



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

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Tuesday 17 January 2016

**TO: COUNCILLORS T DEVINE, J KAY, G OWEN**

Dear Councillor,

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET** on **FRIDAY, 27 JANUARY 2017** at **10.30 AM** at which your attendance is requested.

Yours faithfully

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

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**

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

- 3. URGENT BUSINESS**

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 the functions concerning the determination of new Licence Applications, Revocations and Appeals. 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. DECLARATION OF INTEREST**

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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. LICENSING HEARING PROCEDURE**

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**7. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF 26 BURSCOUGH STREET, ORMSKIRK**

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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](mailto: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 <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> 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) <b>and</b> 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"/>  <input type="checkbox"/>	<i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 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.



## 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.<sup>1</sup>
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)

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<sup>1</sup> 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 7

**AGENDA ITEM: 7**

**LICENSING SUB-COMMITTEE**

**Date: Friday 27 January 2017**

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**Report of: Director Of Leisure And Wellbeing**

**Contact for further information: Michaela Murray (Extn 5015)**  
**(E-mail: [licensing.enquiries@westlancs.gov.uk](mailto:licensing.enquiries@westlancs.gov.uk))**

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**SUBJECT: APPLICATION FOR NEW PREMISES LICENCE IN RESPECT OF 26 BURSCOUGH STREET, ORMSKIRK**

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Borough wide interest

## **1.0 PURPOSE OF REPORT**

1.1 To consider an application under the Licensing Act 2003 (the Act) for a New Premises Licence in respect of 26 Burscough Street, Ormskirk.

## **2.0 RECOMMENDATIONS**

2.1 The Sub-Committee's instructions are requested.

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## **3.0 PREMISES INFORMATION**

3.1 Address of Premises: 26 Burscough Street  
Ormskirk  
L39 2ES

3.2 Premises Licence Holder: Estates and Regeneration Section  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
L39 2DF

3.3 Designated Premise Supervisor: Myles McDonald Greenwell  
132 Mercury Way  
Holland Park  
Skelmersdale  
WN8 6BF

#### **4.0 THE APPLICATION**

- 4.1 On 1 December 2016 an application for New Premises Licence was received, a copy of which is attached as Appendix 1 to this report.
- 4.2 A location plan is attached at Appendix 2 to this report.
- 4.3 There have been two relevant representations received against the application that have been received from Environmental Protection (attached as Appendix 3) and a Member of the Public (attached as Appendix 4)

#### **5.0 BACKGROUND**

- 5.1 For Members' information this premises had previously had a Premises Licence, from 2 October 2014 to 14 July 2016 when the licence was surrendered. The new applicant has applied for the same hours of operation as was previously granted.

#### **6.0 RESPONSIBLE AUTHORITIES- ENVIRONMENTAL PROTECTION**

- 6.1 The representation from the Environmental Protection Officer (Appendix 3) raises concerns that the applicant has not proposed any steps to take to promote the Prevention of Nuisance Objective. As a result of these concerns they consider that the operation of these premises as applied for presents a risk to the prevention of the Public Nuisance Objective.
- 6.2 Details of the Environmental Protection representation has been forwarded to the applicant. If the specified conditions referred to in the representation are accepted by the applicant the representation will be withdrawn.
- 6.3 On Thursday 12 January 2017 the conditions were accepted by the applicant and the representation has been withdrawn.

#### **7.0 RELEVANT REPRESENTATIONS – MEMBER OF THE PUBLIC**

- 7.1 The representation from a Member of the Public (Appendix 5) raises concerns and states that the quality of life during trading hours will be seriously diminished especially with regard to increased noise levels. The representation is made under the Public Nuisance Licensing Objective.

