

MEETING: LICENSING SUB-COMMITTEE

DATE: 24th May 2021

TIME: 11.00 am

VENUE: Remote Meeting

Member

Cllr. John Kelly
Cllr. Brenda O'Brien
Cllr. Lynne Thompson

COMMITTEE OFFICER: Amy Dyson Democratic Services Officer
Telephone: 0151 934 2045
E-mail: amy.dyson@sefton.gov.uk

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

A G E N D A

1. Appointment of Chair

2. Declarations of Interest

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room by switching their camera and microphone off during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

3. Licensing Act, 2003 – Premises Licence - Variation - Blues Bar and Bistro, 19-23 Moor Lane, Crosby L23 2SE

(Pages 3 - 42)

Report of the Head of Highways and Public Protection

Agenda Item 3

Report to:	Licensing Sub-Committee	Date of Meeting:	24 May 2021
Subject:	Licensing Act, 2003 – Premises Licence - Variation Blues Bar and Bistro, 19-23 Moor Lane, Crosby L23 2SE		
Report of:	Head of Highways and Public Protection	Wards Affected:	Manor
Portfolio:			
Is this a Key Decision:	N	Included in Forward Plan:	N
Exempt / Confidential Report:	The Report is not exempt, however parts of the Annexes have been redacted by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt.		

Summary:

To give consideration to an application for the variation of a Premises Licence.

Recommendation(s):

The Sub-Committee's instructions are requested.

Reasons for the Recommendation(s):

Under the Scheme of Delegation Officers cannot determine applications which have received relevant representations.

Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial costs associated with the proposals in this report

(B) Capital Costs

There are no financial costs associated with the proposals in this report

Agenda Item 3

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no financial implications arising directly from this Report except in the event of any Appeal made against the Sub-Committee's eventual decision, the costs of which would depend upon the length of the Appeal process.

Legal Implications:

The Chief Legal and Democratic Officer will provide legal advice to the Licensing Sub Committee on the issues set out in this report.

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

The Sub-Committee is acting in an administrative capacity under the Licensing Act 2003.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

Consultation has taken place as per the provisions of the Licensing Act 2003.

(B) External Consultations

Consultation has taken place as per the provisions of the Licensing Act 2003.

Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Kevin Coady
Telephone Number:	0151 934 2946
Email Address:	Kevin.coady@sefton.gov.uk

Appendices:

Annex 1 – copy of existing licence.

Annex 2 – objections received.

Background Papers:

There are no background papers available for inspection.

1. Application details

Application: Variation of a Premises Licence

Premises: Blues Bar and Bistro,
19-23 Moor Lane,
Crosby L23 2SE

Applicants: Mr Keith Downes

Representative: Not yet known.

Designated Premises Supervisor: Mr Keith Downes

Licensable activities applied for:

- The sale of alcohol by retail (on and off the premises):

Days of Operation	Current Hours	Variation applied for
Monday to Wednesday	11.00 to 23.00	None
Thursday	11.00 to 00.00	None
Friday & Saturday	11.00 to 01.00	11.00 to 02.00
Sunday	11.00 to 00.00	11.00 to 23.00

- The provision of regulated entertainment - live music:

Days of Operation	Current Hours	Variation applied for
Monday to Sunday	11.00 to 23.00	10.00 to 23.00

- The provision of regulated entertainment - recorded music:

Days of Operation	Current Hours	Variation applied for
Monday to Wednesday	11.00 to 23.00	10.00 to 23.00
Thursday	11.00 to 00.00	10.00 to 00.00
Friday & Saturday	11.00 to 01.00	10.00 to 03.00
Sunday	11.00 to 00.00	10.00 to 00.00

Hours premises to be open to public:

Days of Operation	Current Hours	Variation applied for
Monday to Wednesday	11.00 to 23.30	10.00 to 00.00
Thursday	11.00 to 00.30	10.00 to 01.00
Friday & Saturday	11.00 to 01.30	10.00 to 03.00
Sunday	11.00 to 00.30	10.00 to 00.00

2. Background information/Current Licence details

- 2.1 The premises were granted a Premise Licence on 10 August 2017 and a copy of this Licence is attached in Annex 1 to this Report.

Agenda Item 3

3. Details of proposed Operating Schedule

3.1 GENERAL

No items indicated.

3.2 THE PREVENTION OF CRIME & DISORDER

CCTV fitted and doorstaff employed.

