

**LICENSING & GAMBLING SUB-COMMITTEE**     **HELD: Monday, 18 November 2019**  
Start: 10.35am  
Finish: 11.50am

**PRESENT:**

Councillor:                     N Delaney (Chairman)

Councillors:                  T Devine     J Mee

Officers:                         Kay Lovelady, Principal Solicitor  
                                        Samantha Jordan, Senior Licensing Officer  
                                        Kirsty Breakell, Member Services / Civic Officer  
                                        Karen Smith, Legal Assistant

In attendance:

9            **APOLOGIES**

There were no apologies 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 declaration of Party Whip

13          **DECLARATIONS OF INTEREST**

There were no declarations of interest

14          **MINUTES**

RESOLVED: That the minutes of the meeting held on 14 August 2019, be noted

15          **LICENSING HEARING PROCEDURE**

The Chairman referred to the Licensing Hearing Procedure.

16          **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF 69 TOWN GREEN LANE, AUGHTON, ORMSKIRK, L39 6SE**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 61 to 90 of the Book of Reports, which was to consider an application for a premises license in respect of 69 Town Green Lane, Aughton, Ormskirk L39 6SE.

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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 the evidence from the Applicant, Objectors and Ward Councillors, the Sub-Committee:-

The Application for the license be granted subject to the following:

**PROPOSED CONDITIONS:**

The following conditions on the operating schedule shall be amended as follows:

A. Condition 6 – "Door Supervisors and Security Attendants, if deemed necessary, at all times when on duty will wear an identity badge, conspicuously displayed and in a form and manner prescribed by the SIA. A risk assessment will be carried out, with any input by police being taken into account, again if this is deemed necessary. A door supervisors log shall be in use when door supervisors are employed" shall be removed and replaced with the following:

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 (if any). Said risk assessment shall be documented and made available to a Responsible Authority upon request.

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 duty

Said record shall be made available for inspection on demand by the Police or any other Responsible Authority.

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.

B. Condition 7 – "Trading Standard Knock Back training to be provided to all staff. Said training to be documented and updated training to be provided on an ongoing basis" shall be removed as it is likely to become unenforceable in the event the referenced training ceases and sufficient provisions are covered in the training requirements already offered.

C. Condition 9 – "No live music or entertainment shall be permitted on the premises at any time" shall be removed as it conflicts with requirements of Live Music Act and

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may lead to confusion for the general public and enforcement agencies and provide a disproportionate burden to the premises licence holder.

D. Condition 18 – "Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc" shall be removed as the provision of food to the public is not a licensable activity and the applicant has not applied for Late Night Refreshment. If left on the licence this could lead to confusion for the general public and enforcement agencies and place a disproportionate burden on the premises licence holder.

E. Condition 19 – "Where the premises provides food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrappings etc at the end of each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste food which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents" shall be removed as the provision of food to the public is not a licensable activity and the applicant has not applied for Late Night Refreshment. If left on the licence this could lead to confusion for the general public and enforcement agencies and place a disproportionate burden on the premises licence holder.

F. Condition 21 – "no open bottle and/or glasses are to be taken outside of the licensed area as per the attached plan" shall be removed and replaced with the following:

That customers shall not be permitted to enter or leave the premises with any open bottle, glass or other alcohol container.

G. Condition 22 – "Children accompanied by an adult, shall be allowed on the premises until 20.30 after which time no children shall be allowed on the premises" shall be removed as it is contrary to the ethos of the Licensing Act 2003 which removed the requirement to restrict children on licensed premises in order to create a continental style licensing regime. At the time of the application there is no evidence of the licensing objectives being undermined as a result of children being allowed on the premises and as such it would be disproportionate to include such a condition. The Premises Licence Holder should be free to make his/her own arrangements regarding the admission of children without the need to impose a condition which could be subject to future prosecution if breached.

**ALTERNATIVE 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 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 the number is displayed.

3. 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.

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**Chairman**