



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

12 December 2016

TO: COUNCILLORS DELANEY (CHAIRMAN), KAY, MILLS

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **TUESDAY, 20 DECEMBER 2016** at **10.00 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to read '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, TO BE 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** 97 - 98
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** 99 - 100
To receive as a correct record the minutes of the meeting held on 21 September 2016.
- 7. LICENSING HEARING PROCEDURE** 101 - 102
- 8. APPLICATION FOR A PREMISES LICENCE HOLDER TRANSFER IN RESPECT OF EUREKA PUBLIC HOUSE, 78 HALSALL LANE, ORMSKIRK L39 3AX** 103 - 118
To consider the report of the Director of Leisure and Wellbeing.
- 9. APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR IN RESPECT OF EUREKA PUBLIC HOUSE, 78 HALSALL LANE, ORMSKIRK L39 3AX** 119 - 132
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		
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 20/09/16) 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"/>	<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 20/09/16 – 19/09/20)	<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.

Agenda Item 6

LICENSING SUB-COMMITTEE

HELD: 21 SEPTEMBER 2016

Start: 2.30 pm

Finish: 4.00 pm

PRESENT:

Councillor: N Delaney (Chairman)

Councillors: Devine
Mee

Officers: Environmental Protection & Community Safety Manager (Mr. A. Hill)
Principal Environmental Health Officer (Mrs. J. Antrobus)
Principal Solicitor (Mrs. K. Lovelady)
Senior Licensing Officer (Mrs. M. Murray)
Member Services/Civic Support Officer (Mrs. J.A. Ryan)

In attendance: Mr. C. White (Owner)

9 APOLOGIES

There were no apologies for absence received.

10 MEMBERSHIP OF THE SUB-COMMITTEE

There were no changes to the Membership of the Committee.

11 URGENT BUSINESS

There were no urgent items of business.

12 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

13 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

14 MINUTES

RESOLVED: That the minutes of the meeting held on the 19 July 2016 be received as a correct record and signed by the Chairman.

15 LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Procedure.

16 **APPLICATION FOR TEMPORARY EVENT NOTICE - THE LOFT, MOORGATE, ORMSKIRK**

Consideration was given to the report of the Director of Leisure and Wellbeing as circulated and contained on pages 63 to 87 of the Book of Reports in respect of an application for a Temporary Event Notice (TEN) for The Loft, 13 Moorgate, Ormskirk, L39 4RT.

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.

RESOLVED: That the Temporary Event Notice (TEN) be granted subject to the conditions on the Statement of Conditions.

.....
- 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.



AGENDA ITEM:

LICENSING SUB-COMMITTEE:

Tuesday 20 December 2016

Report of: Director of Leisure & Wellbeing

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

SUBJECT: APPLICATION FOR A PREMISES LICENCE HOLDER TRANSFER IN RESPECT OF EUREKA PUBLIC HOUSE, 78 HALSALL LANE, ORMSKIRK L39 3AX

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 Holder Transfer in respect of Eureka Public House, 78 Halsall Lane, Ormskirk L39 3AX.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1 Address of Premises: Eureka Public House
78 Halsall Lane
Ormskirk
L39 3AX

3.2 Current Premises Licence Holder Singleton Estates Ltd
The Manor, Singleton Hall
Lodge Lane
Poulton-le-Fylde
FY 6 8LT

4.0 THE APPLICATION

- 4.1 On 15 November 2016 an application for a Premises Licence Holder Transfer was received from:

Miss Lisa Marie Mackay
The Eureka Public House
78 Halsall Lane
Ormskirk
L39 3AX

- 4.2 The existing Premises Licence holder has completed the relevant form giving full consent for the transfer of the premise licence. A copy of the application and relevant consent is attached as Appendix 1 to this report.

5.0 BACKGROUND

- 5.1 For Members' information, the applicant has also submitted an application to vary a Premises Licence to specify an individual as a Designated Premises Supervisor (DPS) in respect of a Mr Ian Roche. This application is also contested by Lancashire Constabulary and is the subject of a separate report which will be presented to Sub-Committee.
- 5.2 The application for a Premises Licence Holder transfer contained in this report must be determined before the application to vary a Premises Licence to specify an individual as a DPS. Only if Members grant the transfer application should they then consider the DPS variation application. If Members refuse the transfer application, the DPS variation application should be similarly refused because Miss Mackay will not be the Premises Licence holder.

