



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 5 April 2023

TO: COUNCILLORS N FUREY, J MEE AND G OWEN

Dear Councillor,

A meeting of the **LICENSING & GAMBLING SUB-COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **MONDAY, 17 APRIL 2023** at **10.30 AM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a horizontal line.

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.

- 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** 349 - 350
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** 351 - 354
To note the Minutes of the meeting held on 16 February 2023.
- 7. LICENSING HEARING PROCEDURE** 355 - 356
- 8. VARIATION APPLICATION FOR THE NEW PREMISES LICENCE IN RESPECT OF CACTUS RAYS, BURSCOUGH WHARF, LIVERPOOL ROAD NORTH, BURSCOUGH L40 5RZ** 357 - 412
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 01695583312
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**.

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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<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: Thursday, 16 February 2023

Start: 10.30 am

Finish: 2.18 pm

PRESENT:

Councillor: N Furey (Chairman)

Councillors: G Owen
I Eccles

Officers: Kay Lovelady, Legal & Democratic Services Manager
Michaela Murray, Senior Licensing Officer
Chloe McNally, Democratic Services Officer

In attendance: James Prescott, Applicant
Karl Barry, Licensing Consultant
Gary Sargent, Objector
Bernard Webster, Objector

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 30 January 2023 be noted.

7 **LICENSING HEARING PROCEDURE**

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

8 **APPLICATION FOR THE NEW PREMISES LICENCE IN RESPECT OF KAIZAN SUSHI & EATERY, UNIT 14 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 287 to 348 of the Book of Reports in respect of an application under the Licensing Act 2003 for a new premise licence application in respect of Kaizan Sushi & Eatery, Unit 14 Burscough Wharf, Liverpool Road North, Burscough L40 5RZ.

RESOLVED: That the timings be granted as follows:

The following timings are given in the format below for clarity and apply whenever the specified licensable activities are taking place, but it is accepted that the Premises can operate in accordance with the provisions of the Live Music Act (as amended).

- A. That the premises shall be open to the public:-
Sunday to Thurs – 12.00 noon until 23.00 hrs
Friday and Saturday – 12.00 noon until 00.30 hrs the next day
- B. That the sale/supply of alcohol shall be permitted on and off the premises:-
Sunday to Thurs – 12.00 noon until 23.00 hrs
Friday and Saturday – 12.00 noon until 00.30 hrs the next day
- C. That the provision of live music shall be permitted
Indoors only:- in accordance with the hours permitted under the Live Music Act (as amended)
- D. That the provision of recorded music shall be permitted indoors only:-
Sunday to Thurs – 12.00 noon until 23.00 hrs
Friday and Saturday – 12.00 noon until 00.30 hrs the next day

Non Standard Timings:

New Years Eve 12 noon until 02.00 the next day

- E. PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE shall be permitted indoors only:-
Sunday to Thurs – 12.00 noon until 23.00 hrs
Friday and Saturday – 12.00 noon until 00.30 hrs

Non Standard Timings:

New Years Eve 12 noon until 02.00 am the next day

- F. That the provision of late night refreshment shall be permitted:-
Friday and Saturday – 23.00 to 00.30 hrs

Non Standard Timings:
New Years Eve 12 noon until 02.00 am the next day

Conditions:

- A. The Committee wished to amend the Conditions agreed with the Police to state that documents/items are to be provided to any Responsible Authority and not just the Police. Amendments shown in Red on Appendix 1 below.
- B. 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.



LICENSING SUB-COMMITTEE

Date: 17 April 2023

Report of: Corporate Director Of Place and Community

Contact for further information: Michaela Murray (Extn 3226)
(E-mail:michaela.murray@westlancs.gov.uk)

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

Borough wide interest

1.0 PURPOSE OF REPORT

1.1 To consider a Variation application under the Licensing Act 2003 (the Act) for a variation premise licence application in respect of Cactus Rays, Unit 7 Burscough Wharf, Liverpool Road North, Burscough L40 5RZ.

2.0 RECOMMENDATIONS

2.1 The Sub-Committee's instructions are requested.

3.0 PREMISES INFORMATION

3.1 Address of Premises: Cactus Rays
Unit 7 Burscough Wharf
Liverpool Road North
Burscough
L40 5RZ

3.2 Premises Licence Holder: Mr Gary Fletcher

4.0 THE APPLICATION

4.1 On 12 January 2023 an application for a new premises licence was received, a copy of which is attached as Appendix 1 to this report.

5.0 CURRENT LICENCE

- 5.1 The initial licence for this premise was granted on 21 July 2020 and a copy of the licence is attached as Appendix 2 to this report.

6.0 RESPONSIBLE AUTHORITY REPRESENTATION

Environmental Protection

A representation was received by the Principal Environmental Protection Officer who advised if specific conditions were accepted the representation would be withdrawn. The applicant has not accepted the conditions. A copy of the conditions are attached as Appendix 3 to this report. The representation is made under the Public Nuisance objective.

Lancashire Constabulary

A representation was received by Lancashire Constabulary who advised that if specific conditions were accepted the representation would be withdrawn. The applicant has not accepted the conditions. A copy of the conditions is attached as Appendix 4 & 5 to this report. The representation is made under the Crime and Disorder objective.

7.0 PUBLIC REPRESENTATION

- 7.1 Representations were received by 5 members of the public against this application and are attached as Appendix 6 to this report. The representations raise concerns regarding noise and public order issues. The representations are made under the Prevention of Public Nuisance and Crime & Disorder objectives.

8.0 LICENSING POLICY AND LEGAL CONSIDERATIONS

- 8.1 The Local Authority must have regard to the provisions of the Licensing Act 2003. In addition Section 4 of the Licensing Act 2003 provides that a Licensing Authority must have regard to its Statement of Licensing Policy and to the guidance issued by the Secretary of State under Section 182 of the Act.
- 8.2 As Members will be aware, the four licensing objectives are as follows:
- The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 8.3 The Act provides that before determining the application, the Licensing Authority must hold a hearing to consider it and relevant representations.

8.4 The Licensing Authority in determining the application, having had regard to the application and any representations, may take the following steps if it considers it necessary for the promotion of the licensing objective:

- (i) Modify/Add conditions in respect of the Variation Application.
- (ii) Refuse a licensable activity from the Variation Application.

8.5 In deciding which of the powers to use it is expected that the Licensing Authority should, as far as possible, seek to establish the causes of the concerns that the representations identify. Any action the Committee may wish to take should generally be directed at these causes and should always be no more than an appropriate response in the cause of promoting the licensing objectives.