3.3 PUBLIC SAFETY

Health and safety guidelines adhered to.

3.4 THE PREVENTION OF PUBLIC NUISANCE

Doorstaff supervise customers leaving the premises.

3.5 PROTECTION OF CHILDREN FROM HARM

All children have to be accompanied by an adult.

3.6 ADDITIONAL CONDITIONS AGREED FOLLOWING REPRESENTATIONS

The applicants have also agreed to the below Conditions being inserted on the Licence. This being in response to representations received from Merseyside Police and subsequent negotiations; as a result of this agreement representations have been formally withdrawn.

MERSEYSIDE POLICE CONDITIONS

- i) All staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- ii) All staff responsible for alcohol sales must be trained in respect of their responsibilities under the Licensing Act 2003 and in particular sales of alcohol to persons who are drunk or underage before they engage in the sale of alcohol. Refresher training shall be undertaken at least every 6 months. Records of training shall be retained for at least 12 months.
- iii) An incident logbook shall be kept and maintained on the premises and produced to the Police/Authorised Local Authority Officers on demand. The logbook will detail any incidents of note, in particular any refusals/challenges of age/ejections/drug seizure/weapon seizure/violence. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
- iv) A Challenge 25 policy will be in operation at the premises in that persons who look under the age of 25 years are requested to provide proof of age by way

of a photo driving licence, passport, military ID or PASS accredited proof of age card.

- v) When the premises are open beyond the hour of midnight there must be a minimum of two SIA registered door supervisor on duty at the premises from 2200hrs. At all other times the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
- vi) A door logbook will be utilised at all times when SIA Front Line door supervisors are on duty, the logbook shall be produced to the Police and Local Authority Licensing Officers on demand. All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors.
- vii) A register of all door supervisors will be kept at the premises, with recorded details of dates and times on and off duty, full names and full 16 digit SIA numbers, signed on and off by the DPS or deputy. Any incident involving door supervisors will be recorded in the door supervisor register.

4. Objections/Representations received

- 4.1 Under the prevention of public nuisance objective several local residents make representation via a petition.
- 4.2 A copy of their representation/petition is attached in Annex 2 to this Report.

5. Additional licensing information

- 5.1 Paragraph 1.17 of the Guidance issued under S.182 of the Act (“the Guidance”) states that each application *“must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.”*
- 5.2 With regard to conditions, Paragraph 1.16 says that these are *“are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:*
 - *must be appropriate for the promotion of the licensing objectives;*
 - *must be precise and enforceable;*
 - *must be unambiguous and clear in what they intend to achieve;*
 - *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
 - *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
 - *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
 - *should not replicate offences set out in the 2003 Act or other legislation;*

Agenda Item 3

- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.”*

5.3 However paragraph 10.10, with respect to proportionality, underlines that the Act *“requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.”*

5.4 In respect of Hearings, Paragraph 9.37 states that as *“As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.”* Paragraph 9.38 continues: *“in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.”*

5.5 Paragraph 9.39 states that the *“licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant*

issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.” Paragraph 9.40 states that alternatively “the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information”.

5.6 In addition to the above, Paragraph 9.42 states that *“Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be”* and further within Paragraph 9.43 that the *“authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”*

5.7 Paragraph 9.44 indicates that determination *“of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business....The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. ”*

5.8 SEFTON'S STATEMENT OF LICENSING POLICY

PUBLIC NUISANCE

In relation to the prevention of public nuisance objective, paragraph 3.9 advises applicants to consider the following matters when making an application:

- The type of activity, its frequency and the number and nature of customers likely to attend;

Agenda Item 3

- Measures taken, or proposed, to prevent noise and/or vibration escaping from the premises given its location and proximity to residential and other noise sensitive premises. This would include music, plant noise and human voice, whether amplified or not;
- Measures taken to prevent the transmission of sound and/or vibration to adjoining properties;
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services;
- The proposed hours of operation for all, or parts, of the premises;
- Measures taken to prevent cooking odours and other smells escaping from the premises;
- Means of access to and egress from the premises, including customer entrances and exits on principal pedestrian routes;
- Whether routes to and from the premises pass residential premises;
- Whether the premises would result in increased refuse storage, disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure the collection and disposal of litter and waste outside the premises;
- Measures to be taken to reduce drunkenness on the premises, e.g. the “Drink Less Enjoy More” scheme;
- If appropriate, a ‘wind down’ period between the end of the licensable activities and closure of the premises;