#### **8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS**

- 8.1 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.
- 8.2 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

- 8.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.
- 8.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:
- (i) Modify or add conditions in respect of the variation application
  - (ii) Refuse a licensable activity from the variation
- 8.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.
- 8.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4

Public Safety

pages 12-14

## **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.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Premises licence application	(Appendix 1)
Location plan	(Appendix 2)
Representation Environmental Protection	(Appendix 3)
Representation Member of the Public	(Appendix 4)



# West Lancashire Borough Council Licensing Service

Application for a premises licence to be granted under the  
Licensing Act 2003

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

# Application for a 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 [ Estates and Regeneration Section of West Lancashire Borough Council, 52 Derby Street, Ormskirk, Lancashire, L39 2DF ] apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
26 Burscough Street, Ormskirk, Lancashire, L29 2 ES	
Post town Ormskirk	Post code L29 2ES

Telephone number at premises (if any)

N/A

Non-domestic rateable value of premises

£ 13,250

### Part 2 – Applicant details

Please state whether you are applying for a premises licence as

- |  | Please tick ✓ (yes)   |
|--|---|
| a) An individual or individuals*                       | <input type="checkbox"/> Please complete section (A)            |
| b) A person other than an individual*                  | <input type="checkbox"/> Please complete section (B)            |
| i. as a limited company                                | <input type="checkbox"/> Please complete section (B)            |
| ii. as a partnership                                   | <input type="checkbox"/> Please complete section (B)            |
| iii. as an unincorporated association or               | <input type="checkbox"/> Please complete section (B)            |
| iv. other (for example a statutory corporation)        | <input checked="" type="checkbox"/> Please complete section (B) |
| c) A recognised club                                   | <input type="checkbox"/> Please complete section (B)            |
| d) A charity   | <input type="checkbox"/> Please complete section (B)            |
| e) The proprietor of an educational establishment      | <input type="checkbox"/> Please complete section (B)            |
| f) A health service body                               | <input type="checkbox"/> Please complete section (B)            |
| g) A person who is registered under Part 2 of the Care | <input type="checkbox"/> Please complete section (B)            |

Standards Act 2000 (c14) in respect of an independent hospital

- 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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other   
(for example, Rev)

Surname

First Names

Please tick ✓ Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

This section is intentionally blank

**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)

E-mail address  
(optional)

This section is intentionally blank



**(B) OTHER APPLICANTS**

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

Name Estates and Regeneration Section
Address Estates and Regeneration Section Development and Regeneration Department West Lancashire Borough Council 52 Derby Street Ormskirk L39 2DF
Registered Number (where applicable) Not Applicable
Description of applicant (for example, partnership, company, unincorporated association etc.) Local Authority acting in it's capacity of Landlord of the premises.
Telephone number (if any) 01695 512611
E-mail address (optional) Rachel.Kneale@westlancs.gov.uk or Sara.Tomison@westlancs.gov.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	2	2	0	1	6

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

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

n/a

Please give a general description of the premises (please read guidance note 1)

The property is a 2 storey lock up retail unit situated on Burscough Street within the town centre of Ormskirk, which has formerly traded as Odyssey Bar.

The ground floor of the premises is open plan with no dividing walls and there is a front entrance onto Burscough Street and a rear trade, delivery entrance / fire escape onto the service area which leads to Leyland Way and the Wheatsheaf Walk Car Park.

A bar area will be built within the ground floor area towards the rear of the unit while still permitting access via the rear service / fire door.

The first floor of the premises has ladies and gents WC facilities and also another separate room which is to be used as a "cellar" for the storage of alcohol and an office / admin area.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment:**

Please tick ✓  
(yes)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Sale by retail of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days & timings (Please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).			Indoors	
						Outdoors	
						Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)				
Mon							

Tue			
Wed			<b>State any seasonal variations for performing plays (please read guidance note 4)</b>
Thurs			
Fri			
Sat			<b>Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Sun			

**B**

<b>Films</b> Standard days & timings (Please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>			
Mon	08.00	00.30				
Tue	08.00	00.30				
Wed	08.00	00.30	<b>State any seasonal variations for the exhibition of films (please read guidance note 4)</b>			
Thurs	08.00	01.30				
Fri	08.00	01.30				
Sat	08.00	01.30	<b>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</b>			
Sun	08.00	00.30				

**C**

<b>Indoor sporting events</b> Standard days & timings (Please read guidance note 6)			<b>Please give further details here (please read guidance note 3)</b>			
Day	Start	Finish				
Mon						

Tue			<b>State any seasonal variations for indoor sporting events (please read guidance note 4)</b>  <b>Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Wed			
Thurs			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days & timings (Please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon			<b>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</b>  <b>Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Tue					
Wed					
Thurs					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days & timings (Please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon	19.00	23.00			

