



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

Monday 10 July 2017

**TO: COUNCILLORS T DEVINE, N DELANEY, C EVANS, J KAY, D MCKAY, J MEE,
R MELLING, M MILLS, G OWEN, A OWENS AND K WRIGHT**

Dear Councillor,

A meeting of the **LICENSING & APPEALS COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 18 JULY 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE 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 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 the agenda sheet).

6. MINUTES

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To receive as a correct record the minutes of the meeting held on 6 June 2017.

7. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

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To note the minutes from the Licensing Sub-Committee held on:

24 January 2017
10 February 2017
24 May 2017
6 June 2017

8. EXCLUSION OF PRESS AND PUBLIC

It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in disclosing the information. The nature of the exempt information and the relevant exemption paragraphs are shown in brackets after the report title.

9. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000229705

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(IDENTITY OF AN INDIVIDUAL/CRIMINAL MATTERS – Paragraphs 2 & 7)

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

10. **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000229122** 197 - 200

(IDENTITY OF AN INDIVIDUAL/CRIMINAL MATTERS – Paragraphs 2 & 7)

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

11. **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000226975** 201 - 204

(IDENTITY OF AN INDIVIDUAL/CRIMINAL MATTERS – Paragraphs 2 & 7)

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"/> <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

Prescribed description

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

PRESENT:

Councillor: N Delaney (Chairman)

Councillors: N Delaney C Evans
J Kay D McKay
J Mee M Mills
G Owen A Owens
K Wright A Pritchard

Officers: Director of Leisure and Wellbeing (Mr D Tilleray)
Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs M Murray)
Member Services/Civic Support Officer (Mrs J Brown)

1 **APOLOGIES**

Apologies for absence were received on behalf of Councillor Melling.

2 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Devine, and the appointment of Councillor Pritchard for this meeting only, thereby giving effect to the wishes of the political groups.

3 **URGENT BUSINESS**

There were no urgent items of business.

4 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

5 **DECLARATION OF INTEREST**

There were no declarations of interest.

6 **MINUTES OF SUB - COMMITTEES OR WORKING GROUPS**

There were no minutes to receive.

7 **MINUTES**

RESOLVED: That the Minutes of the meeting held on 4 April 2017 be received as a correct record and signed by the Chairman.

8 AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 7 to 164 of the Book of Reports which sought approval of the draft Hackney Carriage and Private Hire Licensing Policy Statement prior to consultation.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions and comments raised by Members including the possibility of the delivery of dementia awareness training in the future. It was also noted that there were some minor administrative changes throughout the document.

- RESOLVED: A. That the draft Hackney Carriage and Private Hire Licensing Policy Statement attached at Appendix 2 to the report be approved subject to adding the requirement of dementia awareness training to the relevant sections of the Policy.
- B. That the Director of Leisure and Wellbeing be given delegated authority to subject the draft Hackney Carriage and Private Hire Licensing Policy Statement to a period of public consultation before returning the document to the Licensing and Appeals Committee for final approval.
- C. That the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010 attached to Appendix 3 to this report be approved with effect from 3 July 2017.
- D. That the Director of Leisure and Wellbeing be given delegated authority to publish and maintain the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010 attached to Appendix 3 to the report.

9 EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 (Identity of an individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

10 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000226532

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000226532 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting and was interviewed by the Committee during which he was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence Number WK/000226532 be GRANTED.

(Note: The Officers from the Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

11 **PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE- WK/000226631**

Members were asked to consider an existing Private Hire Driver Licence Number WK/000226631, having regard to offences on the drivers DVLA Licence.

The driver attended the meeting and was interviewed by the Committee during which he was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence WK/000226631 be REVOKED.

(Note: The Officers from the Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

.....
Chairman

Agenda Item 7

LICENSING SUB-COMMITTEE

HELD: Tuesday, 24 January 2017

Start: 10.30 am

Finish: 2.40 pm

PRESENT:

Councillor: T Devine (Chairman)

Councillors: J Kay
M Mills

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

In attendance: Mr P Boschetto (Applicant)
Mr E Burroughs (Applicant)
PS T Bushell (Lancashire Police Constabulary)
PC M Ginn (Lancashire Police Constabulary)

17 APOLOGIES

There were no apologies for absence received.

18 MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

19 URGENT BUSINESS

There were no urgent items of business.

20 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 MINUTES

RESOLVED: That the Minutes of the meeting held on 21 September 2016 be noted.