8.6 In particular, Members' attention is drawn to the following sections of the Policy, which must be read in conjunction with this report:

Section 4	The Prevention of Crime & Disorder	pages 10-12
Section 4	Public Safety	pages 12-14
Section 4	Prevention of Public Nuisance	pages 14-17
Section 4	The Protection of Children from harm	pages 17-19
Section 8	Consideration of Premises Licences & Club Premises Certificates	pages 28-32

9.0 HUMAN RIGHTS ACT IMPLICATIONS

9.1 The Human Rights Act 1988 makes it unlawful for a Local Authority to act in a way that is incompatible with the European Convention on Human Rights. The Council will have particular regard to the following convention rights;

Article 6

that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8

that everyone has the right to respect for his home and family life;

Article 1 of the First Protocol

that every person is entitled to the peaceful enjoyment of his/her possessions including for example, possession of a licence.

10.0 SUSTAINABILITY IMPLICATIONS

10.1 The Sub-Committee decision has the potential to impact upon the local community affected by the operation of the business. However, the Council's Licensing Policy (required under the Licensing Act 2003), which underpins the Committee's decision, impacts upon many areas within the Community.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 No additional financial or other resources are required.

12.0 RISK ASSESSMENT

12.1 The Council has a legal duty to administer the Licensing Act 2003 and is under a legal duty to determine the matter contained in this report. A failure to determine this matter would result in potential legal challenge.

13.0 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100 D (5) of the Local Government Act 1972) have been relied on to a material extent in the preparation of this report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Appendices

Premises licence application	(Appendix 1)
Current Premise Licence	(Appendix 2)
Environmental Health Representation	(Appendix 3)
Police Representation	(Appendix 4)
Additional Police information	(Appendix 5)
Public Representations – against the application	(Appendix 6 to 10)



West Lancashire Borough Council Licensing Service

**Application to vary a premises licence under the Licensing Act
2003**

**Robert Hodge Centre
Stanley Way
Skelmersdale
Lancashire
WN8 8EE
Tel: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Website: www.westlancs.gov.uk/licensing**

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We [GARY FLETCHER] being the premises licence holder, apply to vary a premises
(insert name(s) of applicant)
licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises Licence Number

LN/000009623

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description CACTUS RAYS, UNIT 7, BURSCOUGH WHARF, LIVERPOOL ROAD NORTH, BURSCOUGH.	
Post town ORMSKIRK	Post code L40 5RZ

Telephone number at premises (if any) 0151 245 0300

Non-domestic rateable value of premises £ 4301

Part 2 – Applicant details

Daytime contact telephone number [REDACTED]

E-mail address (optional) [REDACTED]

Current postal address if different from premises address [REDACTED]

Post Town ORMSKIRK Postcode [REDACTED]

Part 3 - Variation

Please tick ✓ (yes)

Do you want the proposed variation to have effect from the second appointed day?

If not when do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation. (Please read guidance note 1)

THIS APPLICATION IS TO REMOVE ANY CONDITION THAT STATES WE CANNOT PLAY RECORDED MUSIC OUTSIDE WITHIN OUR SEATING AREA, BETWEEN 11.00 - 22.00, ALSO TO PLAY RECORDED MUSIC INSIDE BETWEEN 11.00 AND 01.00. TO PLAY LIVE AMPLIFIED ACOUSTIC LIVE MUSIC BETWEEN 12.00 AND 00.00 INSIDE. TO PLAY LIVE AMPLIFIED MUSIC OUTSIDE BETWEEN THE SEASONAL MONTHS OF APRIL - SEPTEMBER AND THE MONTH OF DECEMBER AND BETWEEN THE HOURS OF 12.00 - 22.00. TO SERVE ALCOHOL TO THE 01.00 ON THE DAYS FRIDAY AND SATURDAY. TO SERVE ALCOHOL TO 00.00 ON SUNDAY TO THURSDAY.

TO BE OPEN TO THE PUBLIC SUNDAY - THURSDAY 11.00 - 00.45
FRIDAY - SATURDAY 11.00 - 00.45

THE PREMISES HAS SEATING UPSTAIRES FOR 35, NO SEATING DOWNSTAIRES, OUTSIDE SEATING SITUATED NEXT TO THE PREMISES, WHICH IS ON A COURTYARD SURROUNDED BY OTHER PREMISES SHARING THE COURTYARD, EACH WITH THEIR OWN SEATING AREA.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment:

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Please tick ✓
(yes)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

This section is intentionally blank

A

Plays Standard days & timings (Please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thurs					
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days & timings (Please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thurs					
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days & timings (Please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thurs			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days & timings (Please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Tue						
Wed						
Thurs			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

E

Live music Standard days & timings (Please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	Outdoors	Both
						<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon			<p>INDOORS ON THE STATED TIMES. MOSTLY AMPLIFIED ACOUSTIC GUITAR. WE HAVE A DECIBEL METER. I MYSELF WALK AROUND THE PERIMETER OF THE WHARF WHENEVER WE HAVE LIVE MUSIC TO CHECK VOLUME LEVELS. WE HAVE A POLICY OF CLOSING DOOR + WINDOWS BEFORE 9.30</p> <p>State any seasonal variations for performing of live music (please read guidance note 4) LIVE MUSIC OUTSIDE FROM 12 APRIL TO SEPTEMBER FROM 12 TO 22.00 AND THE MONTH OF DECEMBER 12 TO 22.00 (CHOIRS)</p> <p>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</p>			
Tue						
Wed						
Thurs	18.00	23.30				
Fri	18.00	24.00				
Sat	12.00	24.00				
Sun	1.00	23.00				

F

Recorded music Standard days & timings (Please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	Outdoors	Both
						<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	11.00	24.00	<p>INDOORS ON THE STATED TIMES</p> <p>State any seasonal variations for playing of recorded music (please read guidance note 4) OUTSIDE FROM 1st SMALL SPEAKER UNDER OUR GAZEBO FROM 11.00 TO 22.00</p> <p>Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) OUTSIDE FROM 1st SMALL SPEAKER UNDER OUR GAZEBO FROM 11.00 TO 22.00</p>			
Tue	11.00	24.00				
Wed	11.00	24.00				
Thurs	11.00	24.00				
Fri	11.00	1.00				
Sat	11.00	1.00				
Sun	11.00	24.00				

N/A

G

Performances of dance Standard days & timings (Please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing of dance (please read guidance note 4)		
Thurs								
Fri						Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

This section is intentionally blank

N/A

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days & timings (Please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thurs			State any seasonal variations for entertainment (please read guidance note 4)		
Fri			Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