Tue	19.00	23.00	<p><b>State any seasonal variations for performing of live music (please read guidance note 4)</b></p> <p><b>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p>
Wed	19.00	23.00	
Thurs	19.00	23.00	
Fri	19.00	23.00	
Sat	19.00	23.00	
Sun	19.00	23.00	

This section is intentionally blank

**F**

<b>Recorded music</b> Standard days & timings (Please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both.	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 3)</b>			
Mon	08.00	00.30				

Tue	08.00	00.30	
Wed	08.00	00.30	<b>State any seasonal variations for playing of recorded music (please read guidance note 4)</b>
Thurs	08.00	01.30	
Fri	08.00	01.30	<b>Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Sat	08.00	01.30	
Sun	08.00	00.30	

### G

<b>Performance of dance</b> Standard days & timings (Please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [✓]</b> (Please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing of dance (please read guidance note 4)</b>		
Thurs					
Fri					
Sat			<b>Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun					

### H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days & timings (Please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
Day	Start	Finish	<b>Will the this entertainment take place indoors or outdoors</b>	Indoors	
				Outdoors	

			<input type="checkbox"/> or both – please tick <input checked="" type="checkbox"/> . (Please read guidance note 2).	<input type="checkbox"/> Both
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed				
Thurs			<b>State any seasonal variations for entertainment</b> (please read guidance note 4)	
Fri			<b>Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

This section is intentionally blank

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/></b> (Please read guidance note 2).		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				

Mon	23.00	00.30	<b>Please give further details here</b> (please read guidance note 3)	
Tue	23.00	00.30		
Wed	23.00	00.30		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)
Thurs	23.00	01.30		
Fri	23.00	01.30	<b>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat	23.00	01.30		
Sun	23.00	00.30		

This section is intentionally blank

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [✓] (Please read guidance note 7).</b>		On the premises	
					Off the premises	
					Both	✓
Day	Start	Finish				



Mon	12.00	00.00	<b>State any proposed seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Tue	12.00	00.00		
Wed	12.00	00.00		<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K</b> (please read guidance note 5)
Thurs	12.00	01.00		
Fri	12.00	01.00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 10)</b>	
Sat	12.00	01.00		
Sun	12.00	00.00		

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

**Name** Myles McDonald Greenwell  
**Address** 132 Mercury Way , Holland Park, Skelmersdale , Lancashire , WN8 6BF  
**Postcode** WN8 6BF  
**Personal Licence Number (if known)** LN/ 0000005841  
**Issuing Licensing Authority (if known)** West Lancashire Borough Council

**K**

Please highlight any adult entertainment or services, activities, ~~or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children~~ (please read guidance note 8)

No activities of this nature proposed.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (Please read guidance note 4).
Day	Start	Finish	<b>Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	07.00	00.30	
Tue	07.00	00.30	
Wed	07.00	00.30	
Thurs	07.00	01.30	
Fri	07.00	01.30	
Sat	07.00	01.30	
Sun	07.00	00.30	

## **M**

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

### **a) General = all four licensing objectives (b, c, d; e) (please read guidance note 9)**

All staff will be subject to on-going training in relation to age related sales. This training will be recorded and made available on request to any responsible Authority.

The premises will have and operate a town centre link radio enabling contact with Ormskirk CCTV operating centre.

### **b) The prevention of crime and disorder**

The Premises Licence Holder will operate and maintain the CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows ;

- 1) The system shall cover all entrances and exits from the premise, in addition to covering all internal and external areas of the premises used to supply or consume licensed products.
- 2) The focus of the camera(s) shall be so as to enable clear identification of persons on the premises.
- 3) There shall be a camera installed capable of recording a head and shoulders image of persons entering the premises.
- 4) The system will be capable of accurate time and date stamping and retaining for at least 21 days .
- 5) The Data Controller shall make footage available to a police officer or authorised officer where such a request is made in accordance with the Data Protection Act 1998.

The premises will have a written drugs policy to the satisfaction of the police that will include a search policy and all staff will have a working knowledge of it.

The premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises and that a search policy as a condition of entrance operates at the premises.

### **c) Public safety**

The Premises Licence Holder /DPS shall ensure that the provision for and number of door supervisors at the premises will be carried out on a weekly risk assessed basis. This risk assessment will reflect the potential for crime and disorder posed by the number of customers on any particular trading day or as a result of local or national

events.