6.0 NOTICE OF OBJECTION

- 6.1 In response to the application, a Notice of Objection was received from Lancashire Constabulary on the 29 November 2016 (a copy of which is attached as Appendix 2 to this report). This Notice is given when the Police are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.
- 6.2 In summary the Notice is set out below

Lancashire Constabulary

The applicant is the subject of a missing persons report and is wanted in relation to an alleged theft of money from the Eureka premises, the complainant and aggrieved in this case being the proposed DPS. There are currently extensive Police enquiries being made to find the applicant and as such the applicant is clearly unable to carry out the position of Premises Licence Holder

- 6.3 Accordingly, a letter and email has been sent out to the applicant advising her of the Police Notice and enquiring whether or not she wished to withdraw her application at the present time. No response has been received.
- 6.4 On 12 December 2016 the applicant and Lancashire Constabulary were invited to attend the Licensing Sub-Committee hearing on 20 September 2016.

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 Section 44 of the Act provides that where a Notice from the Police is received the Licensing Authority must:

- a) Hold a hearing to consider it unless that parties agree that a hearing is unnecessary
- b) having regard to the Notice:

Reject the application if it considers it necessary for the promotion of crime prevention objective to do so.

7.4 Members' attention is drawn to paragraphs 8.92 and 8.95 of the guidance issued by the Secretary of State under Section 182 of the Act. These paragraphs state that when considering this matter, Members must confine their consideration to the issue of crime and disorder. When making their decision, Members should give comprehensive reasons for that decision.

7.5 Members' attention is also drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 11 - Hearings

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8.0 RIGHTS OF APPEAL

8.1 The applicant is entitled to appeal the decision to the Magistrates Court should the Sub-Committee decide to reject the application.

8.2 If the Sub-Committee decides to grant the application, Lancashire Constabulary also has the right to appeal the decision to the Magistrates Court.

9.0 HUMAN RIGHTS ACT IMPLICATIONS

9.1 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.

10.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

10.1 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).

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 No additional financial or other resources are required.

12.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

Application and Consent Form
Objection Notice

(Appendix 1)
(Appendix 2)

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We [Lisa Macdonald
~~SINGLETON ESTATES LTD~~] apply to transfer the premises licence
(insert name(s) of applicant)
described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises Licence Number

000001326

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

EUREKA PUBLIC HOUSE
78 HAUSALL LANE

Post town ORMSKIRK.

Post code L39 3AX

Telephone number of premises (if any)

Please give a brief description of the premises

PUBLIC HOUSE
WITH RESIDENTIAL ACCOMODATION

Name of current premises licence holder

SINGLETON ESTATES LTD.

Part 2 - Applicant Details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick ✓
- a) An individual or individuals* Please complete section (A)
- b) A person other than an individual* Please complete section (B)
- i. as a limited company Please complete section (B)
- ii. as a partnership Please complete section (B)
- iii. as an unincorporated association or Please complete section (B)
- iv. other (for example a statutory corporation) *manger* Please complete section (B)
- c) A recognised club Please complete section (B)
- d) A charity Please complete section (B)
- e) The proprietor of an educational establishment Please complete section (B)
- f) A health service body Please complete section (B)
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital Please complete section (B)
- ga) 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 Please complete section (B)
- h) The chief officer of police of a police force in England and Wales Please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

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

This section is intentionally blank

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other
(for example, Rev)

Surname mackay
Lisa Marie

First Names
Lisa Marie

I am 18 years old or over

Please tick ✓ Yes

Current postal address if different from premises address

Eureka Public House
78 Halsall lane
ORMSKIRK

Post Town

ORMSKIRK

Postcode

L39 3AX

Daytime contact telephone number

07497386814

E-mail address (optional)

Lisamackay1982@Hotmail.co.uk

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other
(for example, Rev)

Surname

First Names

I am 18 years old or over

Please tick ✓ Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association)
Telephone number (if any)
E-mail address (optional)

The section is internationally blank

Part 3

Are you the holder of the premises licence under an interim authority notice?

Please tick ✓ (yes)

Do you wish the transfer to have immediate effect?

If not when do you want the transfer to take effect from

Day	Month	Year
14 4	1	1 2010

I have enclosed the consent form signed by the existing premises licence holder

Please tick ✓ (yes)

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick ✓ (yes)

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

Please tick

✓ (yes)

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 2)

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

Signature... LM Mackay

Date... 14/11/2016

Capacity... Manager

For joint applicants signature of 2nd applicant, 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature.....

Date.....