This section is intentionally blank

N/A

Provision of facilities for making music Standard days & timings (Please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
Day	Start	Finish	Will the facilities for making music take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thurs			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Fri			Non-standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

This section is intentionally blank

N/A

J

Provision of facilities for dancing Standard days & timings (Please read guidance note 6)			Will the facilities for dancing take place indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)			
			Indoors	Outdoors		
			Indoors	<input type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed					State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thurs						
Fri					Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat						
Sun						

This section is intentionally blank

N/A

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days & timings (Please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick ✓ (yes) (Please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thurs			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within J or K (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within J or K at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

This section is intentionally blank

L

Late Night Refreshment Standard days & timings (Please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (yes) (Please read guidance note 2)	Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed						
Thurs						
Fri						
Sat						
Sun						
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list (please read guidance note 5)			

M

Supply of alcohol Standard days & timings (Please read guidance note 6)			Will the supply of alcohol be for consumption - please tick ✓ (yes) (Please read guidance note 7)	On the premises <input type="checkbox"/>	Off the premises <input type="checkbox"/>	Both <input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	11.00	24.00	<p>BETWEEN APRIL TO OCTOBER SEPTEMBER SERVE OUTSIDE TILL 22.00. 1ST DECEMBER TO 25th DECEMBER TILL 18.00</p> <p>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>12.00 - 22.00 1st APRIL TO 30th SEPTEMBER - 1st DECEMBER TO 25th DECEMBER 12.00 TILL 18.00 OUTSIDE</p>			
Tue	11.00	24.00				
Wed	11.00	24.00				
Thurs	11.00	24.00				
Fri	11.00	1.00				
Sat	11.00	1.00				
Sun	11.00	24.00				

IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days & timings (Please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	9.00	24.45	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	9.00	24.45	
Wed	9.00	24.45	
Thurs	9.00	24.45	
Fri	9.00	1.45	
Sat	9.00	1.45	
Sun	9.00	24.45	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

CONDITIONS ARE THE NONE PLAYING
OF RECORDED MUSIC OUTSIDE.

~~LIVE MUSIC HAS TO STOP AT 23.00.~~

~~SERVING OF ALCOHOL TILL 24.00.~~

~~OPEN TO THE PUBLIC TILL 24.00~~

+ NO EXTERNAL SPEAKERS

Please tick

✓ (yes)



- I have enclosed the premises licence

- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

THIS IS THE ONLY COPY I HAVE.

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

PERSONAL LICENCE ~~HOLDER~~ HOLDER AT PREMISES WHEN ALCOHOL BEING SOLD OR DPS
CCTV REGULARLY CHECKED
WORK CLOSELY WITH CORRECT AUTHORITIES AND CONTINUE TO DO SO

b) The prevention of crime and disorder

CCTV IN OPERATION AT ALL TIMES
ANY INCIDENTS REPORTED AS NECESSARY
ZERO DRUGS POLICY IN PLACE
GLASSES AND BOTTLES REMOVED FROM ANY PUBLIC AREA AS SOON AS EMPTY

c) Public safety

FIRST AID KIT AVAILABLE ON SITE
EXIT DOORS OPEN OUTWARDS
CAPACITY LIMIT MONITORED
REGULAR FIRE CHECKS

d) The prevention of public nuisance

DOORS AND WINDOWS CLOSED WHEN LIVE MUSIC IS ON
NOISE LEVEL METRE AVAILABLE FOR RANDOM CHECKS
DOUBLE GLAZED WINDOWS AND SOLID BRICK FOR SOUND PROOF
VOLUME REDUCTION IN FINAL HOUR OF STATED TIMES.
PROMINENT AND CLEAR LEGIBLE NOTICE DISPLAYED AT EXIT REQUESTING PATRONS TO RESPECT LOCAL RESIDENTS

e) The protection of children from harm

THE PREMISES OPERATE A CHALLENGE 25 POLICY AT ALL TIMES
ANY CHALLENGES ARE LOGGED AND READILY AVAILABLE

Please tick

- I have made or enclosed payment of the fee (yes)
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the proposed current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature.....

Date..... 23/1/23

Capacity..... PERSONAL LICENCE HOLDER AND PREMISES

Where the premises licence is jointly held signature of 2nd applicant (the proposed current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature.....

Date.....

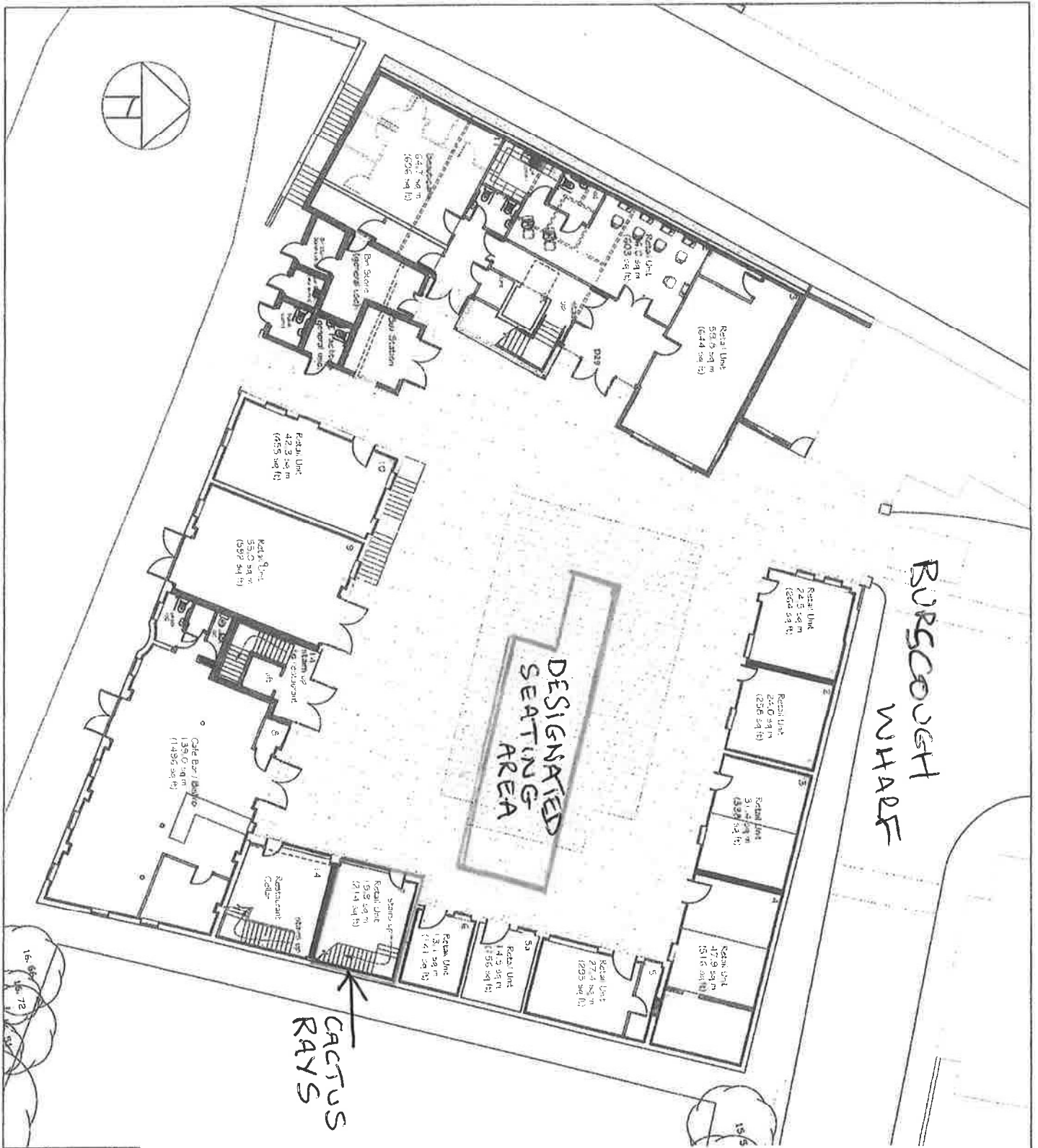
Capacity.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



