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MEETING: LICENSING SUB-COMMITTEE
DATE: Monday 4th November, 2024
TIME: 11.00 am
VENUE: Birkdale Room, Town Hall, Southport

Member

Councillor
Councillor Sonya Kelly
Councillor Robinson
Councillor Thompson

COMMITTEE OFFICER: Paul Fraser
Senior Democratic Services Officer
Telephone: 0151 934 2068
E-mail: paul.fraser@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.

Members are requested to attend a Briefing Meeting commencing at 10.15 a.m. on Monday, 4 November 2024 in the Marshside Room at Southport Town Hall.

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting

A G E N D A

1. Appointment of Chair

2. Declarations of Interest

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

3. Licensing Act 2003 - Application for the Variation of a Premises Licence - Cross House Inn, Cross Green, Formby, Liverpool, L37 4BH (Pages 5 - 44)

Report of the Assistant Director – Highways and Public Protection

Report Title: Licensing Act 2003 - Premises Licence Variation Application



Name/Address of Premises:	Cross House Inn, Cross Green, Formby, Liverpool, L37 4BH		
Date of meeting:	4 November 2024		
Report to:	Licensing Sub-Committee		
Report of:	Assistant Director of Place (Highways and Public Protection)		
Portfolio:	N/A		
Wards affected:	Ravenmeols		
Is this a key decision:	No	Included in Forward Plan:	No
Exempt/confidential report:	<p>Yes</p> <p>The Report is not exempt, however parts of the Annex 1, and Annex 2 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.</p>		

Summary:

To consider an application for the grant of a Premises Licence.

Recommendation(s):

The Sub-Committee’s instructions are requested

1. **The Rationale and Evidence for the Recommendations:** As per Licensing Act 2003 provisions: Under the Scheme of Delegation, Officers cannot determine applications which have received relevant representations.

2. **Financial Implications:** There are no financial costs associated with the proposals in this report

3. **Legal Implications:** The Chief Legal and Democratic Officer will provide legal advice

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to the Licensing Sub-Committee on the issues set out in this report.

4. **Risk Implications:** 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.
- 5 **Staffing HR Implications:** N/A
- 6 **Conclusion:** The Determination of the Licensing Sub-Committee will be provided within the requisite period, in accordance with the legislation, following the Hearing.

Alternative Options Considered and Rejected: N/A

Equality Implications: There are no equality implications.
Impact on Children and Young People: N/A
Climate Emergency Implications: The recommendations within this report will have a negative impact.

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.

The Executive Director of Corporate Resources and Customer Services (FD.....) and the Chief Legal and Democratic Officer (LD.....) have been consulted and any comments have been incorporated into the report: N/A

- (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 Hearing.

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Appendices:

The following annexes are attached to this report:

Annex 1: Existing Premise Licence

Annex 2: Public representations

Background Papers: There are no background papers available for inspection.

1. Application details

Application: Variation of a Premises Licence

Premises: Cross House Inn,
Cross Green,
Liverpool
L37 4BH

Applicants: Greene King Retailing Limited

Representative: Not yet known

Designated Premises Supervisor: Mr Ryan James Norris

Licensable activities applied for:

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

Days of Operation	Current Hours	Variation applied for
Monday to Thursday	11.00 to 23.00	09.00 to 24.00
Friday to Saturday	11.00 to 24.00	09.00 to 24.00
Sunday	11.00 to 23.00	09.00 to 24.00

- The provision of late night refreshment

Days of Operation	Current Hours	Variation applied for
Monday to Thursday	None	23.00 to 24.00
Friday to Saturday	23.00 to 24.00	23.00 to 24.00
Sunday	None	23.00 to 24.00

- Hours premises to be open to public:

Days of Operation	Current Hours	Variation applied for
Monday to Thursday	11.00 to 23.30	09.00 to 24.30
Friday to Saturday	11.00 to 24.30	09.00 to 24.30
Sunday	11.00 to 23.00	09.00 to 24.30

2. Background information/Current Licence details

- 2.1 The premises were granted a Premise Licence on 22nd August 2005 and a copy of this Licence is attached in Annex 1 to this Report.

