



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 31 July 2023

TO: COUNCILLORS P BURNSIDE, G OWEN AND I ECCLES

Dear Councillor,

A meeting of the **LICENSING & GAMBLING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 1 AUGUST 2023** at **10.30 AM** at which your attendance is requested.

Yours faithfully

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

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 Sub – 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.

Agenda Item 9 will be considered under this provision.

- 4. DECLARATIONS 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, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of the Committee's deliberations on the matter.
- 5. DECLARATIONS OF INTEREST** 1 - 2
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 this agenda sheet).
- 6. MINUTES** 3 - 6
To note the Minutes of the meeting held on Monday, 17 April 2023.
- 7. LICENSING HEARING PROCEDURE** 7 – 8

PART 2 (NOT OPEN TO THE PUBLIC)
- 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 Paragraph 7 (Criminal Matters) of Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in disclosing the information.
- 9. LICENSING ACT 2003: SECTION 53A - INTERIM STEPS HEARING PENDING SUMMARY REVIEW OF PREMISES LICENCE** 9 - 12
To consider a verbal report by a representative from Planning & Regulatory Services.

Certificate Under Section 53a(l)(b) of the Licensing Act 2003 from Lancashire Constabulary is attached.

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:-
Chloe McNally on 01695585207
Or email Chloe.McNally@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		Notes
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"/>	<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 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 6

LICENSING & GAMBLING SUB-COMMITTEE

HELD: Monday, 17 April 2023

Start: 11.47 am

Finish: 2.23 pm

PRESENT:

Councillor: N Furey (Chairman)
J Mee (Vice Chairman)

Councillors: G Owen

In attendance: PC Steve Connolly – Lancashire Police Constabulary
Carol Pollitt – Principal Environmental Health Officer
Patricia Burnside – Burscough East Ward Councillor
Brian Bailey – Town Councillor
Brian Kennedy – Town Councillor
Mr Gary Fletcher – Applicant
Mrs Elizabeth Fletcher – Applicant

Officers: Kay Lovelady, Legal & Democratic Services Manager
Michaela Murray, Senior Licensing Officer
Kirsty Breakell, Democratic Services Officer
Andrew Smith, Legal Assistant
Claire Kelly, Principal Solicitor and Deputy Monitoring Officer

1 **APOLOGIES**

There were no apologies received.

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 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

5 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

6 **MINUTES**

RESOLVED: The minutes of the meeting held on 16 February 2023 be noted.

7 **LICENSING HEARING PROCEDURE**

The Legal & Democratic Services Manager briefed everyone on the hearing procedure.

8 VARIATION APPLICATION FOR THE NEW PREMISES LICENCE IN RESPECT OF CACTUS RAYS, BURSCOUGH WHARF, LIVERPOOL ROAD NORTH, BURSCOUGH L40 5RZ

Consideration was given to the report of the Corporate Director Of Place and Community as contained on pages 357 - 412 of the Book of Reports in respect of an Application for a Variation to the Premises Licence in respect of Cactus Rays, Unit 7 Burscough Wharf, Liverpool Road North, Burscough L40 5RZ.

Prior to the hearing the Applicant agreed to amend the application in relation to the operating hours for licensable activities as well as adding additional conditions to Annex 2 of the Premises Licence. The amendments were agreed with the Police and Environmental Protection.

RESOLVED:

THE AMENDED APPLICATION GRANTED SUBJECT TO THE FOLLOWING:

The application for the variation shall be granted in part as follows:

1. The Substitution of the new plan showing the use of the external area shall be rejected as the Applicant had varied the application to remove any licensable activities outside.
2. The variation will not become effective until either the date of the Notice and/or the police and environmental protection have confirmed that the policies outlined below meet their expected standard, whichever is the latest
1. The operating hours and conditions on the Premises Licence and submitted by the Applicant in relation to this application to vary the Premises Licence shall be amended as follows:

A. Licensable Activities and Operating Hours

Provision of Live Music indoors ONLY

Hours to be operated in accordance with the requirements of the Live Music Act 2012 (as amended)

Provision of Recorded Music indoors ONLY

Sunday to Thursday – 11.00 to 00.00 midnight
Friday and Saturday – 11.00 to 01.00

Supply of alcohol on and off the Premises

Monday to Sunday – 11.00 to 00.30

Hours premises are open to the public

Monday to Sunday – 09.00 to 01.00

B. Annex 2 Conditions added within the application

The Applicant proposed the following additional conditions as part of the amended application to vary the premises licence:

Conditions

1. The Applicant shall submit and have approved by Lancashire Constabulary a written drugs policy detailing how possession of drugs & use of drugs within the premises shall be minimised, how any confiscated, found or surrendered drugs are stored and safely disposed of. This policy shall be reviewed at least once per annum and made available to any responsible authority on request.
2. The Applicant shall submit and have approved by Lancashire Constabulary and Environmental Protection at West Lancashire Borough Council a written dispersal policy detailing how the premises will minimise incidents of nuisance emanating from customers leaving the premises during the terminus hour. This policy shall be reviewed at least once per annum and made available to any responsible authority on request.
3. The Applicant shall submit and have approved a Noise Management Plan to West Lancashire Borough Council's Environmental Protection Department detailing how the premises will minimise outbreak of noise nuisance emanating from the premises. This policy shall be reviewed at least once per annum and made available to any responsible authority on request

C. Annex 3 Conditions added as a result of the hearing

4. That a contact telephone number for the Premises will be displayed on the front window/door 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 licensable activities are taking place

.....
Chairman



WEST LANCASHIRE BOROUGH COUNCIL

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).
4. The Chairman asks the Director 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)
 - (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).
 9. 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.
 10. The Sub-Committee will retire to determine the application calling the Legal Advisor and Member Services Officer as needed.
 11. When the Sub-Committee returns the Chairman will announce the decision and give reasons. All parties to the hearing will receive confirmation of the decision in writing within five working days.

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.

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

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