SITE LOCATION PLAN
Scale 1:1250

<p>Thomas Guy Ltd.</p> <p>Re-development of Burscough Wharf Burscough Ground Floor Plans as Proposed</p>		<p>Scale 1:100 @ A1</p>
<p>Project No. DME</p>	<p>Drawn By AT143 - PL11</p>	<p>Checked By DME</p>
<p>Date May 2011</p>	<p>Rev.</p>	<p>Project No. AT143 - PL11</p>

l



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY,
SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003	LN/000009623
Premises Licence	

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION:	
Cactus Ray's	
Ground Floor Unit 7, Burscough Wharf, Liverpool Road North, Burscough, Lancashire, L40 5RZ	Telephone:

WHERE THE LICENCE IS TIME LIMITED THE DATES:
N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:			
On & Off Sales			
Alcohol Sale/Supply			
Late Night Refreshment			
Live Music			
Similar Entertainment			

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:				
Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Indoors as per plan	Monday	11:00	23:00
		Tuesday	11:00	23:00
		Wednesday	11:00	23:00
		Thursday	11:00	23:00
		Friday	11:00	00:00
		Saturday	11:00	00:00
		Sunday	11:00	23:00
Late Night Refreshment	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	23:00	00:00
		Saturday	23:00	00:00
		Sunday		
Live Music	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	19:00	23:00
		Saturday	19:00	23:00
		Sunday		

THE OPENING HOURS OF THE PREMISES:			
Description	Days	Time From	Time To
On & Off Sales	Monday	11:00	23:00
	Tuesday	11:00	23:00
	Wednesday	11:00	23:00
	Thursday	11:00	23:00
	Friday	11:00	00:00
	Saturday	11:00	00:00
	Sunday	11:00	23:00

NON STANDARD TIMINGS:

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES:

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE:
Name: Mr Gary Fletcher
Address: [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE):

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL:
 Mr Gary Fletcher

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED:
 None

AK McDougall

Dated: 23 November 2020

 Director Of Leisure And Environment Services



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126

email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence Summary

LN/000009623

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION:

Cactus Ray's

Ground Floor Unit 7, Burscough Wharf, Liverpool Road North, Burscough, Lancashire, L40 5RZ

Telephone:

WHERE THE LICENCE IS TIME LIMITED THE DATES:

NA

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

**On & Off Sales
Alcohol Sale/Supply**

**Similar Entertainment
Live Music**

Late Night Refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Indoors as per plan	Monday	11:00	23:00
		Tuesday	11:00	23:00
		Wednesday	11:00	23:00
		Thursday	11:00	23:00
		Friday	11:00	00:00
		Saturday	11:00	00:00
		Sunday	11:00	23:00
Late Night Refreshment	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	23:00	00:00
		Saturday	23:00	00:00
		Sunday		
Live Music	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	19:00	23:00
		Saturday	19:00	23:00
		Sunday		
Similar Entertainment	Indoors as per plan	Monday	12:00	23:00
		Tuesday	12:00	23:00
		Wednesday	12:00	23:00
		Thursday	12:00	23:00
		Friday	12:00	23:00
		Saturday	12:00	23:00
		Sunday	12:00	23:00



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY,
SKELMERSDALE, WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009623

Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION:

Cactus Ray's

Unit 7 Burscough Wharf, Liverpool Road North, Burscough, Lancashire, L40 5RZ, Telephone:

WHERE THE LICENCE IS TIME LIMITED THE DATES:

N/A

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE:

On & Off Sales
Alcohol Sale/Supply
Late Night Refreshment
Live Music
Similar Entertainment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Activity	Location (if known)		Time From	Time To
Alcohol Sale/Supply	Indoors as per plan	Monday	11:00	23:00
		Tuesday	11:00	23:00
		Wednesday	11:00	23:00
		Thursday	11:00	23:00
		Friday	11:00	00:00
		Saturday	11:00	00:00
		Sunday	11:00	23:00
Late Night Refreshment	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	23:00	00:00
		Saturday	23:00	00:00
		Sunday		
Live Music	Indoors as per plan	Monday		
		Tuesday		
		Wednesday		
		Thursday		
		Friday	19:00	23:00
		Saturday	19:00	23:00
		Sunday		

Similar Entertainment	Indoors as per plan	Monday	12:00	23:00
		Tuesday	12:00	23:00
		Wednesday	12:00	23:00
		Thursday	12:00	23:00
		Friday	12:00	23:00
		Saturday	12:00	23:00
		Sunday	12:00	23:00

THE OPENING HOURS OF THE PREMISES:			
Description	Days	Time From	Time To
On & Off Sales	Monday	11:00	23:00
	Tuesday	11:00	23:00
	Wednesday	11:00	23:00
	Thursday	11:00	23:00
	Friday	11:00	00:00
	Saturday	11:00	00:00
	Sunday	11:00	23:00

NON STANDARD TIMINGS:
None

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES:
On and Off



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE,
WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009623

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE:

Name: Mr Gary Fletcher
Address:
Telephone:
Email:

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE):

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL:

Name: Mr Gary Fletcher
Address:
Telephone:

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL:

Licence No: LN9548 Issued by: West Lancs



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE,
WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009623

ANNEX 1 - MANDATORY CONDITIONS

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and
“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

The Mandatory Conditions on this licence are those that were in force at the time the Licence was printed, but that they are subject to amendment by Central Government. Current Mandatory Conditions can be viewed at www.gov.uk.