Capacity.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
<u>Miss Lisa Marie Mackay</u>	
<u>78 Hallsall lane</u>	
<u>Ormskirk</u>	
Post town <u>ORMSKIRK</u>	Post code <u>L39 3AX</u>
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

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

West Lancashire Borough Council
Licensing Service

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE
Tel: 01695 577177
Fax: 01695 585126

Email: licensing.enquiries@westlancs.gov.uk
Website: www.westlancs.gov.uk/licensing

Consent of premises licence holder to transfer

I/We, SINGLETON ESTATES LTD.
[full name(s) of existing licence holder(s)]

the premises licence holder of premises licence
number 000001326
[insert premises licence number]

relating to
EUREKA PUBLIC HOUSE
78 HALLSALL LANE
ORMSKIRK
[name and address to which the application relates]

hereby give my consent for the transfer of premises licence number
000001326
[insert premises licence number]
Singleton Estates Ltd
[insert full name or names of applicant]

to
MISHLISA MACKAY
[full name of transferee]

Signed Thomas Rowe

Name
(Please print) T. THOMAS ROWE

Dated 10/11/16

Denton, Antony

From: Bushell, Anthony <Anthony.Bushell@lancashire.pnn.police.uk>
Sent: 29 November 2016 13:40
To: Denton, Antony; Murray, Michaela
Cc: Robson, Linda
Subject: Eureka - Premises Licence and DPS Transfer

Afternoon

The police are in receipt of two applications relating to the Eureka, 78 Halsall Lane, Ormskirk, these being to transfer the premises licence to Lisa MacKay and to transfer the DPS at the premises to Ian Roche.

With regards these applications the police believe that exceptional circumstances exist which, if granted, would undermine the Prevention of Crime licensing Objective and therefore the police would make representations against the granting of both applications.

The grounds for the representations are as follows;

Transfer of Premises Licence - The current applicant for the premises licence is subject of a missing persons report and is wanted in relation to an alleged theft of money from the Eureka premises, the complainant and aggrieved in this case being the proposed DPS Ian Roche. There are currently extensive police enquiries being made to find MacKay and as such she is clearly unable to carry out the position of Premises Licence Holder

Transfer of DPS – The proposed DPS Ian Roche has and still does operate licensed premises in the Blackpool area where his current home address is. Roche is currently already a DPS at BooBar, 54 Abingdon Street, Blackpool.

Whilst the Licensing Act 2003 does not prevent a person being DPS at more than one premises, the guidance does make reference to the DPS being a person who has day to day control; of the premises. Due to his current commitments and his place of residence it is difficult to establish how he will be able to have day to day control of two premises so far apart. The Eureka is located in a residential area and as such it is important that the DPS be present at these premises to ensure the licensing objectives are not undermined.

Regards

PS 1506 Tony Bushell
South Division Licensing
(Preston, South Ribble, Chorley, West Lancs)
Preston Office 01772 209794
Chorley Office 01257 246227
anthony.bushell@lancashire.pnn.police.uk

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AGENDA ITEM:

LICENSING SUB-COMMITTEE:

Tuesday 20 December 2016

Report of: Director of Leisure & Wellbeing

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

SUBJECT: APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR IN RESPECT OF EUREKA PUBLIC HOUSE, 78 HALSALL LANE, ORMSKIRK L39 3AX

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider an application under the Licensing Act 2003 (the Act) to vary a Premises Licence to specify an individual as Designated Premises Supervisor in respect of Eureka Public House, 78 Halsall Lane, Ormskirk L39 3AX.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

- | | | |
|-----|---|---|
| 3.1 | Address of Premises: | Eureka Public House
78 Halsall Lane
Ormskirk
L39 3AX |
| 3.2 | Premises Licence Holder | Miss Lisa Mackay
78 Halsall Lane
Ormskirk
L39 3AX |
| 3.3 | Proposed Designated Premises Supervisor (DPS) | Ian Roche
72 – 74 Dickson Road
Blackpool
FY1 2AW |

4.0 THE APPLICATION

- 4.1 This report should be read in conjunction with the Sub-Committee report regarding an application for Premises Licence Holder Transfer in respect of the Eureka Public House, 78 Halsall Lane, Ormskirk L39 3AX. If Members resolved to grant the transfer application, Miss Lisa Mackay will be deemed to be the holder of the Premises Licence. If Members refused the transfer application, the DPS variation application referenced in this report should similarly be refused as Miss Mackay will not be the Premises Licence holder.
- 4.2 On 15 November 2016, a Miss Lisa Mackay applied to vary the Premise Licence to specify the following as DPS:

Mr Ian Roche
72 – 74 Dickson Road
Blackpool
FY1 2AW

A copy of the application is attached as Appendix 1 to this report.

- 4.3 Under the provisions of the Licensing Act 2003, Mr Roche was granted a Personal Licence by Blackpool Council – Personal Licence number PA3937.

5.0 NOTICE OF OBJECTION

- 5.1 In response to the application, a Notice of Objection was received from Lancashire Constabulary on the 29 November 2016 (A copy of which is attached as Appendix 2 to this report). This Notice is given when the Police are satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.

