



# 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		

<b>Similar Entertainment</b>	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



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### 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



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# Premises Licence

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### 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](http://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**



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Director Of Leisure And Environment Services



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**ANNEX 4 - PLANS**