

LICENSING & GAMBLING SUB-COMMITTEE HELD: Thursday, 21 July 2022

Start: 10.32 am

Finish: 2.12 pm

PRESENT:

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

Councillors: G Owen

Officers: Kay Lovelady, Legal & Democratic Services Manager
Kirsty Breakell, Democratic Services Officer
Andrew Smith, Legal Assistant / Acting Licensing Offer.
Claire Kelly, Principal Solicitor
Adam Smith, Business Support Assistant

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**

There were no minutes to receive.

7 **LICENSING HEARING PROCEDURE**

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

8 **APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF ORMSKIRK INDOOR MARKET**

Consideration was given to the report of the Corporate Director Of Place and Community as contained on pages 43 to 88 of the Book of Reports in respect of an Application for a new Premises Licence from Ormskirk Market Limited (the

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Applicant) submitted under Section 34 of the Licensing Act 2003 (the 2003 Act). This application was in respect of Ormskirk Indoor Market, Moorgate, Ormskirk, West Lancashire L39 4RT (the Premises).

RESOLVED:

APPLICATION GRANTED SUBJECT TO THE FOLLOWING:

ADDITIONAL CONDITIONS:

In addition to the Conditions proposed by the Police and Environmental Protection and accepted by the Applicant, the following conditions should be applied to the Premises Licence:

1. That contact details of the Designated Premises Supervisor and the Premises Licence Holder shall be made available to staff and Responsible 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 licensable activities are taking place.

POLICE CONDITIONS

1. A documented Challenge 25 scheme will be the adopted Age Verification Policy operated at the premises. The Challenge 25 scheme will be actively promoted and advertised at the premises and suitable signage will be in place. Any person purchasing alcohol, who appears to be under 25 years of age, shall be asked to provide acceptable identification to prove that they are 18 years of age or over. Failure to supply such identification will result in no sale or supply of alcohol to that person and the refusal shall be recorded in the dedicated Refusals Register which must be made available for inspection by any responsible authority upon request

Acceptable forms of identification: -

- a) Photo Driving Licence
- b) Passport
- c) National, including EU Identity Cards
- d) A PASS accredited holographic proof of age card
- e) Any other identification agreed with police licensing

The DPS or nominated person shall ensure that all staff members involved in the sale of alcohol are trained upon commencing employment and refresher training delivered at least one per annum or upon the request of any responsible authority. The training records shall be kept on site and shall be produced for viewing upon the request of any responsible authority.

2. The premises shall operate and maintain a digital CCTV system which shall be in use during all times licensable activities are taking place at the premises and comply as follows: -

- a) The system shall cover all entrances, exits and emergency exits from the premises, in addition to providing recordings from all internal and external areas of the premises used to supply or consume licensed products
- b) The focus of the camera(s) shall be positioned to enable clear identification of persons on the premises
- c) The system will be capable of making correct time and date stamped recordings and retaining said recordings for at least 28 days
- d) The Data Controller shall make footage available for viewing and downloading to a Police Officer or authorised officer where such a request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation
- e) Signage advising that CCTV is in operation will be displayed

3. Whenever the premises trade beyond midnight for the sale of alcohol, the number of door supervisors employed at the premises will be as follows: -

- a) Sunday, to Wednesday – The DPS or a nominated person shall carry out a risk assessment of the premises to determine whether door supervisors are required.
- b) Thursday, to Saturday – There shall be a minimum of 2 SIA registered door supervisors employed from 2000hrs until close of premises. The DPS or a nominated person shall carry out a risk assessment of the premises to determine whether further door supervisors are required.
- c) Any bank holiday, public holiday or day preceding these – There shall be a minimum of 2 SIA registered door supervisors employed from 2000hrs until close of premises. The DPS or nominated person shall carry out a risk assessment of the premises to determine whether further door supervisors are required.
- d) The risk assessment for the provision of door supervisors shall be a written one.

Such risk assessment shall be conducted for the normal running of the business and shall be carried out on a not less than yearly basis. All risk assessments shall be kept on the premises for 12 months from the date of assessment and shall be produced to Responsible Authority Officer or Police Officer on request.

4. Any sales of alcohol made for consumption off the premises will be made in a sealed container

5. Notices shall 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

6. The premises shall have a written drug policy detailing measures taken to enforce

a zero tolerance towards drugs.

7. An incident log shall be kept on the premises to record any notable incidents, such as a report of crime and disorder, evidence or suspicion of drug related activity and any requests made for persons to leave the premises. The log should record the date and time, the nature of the incident and the person recording it, the outcome or action taken and a police log number if appropriate. Entries should be completed as soon as possible, and in all cases, no later than the close of business on the day of the incident. The written record shall be available for inspection by any responsible authority upon request.

8. All members of staff employed by the premises shall undertake vulnerabilities training at least once per annum, the training shall include but not limited to personal safety, drink safety and serving alcohol to those that are drunk.

ENVIRONMENTAL PROTECTION CONDITIONS

- 1) All external doors and windows shall be kept closed when regulated entertainment is being provided after 23.00 hours, except in the event of an emergency.
- 2) All doors located in an area where regulated entertainment takes place which lead to any external areas shall be fitted with a self-closing device.
- 3) All doors located in an area where regulated entertainment takes place which lead to any external areas shall be lobbied.
- 4) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance to any nearby business or resident
- 5) 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.
- 6) While live or recorded music or other entertainment takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of West Lancashire Borough Council.
- 7) Any outside bar areas shall cease in the supply of alcohol between the hours of 00.00 and 09.00 hours.
- 8) Any outside seating areas used for the consumption of alcohol shall be closed between the hours of 00.30 and 09.00 hours, inclusive of a 30 minute drinking

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up period from 00.00 to 00.30.

- 9) No music or speech shall be relayed via external speakers (included those within mounted televisions or monitors) other than for events where the prior approval of the Licensing Authority has been obtained, save for the purposes of playing any incidental background music not at a level considered to cause nuisance to nearby residents.
- 10) Notices shall be displayed at public exits, in a clear and prominent position, requesting that patrons respect the needs of local residents and leave the premises and the area quietly.
- 11) The Designated Premises Supervisor and other members of staff to request customers to leave quietly and have respect for their residential neighbours.
- 12) No deliveries will take place between the hours of 21.00 and 08.00 hours.
- 13) The placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08.00 and 21.00 hours only, so as to prevent disturbance to nearby premises.
- 14) 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.
- 15) The Designated Premises Supervisor or nominated person shall regularly monitor levels of noise in any outside area used for smoking and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause any disturbance or disorder will be asked to leave the premises.
- 16) Half an hour before the premises is due to close, the volume and tempo of any regulated entertainment shall be reduced.

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Chairman