The premises licence holder should be warned that it is a requirement that they must comply with the Mandatory Condition in force not merely the ones contained on the licence.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

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 and exits from the premises, in addition to providing recordings from all internal and external areas of the premises used to supply or consume alcohol.
- b) The focus of the cameras shall be so as to enable clear identification of persons on the premises
- c) The system will be capable of making correctly time and date stamped recordings , 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 at any time during which licensable activities are taking place and where such a request is made in accordance with the principles of the Data Protection Act
- e) Signage advising that CCTV is in operation will be displayed.

A documented Challenge 25 scheme will be the adopted Age Verification Policy. Challenge 25 will be actively promoted and advertised at the premises and suitable signs will be in place. Any person attempting to purchase 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 that must be kept to record details of any refused sales.

Acceptable forms of identification shall be -

- (a) Photo Driving Licence
- (b) Passport
- (c) Ministry of Defence Identity Cards
- (d) National, including EU Identity Cards
- (e) A PASS accredited holographic proof of age card

A documented training scheme shall be introduced for all staff in a position to serve alcohol. The training must include,

but not be limited to: serving alcohol to young persons, persons who are drunk, allowing disorderly conduct on licensed premises, Challenge 25 and Drug Awareness. The scheme shall be made available for inspection at the request of any Police Officer, Trading Standards Officer or Local Authority Enforcement Officer.

The Designated Premises Supervisor or Premises Licence Holder shall conduct at a minimum yearly training reviews with all members of staff authorised to serve alcohol in order to reinforce this training and to promote best practice. A written record shall be kept of the content of such reviews and be available for inspection by any responsible authority upon request.

An incident log shall be kept to record any notable incidents occurring at the premises such as occurrences 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 practicable and in any case no later than the close of business on the day of the incident. The incident log is to be kept on the premises and shall be produced to a Police Officer or authorised officer on request

All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

Noise from music and associated sources (including amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 20.00 hours.

No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.

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.

The Designated Premises Supervisor and other members of staff to request customers to leave quietly and have respect for their residential neighbours.

No deliveries will take place between the hours of 20:00 and 08:00 hours.

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.

The Designated Premises Supervisor or nominated person shall regularly monitor levels of noise in any outside area used for consumption and / or 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.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

Dated: 04 April 2023



Director Of Leisure And Environment Services



West Lancashire Borough Council

LEISURE AND ENVIRONMENT SERVICES, ROBERT HODGE CENTRE, STANLEY WAY, SKELMERSDALE,
WEST LANCASHIRE, WN8 8EE

Tel: 01695 577177 Fax: 01695 585126 email: licensing.enquiries@westlancs.gov.uk

Licensing Act 2003

Premises Licence

LN/000009623

ANNEX 4 - PLANS



Memorandum

To Senior Licensing Officer Our Ref: 276830
From Principal Environmental Health Officer YourRef:WK/276830

Subject VARIATION OF PREMISES LICENCE.
Cactus Ray's, Unit 7 Burscough Wharf, Burscough, L40 5RZ

Date 03 March 2023

Thank you for consulting me with regard to this application.

Environmental Health wish to raise an objection to this application on the grounds of prevention of public nuisance objective.

In summary, the applicant seeks to vary the licence to remove the current condition which states,

"No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained".

In removing the above condition, the applicant seeks to provide recorded music in the outdoor area daily between 11.00 and 22.00 and live music in the outdoor area on a seasonal basis between April and Sept and the month of December between the hours of 12.00 to 22.00 on a Thursday through to Sunday.

In addition, the applicant seeks to extend the provision of live music at the venue and introduce recorded music in venue. At present live music is permitted on Friday and Saturday between 19.00 and 23.00 and recorded music is not currently specified on the licence.

External Area

Firstly, and of most concern is the proposal to vary the licence to provide music on a regular basis in the external courtyard area. There, a number of reasons for this as outlined below.

- The applicant has not considered the location of the premises and the proximity of residential and other noise sensitive premises.

- The applicant has not demonstrated they are intending to take appropriate steps to minimise any adverse impacts which are likely to affect the promotion of the objective to prevent public nuisance.
- The applicant has not demonstrated that the noise associated with the provision of outdoor entertainment, which takes place late into the evening or which takes place on a frequent basis at any time can be controlled in a manner that it will not be distinguishable at the boundary of neighbouring residential premises. Environmental Health are aware there are properties within 35m of the Wharf site and therefore there is the significant potential for music noise to impact on nearby residential premises especially when generated outdoors.

On the current licence for Cactus Ray's, there is a further condition stating, "Noise from music and associated sources (including amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 20.00 hours." Environmental Health fail to see how the applicant can comply with this condition if providing music outdoors and therefore there is the potential that this condition will be undermined if the variation is granted.

There is another licence currently in place for the external courtyard area that allows for activity such as live and recorded music. This licence is held by another operator. Environmental Health have concerns that the potential for the cumulative impact of multiple operators operating live/recorded music under separate licences, in a relatively small area could led to competing music output and in addition some ambiguity in who is responsible should complaints/enforcement come forward. A more holistic approach is needed with regards to the utilisation of the external courtyard area for the provision of live and recorded music. The approach that is being adopted by the operator of Cactus Ray's, via this variation, would if granted potentially undermine conditions already in place relating to the wider courtyard licence.

Given the current lack of information and controls identified, Environmental Health do not feel it is possible to support the removal of the current condition stating, "No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained", until such a time when the concerns have been adequately addressed.

I note from the application (section M) that there is an intention to "serve" outside however there is no information regarding the external service point/bar so I have taken this to mean the consumption within the external seating area which is not a licensable activity. A restriction on the timings the courtyard can be used is already in place on the licence that currently regulates activity in the courtyard area.

Internal Area

The application seeks to significantly increase the timings and frequencies that live and recorded music can take place at the venue. Environmental Health considers the noise sensitive night-time period to be between the hours of 23.00 and 07.00 and noise generated during this period does have the potential to disturb people. Given the proximity to residential premises Environmental Health would expect to see certain control in place to uphold the objective of preventing public nuisance.