Should the applicant, or a responsible authority, identify possible sound leakage from the premises paragraph 3.10 indicates that the Authority would expect this to be addressed in practical ways, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation, or if necessary, air conditioning;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration

In premises where customers leave late at night, or early in the morning paragraph 3.11 states that the Authority would expect the applicant to have included, in the Operating Schedule, such practical steps as:

- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors;
- At appropriate time making loud speaker announcements to the same effect;
- Instructing door staff to ask customers leaving the premises to do so quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Improving availability of licensed taxis or private hire vehicles to take customers from the premises;
- Refusing entry to people known to regularly leave in a noisy manner;
- The supervision of any queues so as to keep noise and disturbance to a minimum

5.9 GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

PUBLIC NUISANCE

Paragraph 2.15 states that the Act “enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

Public nuisance is given a statutory meaning in many pieces of legislation. Paragraph 2.16 states that it is “however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”

Paragraph 2.17 states that Conditions “relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable...Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.”

Paragraph 2.18 continues that as with all conditions “those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”

Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods, Paragraph 2.19 stating for example “the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when

Agenda Item 3

residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave."

Paragraph 2.20 states that measures to control light pollution should also require careful thought: *"Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues."*

Finally Paragraph 2.21 underlines that beyond *"the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night."*

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



LICENSING ACT 2003 PREMISES LICENCE

Part 1

Premises Licence Number	028805
Premises detail:	Blues Bar and Bistro 19-23 Moor Lane Crosby L23 2SE
Licence Time Limit (if applicable):	N/A

Licensable Activities:

- The sale of alcohol by retail
- The provision of late night refreshment
- The provision of regulated entertainment - Live music
- The provision of regulated entertainment - Recorded music
- The provision of regulated entertainment - Performances of dance
- The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance

Times of Licensable Activities:

- The sale of alcohol by retail
- Monday - from 11.00 to 23.00
- Tuesday - from 11.00 to 23.00
- Wednesday - from 11.00 to 23.00
- Thursday - from 11.00 to 00.00
- Friday - from 11.00 to 01.00
- Saturday - from 11.00 to 01.00
- Sunday - from 11.00 to 00.00

- The provision of late night refreshment
- Friday - from 23.00 to 01.00
- Saturday - from 23.00 to 01.00

- The provision of regulated entertainment - Live music
- Monday - from 11.00 to 23.00
- Tuesday - from 11.00 to 23.00
- Wednesday - from 11.00 to 23.00
- Thursday - from 11.00 to 23.00
- Friday - from 11.00 to 23.00
- Saturday - from 11.00 to 23.00
- Sunday - from 11.00 to 23.00

- The provision of regulated entertainment - Recorded music
- Monday - from 11.00 to 23.00
- Tuesday - from 11.00 to 23.00
- Wednesday - from 11.00 to 23.00
- Thursday - from 11.00 to 00.00
- Friday - from 11.00 to 01.00
- Saturday - from 11.00 to 01.00
- Sunday - from 11.00 to 00.00

Agenda Item 3

The provision of regulated entertainment - Performances of dance

Monday - from 11.00 to 23.00

Tuesday - from 11.00 to 23.00

Wednesday - from 11.00 to 23.00

Thursday - from 11.00 to 00.00

Friday - from 11.00 to 01.00

Saturday - from 11.00 to 01.00

Sunday - from 11.00 to 00.00



The provision of regulated entertainment - entertainment of a similar description to that falling within the category of live music, recorded music, or performance of dance

Monday - from 11.00 to 23.00

Tuesday - from 11.00 to 23.00

Wednesday - from 11.00 to 23.00

Thursday - from 11.00 to 00.00

Friday - from 11.00 to 01.00

Saturday - from 11.00 to 01.00

Sunday - from 11.00 to 00.00

Opening hours of premises:

Monday - from 11.00 to 23.30

Tuesday - from 11.00 to 23.30

Wednesday - from 11.00 to 23.30

Thursday - from 11.00 to 00.30

Friday - from 11.00 to 01.30

Saturday - from 11.00 to 01.30

Sunday - from 11.00 to 00.30



Sales of Alcohol authorised: (if applicable)

On/Off Premises

Part 2

PREMISES LICENCE HOLDER

Name: Mr Keith Downes

(Registered) Address: [REDACTED]

Telephone number: [REDACTED]

Email:
(if applicable)

Company/Charity Reg. Number:
(if applicable)

DESIGNATED PREMISES SUPERVISOR

Name: Mr Keith Downes

Address: [REDACTED]

Telephone number: [REDACTED]

Issuing Licensing Authority: Sefton MBC

Personal Licence Number: 004422

Agenda Item 3

Annex 1 – Mandatory Conditions

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.