- 5.2 In summary the Notice is set out below

Lancashire Constabulary

The proposed DPS Ian Roche has and still does operate a licensed premises in the Blackpool area where his current home address is. He is currently already a DPS at BooBar, 54 Abingdon Street, Blackpool. Whilst the Licensing Act 2003 does not prevent a person being DPS at more than one premises, the guidance does make reference to the DPS being a person who has day to day control of the premises. Due to the individual's current commitments and his place of residence, it is difficult to establish how he will be able to have day to day control of two premises so far apart. The Eureka is located in a residential area, and as such, it is important that the DPS be present at these premises to ensure the licensing objectives are not undermined.

- 5.3 Accordingly, a letter and email has been sent out to the applicant advising of the Police Notice and enquiring whether or not they wished to withdraw the application at the present time. No response has been received.

5.4 On 12 December 2016 the applicant and Lancashire Constabulary were invited to attend the Licensing Sub-Committee on 20 September 2016.

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 Section 39 of the Act provides that where a Notice from the Police is received the Licensing Authority must:

- a) Hold a hearing to consider it unless that parties agree that a hearing is unnecessary
- b) having regard to the Notice:

Reject the application if it considers it necessary for the promotion of crime prevention objective to do so.

6.4 Members' attention is drawn to paragraphs 4.20 and 4.21 of the guidance issued by the Secretary of State under Section 182 of the Act. These paragraphs state that when considering this matter, Members must confine their consideration to the issue of crime and disorder. When making their decision, Members should give comprehensive reasons for that decision.

6.5 Members' attention is also drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 11 - Hearings Page 35

7.0 RIGHTS OF APPEAL

7.1 The applicant is entitled to appeal the decision to the Magistrates Court should the Sub-Committee decide to reject the application.

7.2 If the Sub-Committee decides to grant the application, Lancashire Constabulary also has the right to appeal the decision to the Magistrates Court.

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

Application
Objection Notice

(Appendix 1)
(Appendix 2)



West Lancashire Borough Council Licensing Service

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

Robert Hodge Centre

Stanley Way
Skelmersdale
Lancashire
WN8 8EE

Tel: 01695 577177

Fax: 01695 585126

Email: licensing.enquiries@westlancls.gov.uk

Website: www.westlancls.gov.uk/licensing

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. **You may wish to keep a copy of the completed form for your records.**

I/We M.S. Lisa MacLellan
(full name(s) of premises licence holder)

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

Premises Licence Number

000001326

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>Evreke Public House</u> <u>78 Holwell Lane</u>	
Post town <u>Ormskirk</u>	Post code <u>L39 3AX</u>

Telephone number of premises (if any)

Description of Premises (please read guidance note 1)

<u>Public House</u> <u>with Residential Accommodation</u>
--

Part 2

Full name of proposed designated premises supervisor

Mr Ian Roche

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

PA 3937 - Blackpool Council

Full name of existing designated premises supervisor (if any)

Adrienne Savage

Please tick ✓ (yes)

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

I have enclosed the premises licence or relevant part of it

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

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

Please tick ✓ (yes)

- I have made or enclosed payment of the fee

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

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

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

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

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 2)

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

Signature: R. Mackay
Date: 15/11/16
Capacity:

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature:
Date:
Capacity:

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Guidance Notes

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



West Lancashire Borough Council
Licensing Service

Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE

Tel: 01695 577177

Fax: 01695 585126

Email: licensing.enquiries@westlancs.gov.uk

Website: www.westlancs.gov.uk/licensing

Consent of individual to being specified as premises supervisor

I, Ion Roche

[insert full name of prospective premises supervisor]

of:

72-74 Dickson Road Fyl 2AW

[Insert home address of prospective premises supervisor]

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

Variation of DPS

[Type of application]

by:

Miss Lisa Mackay

[Insert name of applicant]

relating to a premises licence:

LN/1326

[Insert number of existing licence, if any]

For:

Eurema, 78 Holtall Lane, Ormskirk

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

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

Lise Mackay
[Insert name of applicant]

Concerning a supply of alcohol at:

Evreha Pub & House, 78 Holwell Lane, Ormskirk

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

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

Personal licence number: PA 3937
[Insert personal licence number, if any]

Personal licence issuing Authority:

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

Signed:



Name (please print):

Mr Ian Roche

Dated:

15/11/16

Denton, Antony

From: Bushell, Anthony <Anthony.Bushell@lancashire.pnn.police.uk>
Sent: 29 November 2016 13:40
To: Denton, Antony; Murray, Michaela
Cc: Robson, Linda
Subject: Eureka - Premises Licence and DPS Transfer

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Regards

PS 1506 Tony Bushell
South Division Licensing
(Preston, South Ribble, Chorley, West Lancs)
Preston Office 01772 209794
Chorley Office 01257 246227
anthony.bushell@lancashire.pnn.police.uk

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