LEADER

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**HELD:31 MARCH 2016**

Start: 7.30pm

Finish: 8.45pm

PRESENT:

Councillors: Furey (Chairman) Savage (Vice Chairman)

Ashcroft	Mrs Houlgrave
Mrs Blake	Nixon
Bullock	O'Toole
Cotterill	Pendleton
Delaney	Pryce-Roberts
Devine	D Westley
Mrs C Evans	Whittington

Officers: Director of Housing and Inclusion (Mr B Livermore)
 Deputy Borough Treasurer (Mr M Kostrzewski)
 Tenant Participation Manager (Ms T Berry)
 Partnership & Performance Officer (Ms A Grimes)
 Assistant Solicitor (Mr N Astles)
 Principal Overview and Scrutiny Officer (Mrs C A Jackson)

47. APOLOGIES

There were no apologies for absence.

48. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of the Committee of Councillors Davis, Greenall, Kay and Pope and the appointment, for this meeting only, Councillors Pryce-Roberts, Mrs C Evans, O'Toole and Mrs Blake respectively, thereby giving effect to the wishes of the Political Groups.

49. URGENT BUSINESS

There were no items of urgent business.

50. DECLARATIONS OF INTEREST

1. Councillors Devine, Nixon and Pendleton declared a disclosable pecuniary interest in item 9 'Tenant Involvement Strategy 2016-18' as tenants of council accommodation or a relative is a tenant of rented Council accommodation, but by virtue of a dispensation, were able to speak and vote on this item.
2. Councillor Cotterill declared an interest in agenda item 10 'Council Plan 2016-28' in lines within it that referred to partnership organisations as a governor of Lathom High School but was able to speak and vote as it did not relate particularly to that school.

51. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

52. MINUTES

RESOLVED: That the minutes of the meeting held on 28 January 2016 be received as a correct record and signed by the Chairman.

53. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the Cabinet held on 15 March 2016.

RESOLVED: That the minutes of the Cabinet meeting held on 28 January 2016 be noted.

54. CALL-IN

There were no items under this heading.

55. TENANT INVOLVEMENT STRATEGY 2016-18

Consideration was given to the report of the Director of Housing and Inclusion that set down details on the new Tenant Involvement Strategy 2016-2018 and the associated Action Plan.

In discussion questions were raised in respect of :

- The Visions for Housing and Inclusion / Tenant Involvement – not to be “stand-alone”; integration as part of the “one Council approach”.
- Wider community involvement – benefits for owner occupiers and tenanted residencies.

The Tenant Involvement Manager attended the meeting and responded to questions referring to details as set down in the Strategy and provided feedback in relation to wider involvement with local communities.

RESOLVED: A. That the Strategy and associated Action Plan be noted.

- B. That the agreed comment to be submitted to the Director of Housing and Inclusion, in consultation with the Portfolio Holder, be “that consideration be given to ensuring that the “Visions”, at set down at page 2, are fed through to the management comment as contained in the Council Plan 2016-2018”.

56. COUNCIL PLAN 2016-18

Consideration was given to the report of the Chief Executive that gave details of the Council Plan 2016-18 (Appendix A, Version dated 24 February 2016) as contained on pages 637 to 659 of the Book of Reports and on page 671, as circulated, on the Financial Position that sought agreed comments, if any, following consideration by Cabinet at its meeting on 15 March 2016 and prior to consideration of the final version of the Plan by the Council at its meeting on 13 April 2016.

In discussion comments and questions were raised in respect of:

- Northern Powerhouse – appropriateness within the Introduction (page1).
- Organisational Overview (page 3) – inclusion of “schools” in list.
- Development Contracts – conflict of interests.
- Promotion of the Borough – “brand”; widening customer appeal; modes of advertisement; exploring technology; strategic role of “tourism”, focus of places of visitor interest in West Lancashire..
- Ormskirk Town Centre – Tourist Information (car parks; location of visitor attractions.)

The Partnership and Performance Officer attended the meeting provided an overview and clarification, referencing details as set down in the report.

RESOLVED: That the agreed comments to be referred to Council on 13 April 2016 for consideration be:

1. The removal, within the Introduction at page 1, paragraph 3 of reference to Northern Powerhouse.
2. At page 3, paragraph 1 (Organisational Overview), the inclusion of “schools” within those partners listed.

57. CORPORATE PERFORMANCE MANAGEMENT 2016-2017

Consideration was given to the report of the Borough Transformation Manager & Deputy Director of Housing and Inclusion as contained on pages 661 to 669 of the Book of Reports that detailed the Suite of Performance Indicators for adoption as the Council’s Corporate PI Suite 2016/17 and sought agreed comments, if any, prior to final adoption, following approval by Cabinet at its meeting on 15 March 2016.

In discussion comments and questions were raised in respect of the following performance indicators:

- N152 (Working age people on out of work benefits) – interaction of PIs (Council Plan – ambition for employment); capture of data / presentation; target setting.
- WL108 (Average answered waiting time for callers to the contact centre (seconds) – increase in target; staffing complement; impact of impending introduction of “new” communication system; monitoring of “linked” PIs (WL90 & WL19b).