23 LICENSING HEARING PROCEDURE

The Chairman outlined the Licensing Hearing Procedure.

24 **APPLICATION FOR A PREMISES LICENCE VARIATION IN RESPECT OF JUNK BAR, 12 CHURCH STREET, ORMSKIRK, L39 3AN**

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 139 to 164 of the Book of Reports in respect of an Application for a Premises Licence Variation in respect of Junk Bar, 12 Church Street, Ormskirk L39 3AN.

In considering this matter the Sub- Committee had regard to its Licensing Policy and the guidance issued under S.182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was 'the prevention of crime and disorder'.

On hearing evidence from the Applicant and Lancashire Constabulary the Sub – Committee:-

- RESOLVED:
- A. That the sale of alcohol shall be permitted between 10.00 hours and 01.00 hours Sunday to Thursday and 10.00 hours to 02.00 hours Friday and Saturday.
 - B. That the premises shall be open to the public between 09.00 hours and 01.30 hours Sunday to Thursday and 09.00 hours to 02.30 hours Friday and Saturday.
 - C. That the provision of films shall be permitted between 10.00 hours and 01.00 hours Monday to Sunday.
 - D. That the provision of recorded music shall be permitted between 10.00 hours and 01.30 hours Sunday to Thursday and 10.00 hours and 02.00 hours Friday and Saturday.

Annex 3 will be amended as follows:-

- E. That the condition attached to Annex 3, stating that the operation of the premises be undertaken by a Dedicated Premises Supervisor with the minimum of 12 months experience in control of a Licensed Premises shall be removed.
- F. That all staff shall be trained in relation to the licensing objectives and that this shall be documented, this document shall remain on the premises at all times and made available to any responsible authority upon request.
- G. That on a Friday and Saturday or any other time the premises provides licensable activity until 02.00 hours or later there will be a minimum of 2 door supervisors on duty

from 12.00 Midnight until the premises is closed to the public.

- H. That on any other trading night the provision of door supervisors will be on a risk assessment basis taking into account the nature and type of operation being conducted on that night. The risk assessment will be documented, retained on the premises and produced for inspection upon the request of any responsible authority.

The Sub – Committee added the following condition to Annex 3:-

- I. That the premises will operate an incident log, which shall be retained on the premises at all times and be made available for inspection to any responsible authority upon reasonable request.

All other conditions at Annex 3 shall remain.

The Applicant agreed to the addition of the following condition to Annex 2:-

- J. That the premises shall operate the radio link scheme whenever the premises are open to the public.

.....
CHAIRMAN

LICENSING SUB-COMMITTEE

HELD: Friday, 10 February 2017

Start: 10.30 am

Finish: 12.05 pm

PRESENT:

Councillor: N Delaney (Chairman)

Councillors: T Devine J Kay

In attendance: Mr R Arnott (Ward Hadaway Solicitors)
Mr D Wood (Area Manager Co-op)
Councillor Owens (Ward Councillor)

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

25 **APOLOGIES**

There were no apologies for absence received.

26 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Sub – Committee.

27 **URGENT BUSINESS**

There were no items of urgent business.

28 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

29 **DECLARATIONS OF INTEREST**

There were no declarations of Interest.

30 **MINUTES**

RESOLVED: That the Minutes of the meeting held on 24 January 2017 be noted.

31 **LICENSING HEARING PROCEDURE**

The Chairman outlined the Licensing Hearing Procedure.

32 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF CO-OP (FORMER ROPERS ARMS SITE), 52 WIGAN ROAD, ORMSKIRK L39 2AU**

Consideration was given to the report of the Director of Leisure and Wellbeing Services as contained on pages 205 to 224 of the Book of Reports in respect of an Application for a Premises Licence in respect of Co-op (former Ropers Arms Site), 52 Wigan Road, Ormskirk L39 2AU.

In considering this matter the Sub – Committee had regard to its Licensing Policy and the guidance issued under S. 182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was ‘the prevention of public nuisance’.

On hearing evidence from the Applicant and Ward Councillor the Sub – Committee:-

- RESOLVED: A. That the sale of alcohol shall be permitted between 07.00 hours and 23.00 hours Monday to Saturday and 08.00 hours to 22.00 hours Sundays and Bank Holidays.
- B. That the premises shall be open to the public between 06.00 hours and 23.00 hours Monday to Sunday.