3. Details of proposed Operating Schedule

3.1 GENERAL

As per existing Licence

3.2 THE PREVENTION OF CRIME & DIS

- i) As per existing Licence

3.3 PUBLIC SAFETY

- i) As per existing Licence

3.4 THE PREVENTION OF PUBLIC NUISANCE

- i) As per existing Licence

3.5 PROTECTION OF CHILDREN FROM HARM

- i) As per existing Licence

4. Objections/Representations received

- 4.1 Two representations have been received from Interested Parties.

A copy of their representations is to be found in Annex 2 to this report.

- 4.2 Other person, business or body

Under the Public Nuisance objective two local residents make representation.

A copy of their representation(s) is/are 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.*”

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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;*
- *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 evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online 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*

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- *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.*”

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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;
- 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;

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- 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.”

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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 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.”*

6. Proposed additional conditions

6.1 None

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

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of the Local Government Act 1972.

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LICENSING ACT 2003 PREMISES LICENCE

Part 1

Premises Licence Number 003252

Premises detail: Cross House Inn
Cross Green
Formby
L37 4BH

Licence Time Limit: Not applicable

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 - 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 23.00
Friday - from 11.00 to 00.00
Saturday - from 11.00 to 00.00
Sunday - from 11.00 to 23.00

The provision of late night refreshment
Friday - from 23.00 to 00.00
Saturday - from 23.00 to 00.00

The provision of regulated entertainment - Live music
Monday - from 18.00 to 23.00
Tuesday - from 18.00 to 23.00
Wednesday - from 18.00 to 23.00
Thursday - from 18.00 to 23.00
Friday - from 18.00 to 23.00
Saturday - from 18.00 to 23.00
Sunday - from 18.00 to 23.00

The provision of regulated entertainment - Recorded music
Monday - from 18.00 to 23.00
Tuesday - from 18.00 to 23.00
Wednesday - from 18.00 to 23.00
Thursday - from 18.00 to 23.00
Friday - from 18.00 to 23.00
Saturday - from 18.00 to 23.00
Sunday - from 18.00 to 23.00

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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 18.00 to 23.00

Tuesday - from 18.00 to 23.00

Wednesday - from 18.00 to 23.00

Thursday - from 18.00 to 23.00

Friday - from 18.00 to 23.00

Saturday - from 18.00 to 23.00

Sunday - from 18.00 to 23.00

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 23.30

Friday - from 11.00 to 00.30

Saturday - from 11.00 to 00.30

Sunday - from 11.00 to 23.30

Sales of Alcohol authorised:

On/Off Premises

Part 2

PREMISES LICENCE HOLDER

Name:

Greene King Retailing Ltd

(Registered) Address:

**Westgate Brewery
Bury St Edmunds, Suffolk
IP33 1QT**

Telephone number:

01284 763222

**Email:
(if applicable)**

**Company/Charity Reg. Number:
(if applicable)**

5265451

DESIGNATED PREMISES SUPERVISOR

Name:

██

Address:

██
██
██

Telephone number:

Issuing Licensing Authority:

████████

Personal Licence Number:

████████████████████

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.

(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 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.

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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: ½ 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 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.

Annex 2 – Conditions consistent with the Operating Schedule

Authorised sale of:

Intoxicating liquor of all descriptions.

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

The following non standard timings shall apply in respect of the licensable activities applicable:

(i) Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holiday, Good Friday, Easter Saturday, Easter Sunday, & Easter Monday. Proceeding & Preceding day before a bank holiday. St George's day & St Patrick's Day one extra hour. Any other publicly declared holiday, one extra hour.

(ii) Any special sporting event (i.e. World Cup), sporting events should be of National and/or International importance, which are televised outside the hours of which licensable activities are allowed by the premises licence, these will be notified to the Police and Licensing Authority 14 days prior to event with veto of the Police.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

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.

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.

The DPS shall be a member of any existing Pubwatch scheme.

There shall be external lighting of car parks and walkways.

There shall be increased supervision of trading area by; management, staff and glass collector's etc.

There shall be no external drinking after 23.00.

There shall be no external regulated entertainment.

Regulated entertainment, with the exclusion of recorded music, shall end at 23.00.

"Please Leave Quietly" signs shall be displayed.