The Licence Holder shall only employ, to carry out security activities, individuals who are either:

- a) authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001, or
- b) entitled to carry out that activity by virtue of Section 4 of that Act.

Where applicable the Licence Holder shall also ensure that such individuals at all times when on duty wear an identity badge, conspicuously displayed and in a form and manner prescribed by the Security Industry Authority.

(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).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

(1) The premises licence holder or club premises certificate holder must ensure that an age

Agenda Item 3

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 licence 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.

The responsible person must 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: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(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.

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 rate 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 this

Agenda Item 3

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.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Annex 2 – Conditions consistent with the Operating Schedule

The following non standard timings shall be applicable in respect of all licensable activities:

The terminal hour of 01.00 for Christmas Eve, Boxing Night and New Year's Eve or any Sunday preceding a bank holiday Monday.

The following non standard timings shall be applicable in respect of the hours the premises are open to the public:

The terminal hour of 01.30 for Christmas Eve, Boxing Night and New Year's Eve or any Sunday preceding a bank holiday Monday.

Authorised sale of:

Intoxicating liquor of all descriptions.

Alcohol shall not be sold or supplied except during permitted hours.

At all times when the premises are open to the public, substantial food and refreshment shall be available to generally accord with menu produced at Court, by way of table meals.

The maximum occupancy level of these licensed premises is set by the Fire Authority Report.

The Licence Holder may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out.

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

This licence is subject to such further Conditions as are consistent with any restrictions imposed on the use of the premises for the existing licensable activities under the licence by virtue of the enactments hereinafter set out:-

Children and Young Persons Act 1933
Cinematograph (Safety) Regulations 1955
Sporting Events (Control of Alcohol Etc) Act 1985.

Agenda Item 3

CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs.

Equipment shall be maintained in good working order correctly timed & date stamped; recordings shall be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on request.

The Recording equipment and tapes shall be kept in a secure environment under the control of the Licensee or other responsible named individual.

Appropriate signage representative of the above shall be placed in conspicuous positions.

There shall be no discount times, promotions or 'Happy Hours' in relation to the sale of alcohol.

Maximum occupancy levels shall be in accordance with the Fire Authority.