At present the application is lacking in that there is no information provided on the ability of the building's envelope to adequately contain music noise or assessment of the weak points in the structure or mitigation of any weaknesses. It has been noted that on a visit to site on Friday 23rd Sept 2022 that noise from the operation of live music from Cactus Ray's was audible in the car park area that bounds the nearest residential properties. This would indicate that music can and does, at times escape from the building envelope. Limiting the live music to 23.00 would limit the potential for disturbance.

The application fails to advise the practical noise control measures (limitation devices etc) to be employed to reduce the risk of unacceptable noise associated with the operation of live and recorded music at the premises, especially in the period after 23.00. Given the lack of lobby at the premises there is limited ability to control noise breakout when people are entering and leaving the premises during periods when live and recorded music are taking place.

At present the applicant has not proposed sufficient safeguards within the application to demonstrate the proposal can meet the prevention of public nuisance objective. Environmental Health therefore object to the application on the grounds of prevention of public nuisance unless the following hours limitations and conditions are attached:

1. The operating hours of the premises shall be as follows:
 - A. Provision of Live Music -
That the provision of live music shall be permitted Indoors only:- in accordance with the hours permitted under the Live Music Act (as amended).
 - B. Provision of Recorded Music (indoors only) -
Sunday to Thurs – 11.00 until 23.00 hrs
Friday and Saturday – 11.00 until 00.00 hrs the next day
Non Standard Timings: - New Years Eve 12 noon until 01.00 the next day.
 - C. That the premises shall be open to the public:
Sunday to Thurs – 09.00 until 23.30 hrs
Friday and Saturday – 09.00 until 00.30 hrs the next day
Non Standard Timings: - New Years Eve 09.00 until 01.00 the next day.

- D. That the sale/supply of alcohol shall be permitted on and off the premises:-
Sunday to Thurs – 11.00 noon until 23.00 hrs
Friday and Saturday – 11.00 noon until 00.00 hrs the next day

.....
Carol Pollitt
Principal Environmental Health Officer

PC 6884 Stephen Connolly
South Licensing Team
Preston Police Station
Telephone: 01772 209785
Email: SouthLicensing@lancashire.police.uk
Wednesday 1st March 2023



Ref: WK/276830 – Cactus Ray, Full Variation

FAO Lindsey Heppenstall

With regards to the above application received on Friday 3rd February 2023, I can confirm that Lancashire Constabulary do wish to make representations based upon the Licensing Objective, The Prevention of Crime & Disorder.

Lancashire Constabulary holds 3 separate reports since June 2022 alleging under-age drinking, rowdy behaviour at the premise going unchallenged, drug use and the premises operating beyond it's authorised hours.

Lancashire Constabulary also holds two separate documented visits since July 2022 outlining non-compliance of the current Premises Licence Conditions in July 2022 and unauthorised alcohol sales in December 2022. The visit in July 2022 saw the premises with a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 which was cancelled on 14th August 2022. The visit in December 2022 showed the premises open with customers inside beyond the licensable hours and footage showed transaction being made after this time, given a recent report alleging drug at the premises I administered cocaine wipes, in particular one tables gave indication of strong, recent cocaine presence.

Between January and February 2023, the premises has seen a number of TEN's applied for to extend the Licensable Hours which saw no objection by Lancashire Constabulary, the rationale for this response was that the licensed hospitality sector traditionally sees a downturn in trade during the Winter months and as such the potential for disorder is much lower.

I spoke with the Licence Holder as part of the full variation application and explained my rationale and that I would request conditions around door supervision moving forward should the premises open until 01:45hrs as a means to prevent any potential Crime & Disorder. The Licence Holder was not receptive to this.

Given this, Lancashire Constabulary believe that should the premises be permitted an extension in opening hours that without door supervision conditions it could have a negative impact on the Licensing Objectives.

Regards

A black rectangular redaction box covering the signature area of the letter.

PC 6884 Stephen Connolly

Cactus Ray reps



Connolly, Stephen - 6884 <Ste.Connolly@lancashire.police.uk>
To Murray, Michaela



Mon 06/03/23 17:42

Hi Michaela,

As discussed the specific wording that I would look to request should the licence extension be approved would be along the lines of:

- a) Whenever the premises is open to the public beyond 00:30hrs, there shall be a minimum of 1 SIA registered door supervisor on duty from 22:00hrs until the end of trade and the courtyard has been cleared of any customers. At all other times, the Licence Holder shall produce a written risk assessment to determine the provision of door supervisors.
- b) Between the 2nd January and 1st March each year there shall be no minimum number of door supervisors and the premises must determine the requirement in accordance to the written risk assessment.
- c) The written risk assessment shall be held on site for a minimum of 12 months from the date of the assessment and made available to police on request.

Thanks



PC 6884 Ste Connolly
South Licensing Team
Phone: 01772209785
Mobile: 07970600217
Email: southlicensing@lancashire.police.uk
Preston Police Station
Lancaster Road North
Preston
PR1 2SA
www.lancashire.police.uk

[REDACTED]

From: [REDACTED]
Sent: 20 February 2023 11:00
To: Licensing Enquiries
Subject: Fwd: Unit 7 Burscough wharf

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 20 February 2023 at 10:55:30 GMT
To: michaela.murray@westlancs.gov.uk
Subject: Unit 7 Burscough wharf

Dear Sir/ Madam

Please would you consider not extending the hours for this venue (or any others in the wharf location) due to a number of concerns I have and include the following;

***Noise disturbance/ public nuisance**

The Wharf's location is surrounded by residential housing and can be heard clearly and particularly in the summer months when windows may be open.

The way the buildings are located creates an amphitheater effect enabling the noise to be even clearer, add to that the desire for people to sing along and it is even louder.

Even when inside the building the music can be heard additionally, each time the door is opened there is a burst of even louder noise.

***Anti social behaviour/ public safety**

There have been several incidents around the village/ Wharf location involving damage to people's property, including my own when glasses have been smashed on the pavement in front of our drive. Late night disturbances of shouting, fighting and cars been driven erratically.

I do not feel safe walking through the Wharf area after 10pm

Additionally there has been an alarming amount of attacks involving the use of a knife/ weapon and police have been in attendance.

The location of the canal is also a concern as the gate is not locked until very late, I fear this is an accident waiting to happen.

***protecting children from harm**

The wharf is a lovely place to gather and be involved in the events that happen and families are encouraged, however there are several premises able to sell alcohol and young children are present with no additional facilities or activities solely for the children.

Even if a family had enjoyed a meal at one of the venues they would have to walk through the wharf and it's open, public access court yard.