.....
Chairman

Start: 10.30 a.m.

Finish: 1.40 p.m.

PRESENT:

Councillor: T Devine (Chairman)

Councillors: J Kay G Owen

Officers: Principal Solicitor (Mrs k Lovelady)
Senior Licensing Officer (Mrs M Murray)
Member Services/Civic Support Officer (Mrs J A Ryan)

In attendance: Mr P Boschetto – Premises Licence Holder
Mr E Burroughs – Premises Licence Holder
Sergeant S Ashcroft – Lancashire Constabulary
PC M Ginn – Lancashire Constabulary
PC J Stewart – Lancashire Constabulary

1 **APOLOGIES**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business.

3 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5 **MINUTES**

RESOLVED: That the Minutes of the meeting held on 10 February 2017 be noted.

6 **LICENSING HEARING PROCEDURE**

The Chairman outlined the Licensing Hearing Procedure.

7 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF JUNK, 12 CHURCH STREET, ORMSKIRK, L39 3AN**

Consideration was given to the report of the Director of Leisure and Wellbeing Services as contained on pages 7 to 58 of the Book of Reports in respect of an Application for the review of a Premises Licence in respect of Junk, 12 Church Street, Ormskirk, L39 3AN.

In considering this matter the Sub-Committee had regard to its Licensing Policy and the guidance issued under S. 182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was the 'Prevention of Crime and Disorder'.

On hearing evidence from the Premises Licence Holders and Lancashire Constabulary the Sub – Committee:-

RESOLVED: A. That the current DPS be removed.

The operating hours will be as follows:-

- B. That the sale of alcohol shall be permitted between 10.00 hours and 01.00 hours Sunday to Thursday and 10.00 hours to 01.30 hours Friday and Saturday.
- C. That the premises shall be open to the public between 09.00 hours and 01.30 hours Sunday to Thursday and 09.00 hours to 02.00 hours Friday and Saturday.
- D. That the provision of films shall be permitted between 10.00 hours and 01.00 hours Monday to Sunday.
- E. That the provision of recorded music shall be permitted between 10.00 hours and 01.00 hours Sunday to Thursday and 10.00 hours and 01.30 hours Friday and Saturday.

The duplicated conditions contained within Annex 2 are removed and Annex 3 will be amended and modified as follows:-

- F. That the premises shall install, maintain and operate a CCTV system which will be in use during all times the premises is open to the public and will comply with the following requirements;
 - I. The system will cover all internal public areas of the premises and any external areas used by customers of the premises.
 - II. The system will cover all entrances and exits and be capable of capturing a head and shoulders image of all persons entering the premises.
 - III. The system will display the correct time and date and will be capable of time and date stamping any downloaded footage.
 - IV. The system will be capable of retaining recorded images for a minimum of 28 days.
 - V. At all times the premises is open to the public there will be a member of staff at the premises who can operate the system and provide any footage requested.
 - VI. The Data Controller will provide footage from the system, in a playable format, to any responsible authority on reasonable request and where that request complies with the Data Protection Act or equivalent legislation.

- VII. Any requested footage will be provided as soon as practicable and in any event within 72 hours.
- VIII. The premises will prominently display signage informing customers that CCTV is in operation at the premises.

- G. That on any day that the premises is authorised by the premises licence to provide licensable activity until 01.30 hours or later the provision of door supervisors will be on a risk assessed basis taking into account the nature and type of operation being conducted on that night.
- H. That the above risk assessment will be documented, retained on the premises and produced for inspection to any responsible authority upon request.
- I. That Notices will be displayed at public exits, in a clear prominent position, requesting that patrons respect the needs of local residents and leave the premises and area quietly.
- J. That whenever regulated entertainment is taking place, regular assessments shall be made of any noise emanating from the premises. Wherever said assessments indicate that noise is likely to cause nuisance to any local residents, remedial steps shall be taken to reduce the levels of noise.
- K. That the premises will operate a 'Challenge 25' policy whereby any persons who appears to be under the age of 25 shall be required to provide identification to prove that they are over 18. The acceptable forms of proof of identification shall be either:-
 - i. Passport
 - ii. A UK Photocard Driving Licence
 - iii. Official ID card issued by HM Forces or EU bearing a photograph and the date of birth of the holder
 - iv. Proof of age card accredited under the Proof of Age Standards Scheme (PASS)
- L. That all staff involved in the sale of alcohol will be trained in relation to the 'Challenge 25' policy, age related sales and the licensing objectives upon commencement of their employment. Staff will be subject to refresher training at regular intervals, this training will be documented and made available for inspection on request by any Responsible Authority.
- M. That the Premises Licence Holder/DPS will prevent customers taking glasses and bottles outside the premises after 21.00 hrs after which drinks will be provided in either plastic/polycarbonate containers.

