

LICENSING SUB-COMMITTEE

HELD: Thursday, 6 September 2018

Start: 10.30AM

Finish: 4.30PM

PRESENT:

Councillor: N Furey (Chairman)

Councillors: G Owen J Kay

In attendance: Mr S Physick (Applicant)
Mr Physick Senior (Applicants Father)
N Hennessy (Ward Councillor)

Officers: Kay Lovelady, Principal Solicitor
Michaela Murray, Senior Licensing Officer
Karen Smith, Legal Assistant
Jill Antrobus, Senior Environmental Health Officer
Kate Riley, Environmental Health Officer
Julia Brown, Member Services/Civic Support Officer
PC Julie Stewart, Lancashire Constabulary
Objectors

9 **APOLOGIES**

There were no apologies for absence received.

10 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

11 **URGENT BUSINESS**

There were no urgent items of business.

12 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

13 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

14 **MINUTES**

RESOLVED: That the Minutes of the meeting held on 13 August 2018 be noted.

15 **LICENSING HEARING PROCEDURE**

The Chairman referred to the Licensing Hearing Procedure.

16 **APPLICATION FOR PREMISES LICENCE IN RESPECT OF THE TIMBER YARD, MOORGATE, ORMSKIRK L39 4RX**

Consideration was given to the report of the Director of Leisure and Environment as contained on pages 59 to 130 of the Book of Reports which was to consider an application for a premises licence in respect of The Timber Yard, Moorgate, Ormskirk L39 4RX.

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 were 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance'.

On hearing evidence from the Applicant, Lancashire Constabulary, Environmental Protection, and Objectors the Sub – Committee:-

RESOLVED :-A. That the premises shall be open to the public between 11.00 hours to 23.00 hours Monday to Thursday, 11.00 hours to 00.00 Midnight Friday and Saturday and 12.00 Midday to 23.00 hours on Sunday.

B. That the sale of alcohol for on sales only shall be permitted between 11.00 hours and 22.30 hours Monday to Thursday, 11.00 hours to 23.30 hours Friday and Saturday and 11.00 hours to 10.30 hours Sunday.

C. That the provision of recorded music inside premises only shall be permitted between 11.00 hours and 22.30 hours Monday to Thursday, 11.00 hours to 23.30 hours Friday and Saturday and 12.00 midday to 22.30 hours Sunday.

D. That the provision of live music indoors and acoustic only shall be permitted between 11.00 hours and 22.00 hours Friday and Saturdays.

E. CONDITIONS:-

1. That contact details of the Designated Premises Supervisor and the Premises Licence Holder are available to staff and the authorities at all times.
2. That a contact telephone number for the premises will be displayed on the front gates of the Premises to allow anyone who wishes to report an issue directly to the premises to do so. The said telephone must remain operational at all times the number is displayed.
3. That a Personal Licence Holder must be on duty any time the business is open to the public.
4. That the premises shall install, operate and maintain a CCTV system which shall be in use all times the premises is open to the public and comply as

follows:-

- 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 shall cover all internal and external areas of the premises used to supply, or store licensed products.
 - IV. The focus of the camera(s) shall be so as to enable clear identification of persons on the premises
 - V. The system will display the correct time and date and will be capable of time and date stamping any downloaded footage.
 - VI. The system will be capable of retaining recorded images for a minimum of 28 days.
 - VII. 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.
 - VIII. 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.
 - IX. Any requested footage will be provided as soon as practicable and in any event within 72 hours.
 - X. The premises will prominently display signage informing customers that CCTV is in operation at the premises.
5. That a documented training scheme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The scheme shall be made available for inspection at the request of any Police Officer, Trading Standards Officer or Local Authority Enforcement Officer.
6. That the Designated Premises Supervisor or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. The written record shall be kept of the content of such reviews and be available for inspection by any responsible authority upon request.
7. That prior to each occasion that licensable activities take place at the premises, a risk assessment shall be carried out to determine the appropriate number of door supervisors to be utilised. Said risk assessment shall be documented and made available to an authorised officer upon request.

8. That a record shall be kept on the premises by the Management of every person employed on the premises as a Door Supervisor. The record shall contain the following details:
 - i. name
 - ii. date of birth
 - iii. SIA licence number
 - iv. time commenced duty and time terminated dutySaid record shall be made available for inspection on demand by Lancashire Constabulary or any other authorised officer.

9. That all internal door supervisors engaged on duty shall wear high-visibility clothing (which is sufficient to distinguish them from other staff and members of the public) at all times. Any external door supervisors shall, as a minimum, wear an armband or lanyard whilst on duty at the premises. In addition, all door supervisors engaged in the dispersal of customers at the end of the trading period shall wear high-visibility clothing.

10. That the number of customers present in the premises (whether outside or inside) at any given time will be monitored and controlled by way of a clicker system at the public front entrance. This should be logged in a bound book and retained for at least three months and shall be made available for inspection upon request by Lancashire Constabulary or any other authorised officer.

11. That no more than 60 customers shall be allowed on the premises whether inside or outside at any time the premises is open to the public.

12. 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)
 - v.

13. 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.
14. That customers shall not be permitted to enter or leave the premises with any open bottle, glass or other alcohol container. Any drinks that are to be consumed in the external area of the premise will be served in a polycarbonate vessel and all bottles will be decanted.
15. That no off sales shall be permitted.
16. 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
17. That the incident book will be made available for inspection by any responsible authority on reasonable request
18. That a refusals log will be kept and reviewed regularly by the DPS and made available for inspection by the police and an appropriate local authority representative on reasonable request
19. 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.
20. 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.
21. That a record of all assessments will be kept and made available to any responsible authority on reasonable request.

22. That all doors and windows shall be kept closed, other than for access and egress, at all times the premises is licensed for regulated entertainment.
23. That door supervisors and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
24. That noise from music and associated sources (including DJs and amplified voices) shall not be audible at the boundary of any neighbouring residential premises.
25. That no Regulated Entertainment is to take place in the outside seating area of the premises at any time.
26. That any outside area, which is used for the consumption of alcohol, shall cease to be so used at 22.00 hours on any day.
27. That the volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.
28. That the volume of all amplified sound used in connection with all entertainment provided shall be set and maintained at a level that is acceptable to West Lancashire Borough Council.
29. That the premises shall operate a Dispersal Policy at all times that the premises is open to the public, to ensure that customers exit the premises in an efficient and safe manner to minimise disorder and nuisance.
30. That no deliveries will take place between 20:00 hours and 08:00 hours.
31. That the placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08.00 hours and 21.00 hours only, so as to prevent disturbance to nearby premises.
32. That the Designated Premises Supervisor shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.
33. That the premises will be operated in participation with the local 'Pub watch' scheme if and when such a scheme is in existence and the Designated Premises Supervisor or his/her representative shall regularly attend any meetings.

34. That a written Drugs Policy approved by Lancashire Constabulary shall be implemented at all times at the premises.

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Chairman