The area was developed to support and encourage whole community inclusion but there is no longer space available outside in order to host alternative events for the community, craft fairs, heritage events, children's events or community events.

Therefore opening times should be considered and not encouraging very late night drinking.

Please reject this application

Yours sincerely

Sent from my iPhone

From:
Sent: 03 March 2023 10:05
To: Licensing Enquiries
Cc: ParishClerk, Burscough; Brian Bailey; Brian Kennedy
Subject: Cactus Ray's Burscough Wharf

I am resident of Burscough for 37 years. I would like to make comments on this application.

I find much of this application incomprehensible.

An example can be found on page 14 where the applicant states that the premises would remain open till 24.45hrs. No such time exists. It is to be assumed that the 1.45 made mention of is 1:45 am.

There are references to "amplified acoustic music", this is a contradiction in terms, as acoustic music is defined as "music played without any electrical equipment".

There is great concern regarding behaviour in the immediate vicinity of "The Wharf" relating to antisocial behaviour, drunkenness, violent behaviour, drug taking, and foul abusive language being used in a residential area the current levels of which are unacceptable. So to grant license extensions, would not only prolong the time at these occurrences took place well into the early hours, but may also exacerbate the problem as extending drinking hours is synonymous with a higher incidence of the behaviours mentioned above.

West Lancashire Borough Council have a duty of care to it's Residents to ensure that they can live in a safe and peaceful environment. I am aware of many complaints of antisocial and criminal behaviour in the immediate vicinity of these premises, but have as yet to find any evidence of enforcement by WLBC.

I have recently spoken in person with the Fire Safety Officer for this area, who tells me that no physical inspection of these premises has taken place. I would ask that the Licensing Officer and the Committee which either approves or rejects these licenses are fully satisfied that these premises fully comply with all safety regulations.

This application does not appear to have been completed in a professional manner, if this is a reflection on the professionalism of the applicant, then this should raise concerns.

I object to the granting of this license or for any extension beyond normal licensing hours.

Yours sincerely,



Date 2nd March 2023

Dear Sir / Madam,

Burscough Town Councils comments on the Application to vary a premises licence for the following location.

Unit 7 – Cactus Ray Burscough Wharf, Liverpool Road North, Ormskirk, West Lancashire L40 5RZ.

Application. For the following, to remove any condition that states music cannot be played outside within the seating area (?) between 11am – 22.00pm also stated to serve alcohol Fri and Sat until midnight Sunday to Thursday 11am – 12:45am and Friday and Saturday 11am to 1:45am from April to September and December midday – midnight. Live & Recorded music and anything of a similar description through an amplified speaker, late night refreshments and the retail sale of alcohol on/off the premises

Firstly, Burscough Town Council would wish to highlight several concerns about unsocial activities around the Wharf and the Smithy Walk car park next to the Wharf which has caused concerns as to the noise and disturbances to families in the nearby homes, which have been of an unacceptable nature with reports which remain ongoing to the police and WLBC, subsequently a resident has sent a formal complaint to the Local Government Ombudsman and an investigation has commenced.

In looking closely at the Legislation regarding alcohol licence we note the main objectives of the Licensing Act 2003 are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm.

These are important statements and there is a need to ensure these points are being met and where not then action needs to be undertaken to stop the problems being continued.

The following are points have been raised by the Town Council who have looked closely at the application to vary Unit 7 licence: -

- Unit 7 do not currently have permission to use an outdoor facility.
- Unit 7 do not currently have permission to use the first-floor facility.
- Unit 7 do not currently have permission to play any type of music live or through another medium outside.
- Live music outside April to September Fri and Sat until midnight, Thurs until 11:30pm and Sun until 11pm.
- Contradiction as then states Wed until midnight, Fri and Sat until 1am and Sun midnight.
- **Existing application states they use upstairs which has seats for 35 people, existing application states they use ground floor space only. Are Cactus Ray currently trading illegally as they also state in their application that they use upstairs in their venue and don't appear to have a current licence for this seating area.**

- 1) **Conditions stipulated within the current licence: - *All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.***
- 2) **Noise from music and associated sources (including amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 20.00 hours.**
- 3) **No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.**

- **On Saturday 25th February 2023 it was reported that music could be heard in residential properties until 1.50am (this has been evidenced). accepted by WLBC'**
- Objection to the extension of the closing times.
- Objection to outside music either live or via another medium underneath a gazebo.
- Outdoor seating is being used at the moment; concern was raised as to is the relevant licence in place. After looking at the information it was raised that Cactus Ray do not appear to have any plans which currently allow a licence for outdoor seating which is currently available.
- Condition have been put on the existing licence for a reason, no outside music no outside seating. What are the circumstances have changed to allow you to remove these conditions.
- There have been no changes to the infrastructure to stop music from escaping. The seating was a temporary measure during the pandemic as the original application does not allow.
- There are no Artisan Markets anymore, the Wharf are not providing a variation of community activities. This was the original intention when funding was provided from the Arts Council.
- Notes there is a requirement to have extractor fans to remove the smell of cooking food.
- Can it be confirmed that the Fire Safety Inspector has been consulted? and advised accordingly as concerned was raised regarding an outdoor barbeque area.
- **Incomplete application, discrepancies on the detail the guidance notes seem to indicate on page 18 the following: - *This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary***

substantially the premises to which it relates. If you wish to make the type of change to the premises licence you should make a new premises licence application under section 17 of the Licencing Act.

We also have concerns about how the initial concept of the Wharf has changed and is no longer operating in the function that Public Money was provided, from the predecessor of English Heritage. This funding was to support the creation of a local historical environment for the use of families. The wharf has over the past two years changed with increased number of licenced premises and the Town Council has needed to undertake research as it was not informed about the changes taking place, it is now not the type of tourist attraction that was in the initial projects concept and subsequently in now more a venue for drinking and music activities and this new application takes this to a none intended environment.

BTC have been working with a local police officer regarding the Police report that was produced on the 7 October 2022 following a visit on the 28 September 2022. This report was produced by Rachel Hines the South Designing Out Crime Officer at HQ Hutton Lancashire, and I understand a copy and its recommendations is now with WLBC. We as a Council hope that WLBC will engage in discussion with the Town Council and residents, to enable a way forward in implementing plans and actions in obtaining a suitable solution to all parties.

BTC recognise that many residents enjoy going to the Wharf and don't cause any problems, we also recognise that the venues employ a number of local staff who need the work and the income from the work. Subsequently we must have a solution to current situation and improve the current situation and not to worsen it.