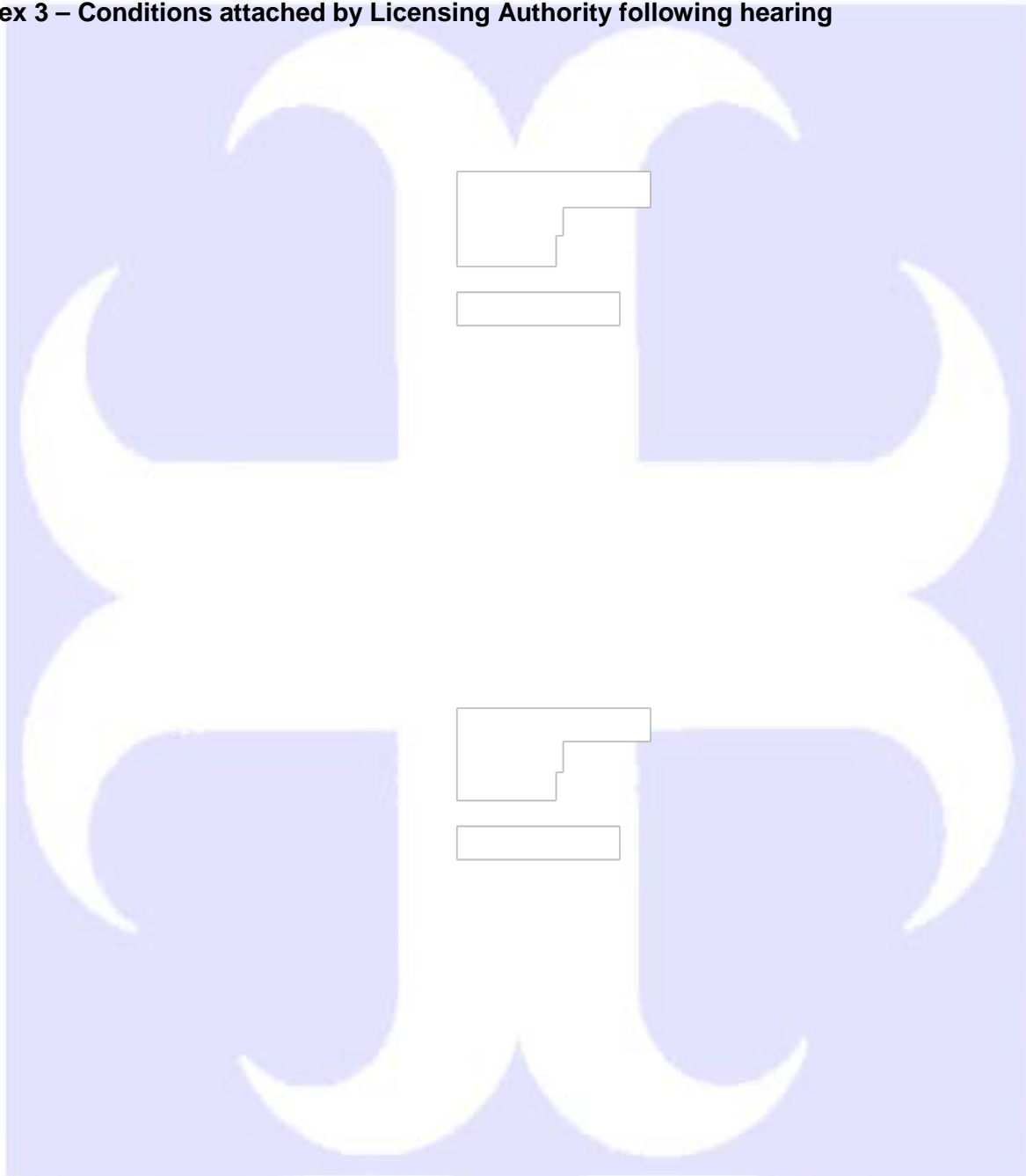
There shall be adequate Fire Escape notices clearly displayed.

Live Music shall cease at 23.00.

Customers shall be actively encouraged to leave the premises quietly.

Children accompanied by an adult, shall be allowed on the premises until 20.30 after which time no children shall be allowed on the premises.

Annex 3 – Conditions attached by Licensing Authority following hearing

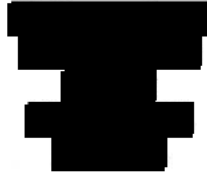


This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



19 April 2021

The Licensing Authority Licensing Unit
Sefton MBC
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

Dear Sir/Madam

**Re: Planning Application submitted by Mr. Keith Downes of Blues Bar and Bistro,
19-23 Moor Lane, Crosby**

I enclose a petition for the consideration of the committee. All the signatories of the petition are residents of [REDACTED].

The likely effects of the proposed changes are noted on the front sheet of the petition.

Copies of the petition have been sent to the councillors for this ward.

I look forward to hearing from you in due course.

Yours faithfully

[REDACTED]
[REDACTED]

Enc.



Agenda Item 3

Petition to Sefton Metropolitan Borough Council

Date	19 April 2021
Petition Organiser	[REDACTED]
Address	[REDACTED]

We, the undersigned, petition Sefton Council to deny the application from Mr. Keith Downes of Blues Bar, 19-23 Moor Lane, Crosby, to vary the terms of the licence which he has been granted. The extension, on a permanent basis, of alcohol being served until 2.00am on Friday and Saturday as well as the extension of opening hours on Thursday until 1.00am as well as Friday and Saturday until 3.00am will lead to increases in noise levels.

[REDACTED] has been developed as retirement living and its residents are all over the age of sixty. The noise generated around the current closing time of 11.00pm by the bar's customers is, at times, excessive. The proposed new timings will only add to the noise levels as well as pushing their occurrence until later into the night.