Any risk assessment will be in a written format, kept at the premises and produced for inspection by any responsible authority on reasonable request.

The DPS will ensure the premises maintains an incident book which will contain a record of all incidents relating to the premises, it's staff and customers , including time, date, nature of incident and outcome to the satisfaction of Lancashire Constabulary and the Local Authority. This record will be available on request to any responsible authority.

**d) The prevention of public nuisance**

**e) The protection of children from harm**

The Premises will operate a policy that prevents the sale of alcohol to persons under 18 to the satisfaction of the police and local authority. This policy shall state that any person who does not appear to be at least 21 years of age , will not be served unless they can produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) , photo card driving licence or passport.

Notices will be displayed where they can be clearly seen and read in the premises indicating that the premises operates a Challenge Policy in relation to the sale of alcohol.

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where

Please tick

✓ (yes)

✓

✓

~~applicable~~

- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable.
- I understand that I must now advertise my application.
- 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 4 – Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature: SARA TOMISON  
Date: 1-12-16  
Capacity: ESTATES & VALUATION SURVEYOR

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature: .....  
Date: .....  
Capacity: .....

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>	
Mrs Sara Tomison , Estates and Valuation Surveyor , Development and Regeneration Department , West Lancashire District Council, 52 Derby Street, Ormskirk, Lancashire , L39 2DF.	
Post town      Ormskirk	Post code    L39 2DF
Telephone number    01695 712612	
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, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-

- supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
  3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve.
  6. Please give timings in 24 hour clock (e.g.16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
  7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
  8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
  9. Please list here steps you will take to promote all four licensing objectives together.
  10. The application form must be signed.
  11. A applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
  13. This is the address which we shall use to correspond with you about this application.





26 Burscough Street



Date: 10/01/2017

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# Memorandum

To Senior Licensing Officer  
From Environmental Protection and Community Safety Manager  
Subject PREMISES LICENCE -26 BURSCOUGH ST, ORMSKIRK, L29 2ES  
Date 22 December 2016

Ref:  
Ref:223981

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

We have received complaints of noise nuisance from these premises in the past. There are residential flats opposite the premises. The applicant has not proposed any steps to take to promote the prevention of nuisance objective.

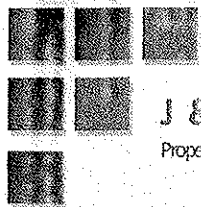
As such I consider that the operation of these premises as applied for presents a risk to the prevention of the public nuisance objective. I therefore object to the granting of this licence unless the following conditions are attached:

- The DPS or his/her representative shall conduct an assessment of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is audible at the boundary of any neighbouring residential premises. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
- All external doors and windows shall be kept closed, other than for access and egress at all times during regulated entertainment.
- All external entrance doors and any internal lobby doors shall be fitted with self-closing devices, to be set or adjusted to ensure that doors do not bang shut.
- No music or speech shall be relayed via external speakers.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

- The placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 2000 hours and 0800 on any day so as to prevent disturbance to nearby premises.

.....

Jill Antrobus  
Principal Environmental Health Officer  
Ext 5251



**J & A P FYLES**  
Property Development & Investment

Preston Lodge South | Hall Lane | Lathom | Lancashire | L40 5UN  
Mobile 07977 440818 | Email j.apfyles@gmail.com

23<sup>rd</sup> December 2017

Dear Sir

26 Burscough Street, Ormskirk, Lancashire L39 2ES  
Application for Premises Licence to be granted under Licensing Act 2003

I am writing to express my objection to the above application.

I am the landlord of 33 Burscough Street, which is commercial usage on the ground floor but long standing residential use above ie flats 1 and 2. I object to the above Licence proposal on behalf my tenants. Their concerns and mine are, that should this licence be granted and meaningful restrictions not put in place, their quality of life during trading hours will be seriously diminished especially with regard to increased noise levels, which with such an establishment are bound to be generated.

The tenants have in the past experienced intolerable noise when the previous tenants used the street to provide more seating for their patrons and the door to the premises was left open allowing more noise to migrate.

I look forward to hearing from you regarding my objection.

Yours faithfully,

John Fyles