Burscough Town Council have previously resolved to support and resolve the anti-social behaviours raised at a Town Council meeting - (8th June 2022.)

Part of problems for the wharf area is the annoyance of loud music for Burscough residents at night when roads have less traffic and other noises have stopped the noise from music travels further when everything else has stopped.

Therefore, taking all of these points into consideration Burscough Town Council would like to object to vary of Licence request from Unit 7 – Cactus Ray Burscough Wharf.

Thank you for considering this issue.

Yours faithfully

Jackie Maguire

Jackie Maguire
Clerk to Burscough Town Council
On behalf of Burscough Town Council

[REDACTED]

From: [REDACTED]
Sent: 27 February 2023 21:37
To: Murray, Michaela
Subject: Re: Unit 7 The Wharf, Burscough
Attachments: Unit 14, Full Decision.doc; ATT00001.htm; Unit 14, The Wharf Committee Decision Letter.docx; ATT00002.htm

Dear Michaela

I would like to lodge my opposition to the granting of licensing cactus jacks at unit 7 Burscough wharf to be able to play music outside the premises from 1100hrs to 2200hrs Monday to Sunday.

I don't need to tell you how ridiculous this would be for residents who have enough to deal with with the noise coming from the wharf currently.

If the council and police actually took action against the premises already breaching their licences on a regular basis then there may be a possibility of granting permission if the volume was policed and residents weren't disturbed on a regular basis, but as the current environmental protection officers are unable to accurately police the matter, I oppose it on every level.

Nobody has any right to disturb the residents in this area with such blatant disregard.

Sincerely

resident [REDACTED]

Sent from my iPhone

On 24 Feb 2023, at 08:25, Murray, Michaela <Michaela.Murray@westlancs.gov.uk> wrote:

Message classification: **OFFICIAL**

Good Morning

Please find attached the Committee's Full Decision and letter.

Kind Regards

Michaela

Michaela Murray
Senior Licensing Officer

Tel: 01695 577177 ext 5326

Direct Dial: 01695 585015

Fax: 01695 585126

e-mail: michaela.murray@westlancs.gov.uk

Think before you print - save energy, paper and ink


This email and any files transmitted with it are confidential and may be legally privileged. They are intended solely for the use of the individual or entity to whom they are addressed. If you are not the addressee, you are not authorised to disclose, distribute, copy or use this e-mail or any attachment to it. If you have received this message in error please notify the sender immediately and permanently delete the e-mail and any attachments. Any views expressed in this communication are those of the individual sender and unless specifically stated or followed up in writing, the content cannot be taken to form a contract or to be an expression of the Council's position. This email message has been checked for the presence of computer viruses. The Council has taken reasonable steps to ensure this email and any attachments are virus free but it is the recipient's responsibility to ensure that they are.

Re: Premises variation application - Message (HTML)

File Message Help Tell me what you want to do

Delete Archive Move Sent Packages Reply Reply All Forward Mark Unread Find Zoom

Re: Premises variation application

 Councillor Patricia Burnside
To: Murray, Michaela
Cc: Heppenstall, Lindsey

Thu 02/03/23 18:28

Hi Michaela

Please see query from Cllr Burnside for your attention.

Thanks

Lins

From: Councillor Patricia Burnside <Cllr.P.Burnside@westlancs.gov.uk>
Sent: 02 March 2023 15:52
To: Heppenstall, Lindsey <Lindsey.Heppenstall@westlancs.gov.uk>
Subject: Re: Premises variation application

Hi Lindsey

A resident has raised concerns to me about potential noise issues to the nearby Stanley Court flats in regards to this application particularly should the application for music outside be approved, along with concerns arising from anti social behaviour on the carpark behind Burscough Wharf which is an ongoing concern that I have been involved with for a number of months now. The resident asked if I could make submissions to reflect the concerns surrounding this application and I wondered if appropriate noise reducing measures could be considered to help alleviate the potential for noise disturbance, and also I know a recent application for another premises on the wharf was approved subject to risk assessments in view of the anti social behaviour being reported nearby. Could similar conditions be considered for this application?

Many thanks
Patricia


1 min to full charge

Re: Premises variation application - Message (HTML)

File Message Help Tell me what you want to do

Delete Archive Move Sent Packages Reply Reply All Forward Mark Unread Find Zoom

Re: Premises variation application

 Councillor Patricia Burnside
To: Murray, Michaela
Cc: Heppenstall, Lindsey

Thu 02/03/23 18:28

From: Murray, Michaela <Michaela.Murray@westlancs.gov.uk>
Sent: Thursday, March 2, 2023 5:06 pm
To: Councillor Patricia Burnside <Cllr.P.Burnside@westlancs.gov.uk>
Cc: Heppenstall, Lindsey <Lindsey.Heppenstall@westlancs.gov.uk>
Subject: RE: Premises variation application

Message classification: OFFICIAL

Hi

There could be similar measures implemented but this can not be guaranteed. Therefore I would suggest if you have concerns then please submit a representation and then mediation between those who have made representation and the applicant can commence.

Kind Regards

Michaela
Michaela Murray
Senior Licensing Officer
Tel: 01695 577177 ext 5326
Direct Dial: 01695 585015
Fax: 01695 585126
e-mail: michaela.murray@westlancs.gov.uk


West Lancashire Borough Council

Re: Premises variation application - Message (HTML)

File Message Help Tell me what you want to do

Delete Archive Move Sent Packages Reply Reply All Forward Mark Unread Find Zoom

Re: Premises variation application

 Councillor Patricia Burnside
To: Murray, Michaela
Cc: Heppenstall, Lindsey

Reply Reply All Forward

Thu 02/03/23 18:28

Hi Michaela

Thanks for your advice. In that case can I submit representations regarding residents in nearby flats concerns of noise disturbance should outdoor music be permitted. Also concerns regarding the current problem of anti social behaviour in the carpark behind the wharf so if preventative measures could be included to mitigate the potential for anything that could arise, similar to those of other nearby premises licenses.

Thanks again
Patricia

Sent from [Outlook for iOS](#)

From: Murray, Michaela <Michaela.Murray@westlancs.gov.uk>
Sent: Thursday, March 2, 2023 5:06 pm
To: Councillor Patricia Burnside <Cllr.P.Burnside@westlancs.gov.uk>
Cc: Heppenstall, Lindsey <Lindsey.Heppenstall@westlancs.gov.uk>
Subject: RE: Premises variation application

Message classification: OFFICIAL

Hi

There could be similar measures implemented but this can not be guaranteed. Therefore I would suggest if you have concerns then please submit a representation and then mediation between those who have made representation and the applicant can commence.