

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
3. 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

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Chairman