- N. That a bound incident book shall be maintained at the premises which will be used to record the following;
 - i. Any challenges, both positive and negative, made to customers relating to the sale of age restricted products
 - ii. The time, date of the challenge, description and or name of the customer and details of identification produced
 - iii. Any incidents relating to the premises, its staff or customers
 - iv. This record will include the time, date, nature and outcome of the incident

- O. That the incident book will be made available for inspection by any responsible authority on reasonable request

- P. That the premises will operate a 'shopwatch' radio (or other compatible radio) and be part of the Ormskirk Town Centre Radio Link Scheme. The radio will be operated at all times the premises is open to the public in accordance with the Radio Link Scheme Protocols, which include the requirement to book on and off with Ormskirk CCTV Operators.

- Q. That the premises will be permitted to provide its authorised licensable activities for an additional hour on the following days:-
 - i. The last Friday before Christmas Eve
 - ii. Christmas Day
 - iii. Any Friday, Saturday, Sunday and Mondays of Bank Holiday Weekends
 - iv. From the end of permitted hours on New Years Eve to the start of the permitted hours on New Years Day

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- CHAIRMAN -

PRESENT: Councillor Delaney (Chairman)

Councillors J Kay M Mills

Officers: Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs M Murray)
Environmental Protection and Community Safety Manager
(Mr A Hill)
Principal Environmental Health Officer (Ms J Antrobus)
Senior Environmental Health Officer (Mr C Carpenter)
Senior Environmental Health Officer (Ms G Perkins)
Member Services/Civic Support Officer (Mrs J Brown)

In attendance: Premises Licence Holder (Mr S Patel)
Premises Licence Holder (Mr D Kenyon)
Poppleston Allen Solicitors (Mr J Smith)
DPS (Mr D Webster)
Members of public (against the Review Application)

1 **APOLOGIES**

There were no apologies for absence received.

(Note: The Licensing Sub – Committee and attendees observed one minutes silence in respect of the recent London attack that occurred at the weekend).

2 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Sub Committee noted the termination of membership of Councillor Devine, and the appointment of Councillor Mills for this meeting only, thereby giving effect to the wishes of the political groups.

3 **URGENT BUSINESS**

There were no items of urgent business.

4 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

6 **LICENSING HEARING PROCEDURE**

The Chairman referred to the Licensing Hearing Procedure.

7 **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE IN RESPECT OF JYNX, WITHAM ROAD, SKELMERSDALE, WN8 8HP**

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 63 to 147 of the Book of Reports in respect of an Application for the review of a Premises License in respect of Jynx, Witham Road, Skelmersdale, WN8 8HP.

In considering this matter the Sub – Committee had regard to the Licensing Act 2003, its Licensing Policy and the guidance issued under S 182 of the Licensing Act. It considered the relevant Licensing Objectives on this occasion was the 'Prevention of Public Nuisance'.

On hearing evidence from the Premises Licence Holders, Environmental Health Services, supporters and objectors the Sub Committee decided to impose the following additional conditions to the Premises Licence;

- RESOLVED:
- A. That in line with the Authority's Statement of Licensing Policy the Sub Committee has issued a yellow card warning which will remain on the licence for a period of 2 years. The decision of the Sub Committee will be displayed in a prominent position on the premises where it can be conveniently read from the exterior of the premises detailing the outcome of the review and the warning that has been given.
 - B. That the Premises Licence Holder will modify the smoking shelter to the front of the premises as soon as possible and no later than 31 October 2017, in accordance with the recommendations made in the "assessment of noise from a smoking shelter" report dated 31 May 2017, report No: 101522-3, prepared by Miller Goodall Environmental Services, and attached to the Premises Licence. The maximum number of customers permitted in the smoking shelter at any one time will be 15.
 - C. That the Premises Licence Holder will adopt and fully comply with the noise Management Plan, dated 31 May 2017, report No:101522-2. Prepared by Miller Goodall Environmental Services, and attached to the Premises Licence.

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CHAIRMAN

By virtue of paragraph(s) 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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