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD:31 MARCH 2016

- TS1 (Rent collected as % of rent owed (excluding arrears b/f) – impact of Universal Credit (UC) and further roll-out; concerns in terms of the “risk register”; impact of future benefit caps.

The Partnership and Performance Officer attended the meeting provided an overview and clarification, referencing details as set down in the report.

RESOLVED: A That the agreed comments to be submitted to the Borough Transformation Manager & Deputy Director of Housing and Inclusion, in consultation with the Leader of the Council as Portfolio Holder, be:

1. In relation to PI N152, “that consideration be given to a suitable target to reflect the ambition for employment in relation to PI N152.”
2. In relation to PI WL108, “this Committee urges Cabinet to stay within the existing target of 30 seconds to maintain quality of service.”
3. In relation to comment 2 above, “that email clarification be sought in relation to the issues (associated with the target increase) and an undertaking that this Committee revisit this issue in 3 months when further information on the telephony system is available.”
4. In relation to PI TS1, “that Cabinet be invited to consider whether to increase the “risk level” related to UC.”

.....
Chairman

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

HELD: 30 JUNE 2016

Start: 7.00pm

Finish: 7.20pm

PRESENT:

Councillors: Furey (Chairman) Pendleton (Vice Chairman)

Ashcroft	Moon
Bullock	Pope
Cooper	West
Davis	Westley
Delaney	Whittington
Greenall	Yates
Hudson	

Officers: Director of Housing and Inclusion (Mr B Livermore)
Assistant Solicitor (Mr N Astles)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

1. APOLOGIES

There were no apologies for absence.

2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of the Committee of Councillor McKenna and the appointment of Cllr Cooper, for this meeting only, thereby giving effect to the wishes of the Political Group.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

Councillor Pendleton declared an interest in Minute 22 of the Cabinet meeting held on 14 June 2016 in relation to 192-198 Ennerdale (Former Housing Office) as Chairman of Tanhouse Community Enterprise.

5. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

6. PUBLIC SPEAKING

There were no items under this heading.

7. MINUTES

RESOLVED: That the minutes of the meeting held on 31 March 2016 be received as a correct record and signed by the Chairman.

8. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the Cabinet held on 14 June 2016.

Questions and comments were raised in respect of the following items:

Minute 12 (Environmental Improvements Budgets – use of monies (rationale) for the provision of additional car parking at sheltered housing accommodation (resolution A); Minute 13 (One for One Capital Receipts) – vacated properties improvements (current position); retained capital receipts - exploration of financial flexibilities options (retained receipts/ fund returns to Government Office).

RESOLVED: That the minutes of the Cabinet meeting held on 14 June 2016 be noted.

9. CALL-IN

There were no items under this heading.

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Chairman

LICENSING SUB-COMMITTEE**HELD: 4 MARCH 2016**

Start: 10.30am

Finish: 11.00am

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.

EMPLOYMENT APPEALS SUB-COMMITTEE**HELD:9 JUNE 2016**

Start: 10.30AM

Finish: 3.35PM

Councillors:	Devine (Chairman) Delaney (Vice Chairman) Mee
Officers:	Principal Solicitor (Mrs K Lovelady) Member Services/Civic Support Officer (Mrs J Brown) Human Resources Advisor (Ms L Jackson)
Parties to The Appeal:	Management Director of Street Scene (Mr G Concannon) Human Resources Officer (Mrs G Farrimond)
Appellant Appellant Advisor	Employee Payroll Number (2900410) GMB Representative (Mr R Carrick)
Witnesses	Witness X Operational Street Scene Manager (Mr G Peters) Human Resources Support Officer (Mrs S Cloherty)

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

There were no items of Urgent Business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. EMPLOYMENT APPEAL PROCEDURE

The Chairman referred to the above procedure.

6. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 4 (Labour Relations) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**7. APPEAL AGAINST SUMMARY DISMISSAL - EMPLOYMENT PAYROLL NUMBER - 2900410
(IDENTITY OF AN INDIVIDUAL / LABOUR RELATIONS - PARAGRAPHS 2 & 4)**

The Chairman welcomed both parties to the meeting.

Members were informed that the Sub – Committee was meeting to consider an appeal by an employee of the Council against summary dismissal.

In considering the Appeal the Sub – Committee had before it the following documents:-

- A. Management Statement of Case and Appendices.
- B. Investigation Statement of Case and Appendices.
- C. Supporting Documentation provided by Employee Payroll Number (2900410) and Ray Carrick (GMB representative) following the Disciplinary Hearing. Also includes a response from Mr G Concannon and communication from ACAS.

The Sub – Committee, in accordance with the procedure heard the following aspect of the Appeal;

- i. An oral submission by Management.
- ii. An oral submission on behalf of the Appellant.
- iii. Questions put to each party by the other and questions put by Members to each party.
- iv. Questions put to all witnesses by each of the parties and Members.
- v. A summing up by Management and the Appellant's Representative.

Following the conclusion of summing up, both parties, together with the representative, withdrew from the meeting and the Sub – Committee gave consideration to their decision.

The Sub – Committee came to the following conclusion:-

RESOLVED: That the Appeal be Dismissed.