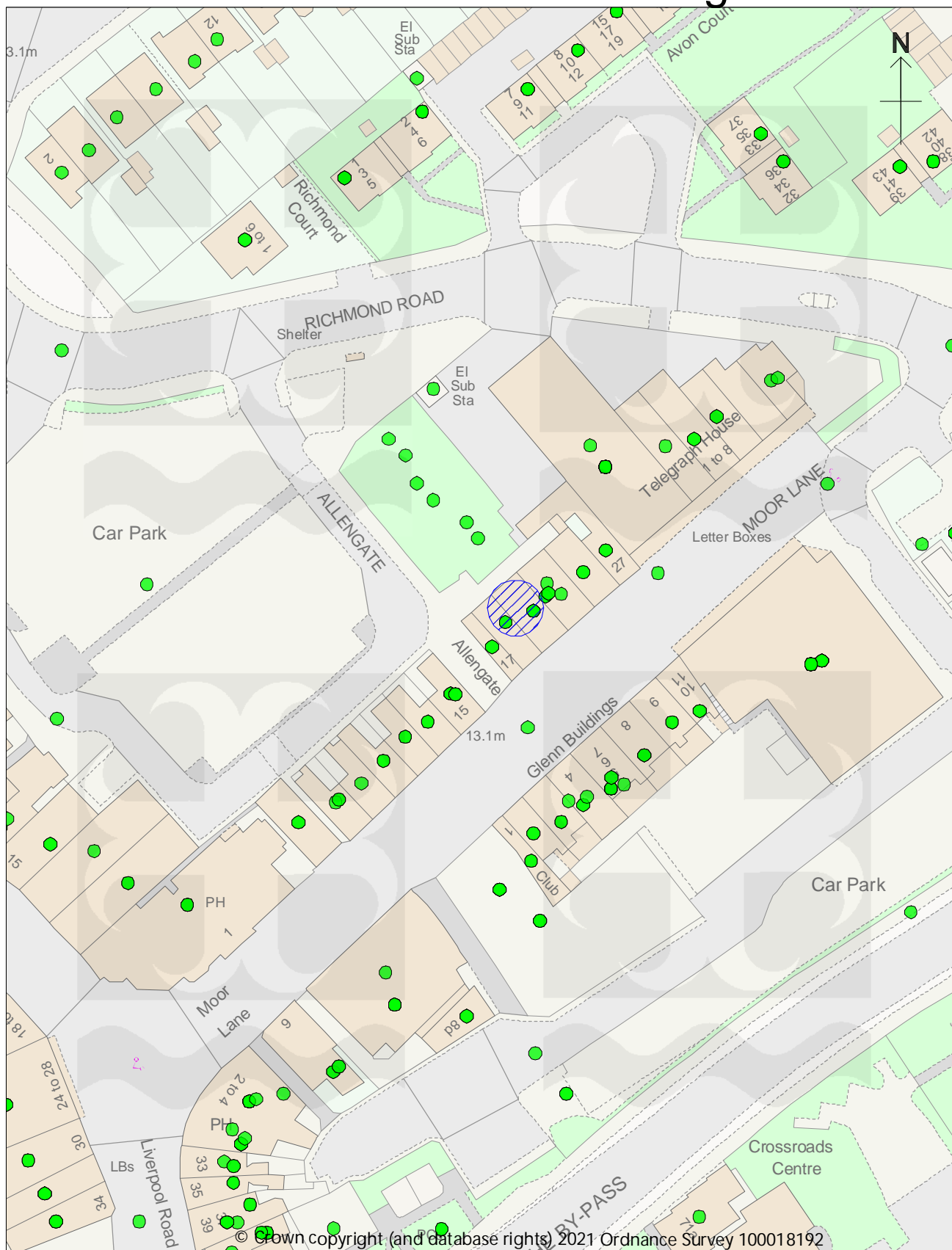
It should be noted that there have been distressing incidents outside the gates of [REDACTED] as individuals have become involved in disputes whilst waiting for taxis to arrive. There have also been instances where individuals have mistaken the gates of [REDACTED] for a urinal.

It is also reasonable to point out that the noise nuisance will not only impact residents of [REDACTED], but also the residents of the developments on the other side of Richmond Road.

Att.

Agenda Item 3

Name	Address	Signature
[Redacted Content]		
Number of signatures on page		24



Reference: Variation application
Date: 14/04/2021
Scale: 1:1000
Created by: KC

Blues Bar

19-23 Moor Lane

Crosby

This page is intentionally left blank