



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 28 November 2022

TO: COUNCILLORS **G JOHNSON, J MEE, T ALDRIDGE, I ECCLES, N FUREY,
J GORDON, L GREY, J MONAGHAN, M NIXON, P O'NEILL
AND S PATEL**

Dear Councillor,

A meeting of the **LICENSING & APPEALS COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 6 DECEMBER 2022** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a faint circular stamp.

Jacqui Sinnott-Lacey
Chief Operating Officer

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** 269 - 270
 If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager 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 OF SUB - COMMITTEES OR WORKING GROUPS**
 There are no minutes to receive.
- 7. MINUTES** 271 - 274
 To receive as a correct record the minutes of the meeting held on 4 October 2022
- 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 items 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 (Paragraph 2, Identity of an individual and Paragraph 7, Criminal Matters and as in all the circumstances of the case, not in the public interest in disclosing the information.
- 9. PRIVATE HIRE DRIVER-DETERMINATION OF EXISTING LICENCE** 275 - 278
- WK/000276073
 To consider the report of the Corporate Director of Place and Community
- 10. PRIVATE HIRE DRIVER-DETERMINATION OF EXISTING LICENCE** 279 - 282
- WK/000274061
 To consider the report of the Corporate Director of Place and Community
- 11. PRIVATE HIRE DRIVER -DETERMINATION OF EXISTING LICENCE** 283 - 286
- WK/000275730
 To consider the report of the Corporate Director of Place and Community
- 12. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -** 287 - 310

WK/000274785

To consider the report of the Corporate Director of Place and Community

**13. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE -
WK/000273770**

311 - 314

To consider the report of the Corporate Director of Place and Community

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:-
Kirsty Breakell on 01695 583312
Or email Kirsty.Breakell@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**.

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 7

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 4 October 2022

Start: 7.00 pm

Finish: 7.42 pm

PRESENT:

Councillor: G Johnson (Chairman)
J Mee (Vice Chairman)

Councillors: S Patel
I Eccles
J Gordon
M Nixon
T Aldridge
N Furey
J Monaghan
P O`Neill

In Attendance: Paul Charlson, Head of Planning & Regulatory Services
Michaela Murray, Senior Licensing Officer
Kay Lovelady, Legal & Democratic Services Manager
Kirsty Breakell, Democratic Services Officer
Andrew Smith, Legal Assistant
Lyndsey Key, Environmental Health Manager

1 **APOLOGIES**

Apologies were received from Councillor L Gresty.

2 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the Membership of the Committee.

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 the 26 July 2022 be agreed as a correct record and signed by the Chairman.

8 **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.

9 **PRIVATE HIRE DRIVER LICENCE - LN/000009860**

Members were asked to consider an application for a Private Hire Diver Licence, reference number LN/000009860, having regard to offences recorded against the Driver.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number LN/000009860 be REVOKED.

(Note: The Officers from Place & Community Services left the meeting whilst Members considered their decision)

10 **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000274785**

Members were asked to consider an application for a Private Hire Diver Licence, reference number WK/000274785, having regard to offences recorded against the Driver.

It was noted that the Applicant's DBS certificate was not available in time for the meeting.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000274785 be deferred for 1 meeting.

11 **APPLICATION FOR DUAL DRIVER LICENCE - WK/000274068**

Members were asked to consider an application for a Dual Diver Licence, reference number WK/000274068, having regard to offences recorded against the Driver.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000274068 be GRANTED.

(Note: The Officers from Place & Community Services left the meeting whilst Members considered their decision)

12 **PRIVATE HIRE DRIVER LICENCE - WK/000274061**

Members were asked to consider an application for a Private Hire Diver Licence, reference number WK/000274061, having regard to offences recorded against the Driver.

It was noted that some information was not available in time for the meeting.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000274061 be deferred for 1 meeting.

.....
Chairman

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

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