Any external background music shall be switched off at 21.00.

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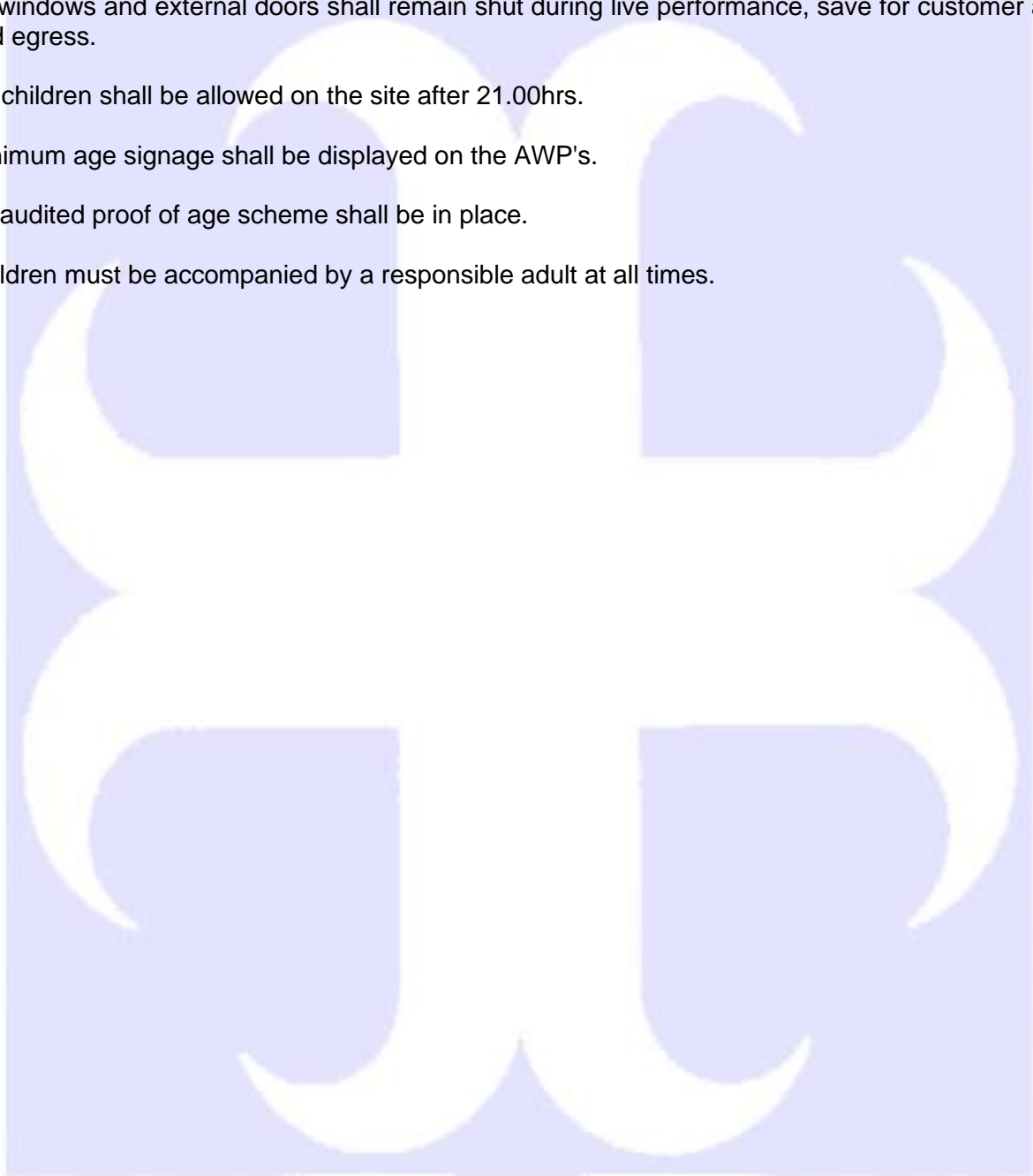
All windows and external doors shall remain shut during live performance, save for customer access and egress.

No children shall be allowed on the site after 21.00hrs.

Minimum age signage shall be displayed on the AWP's.

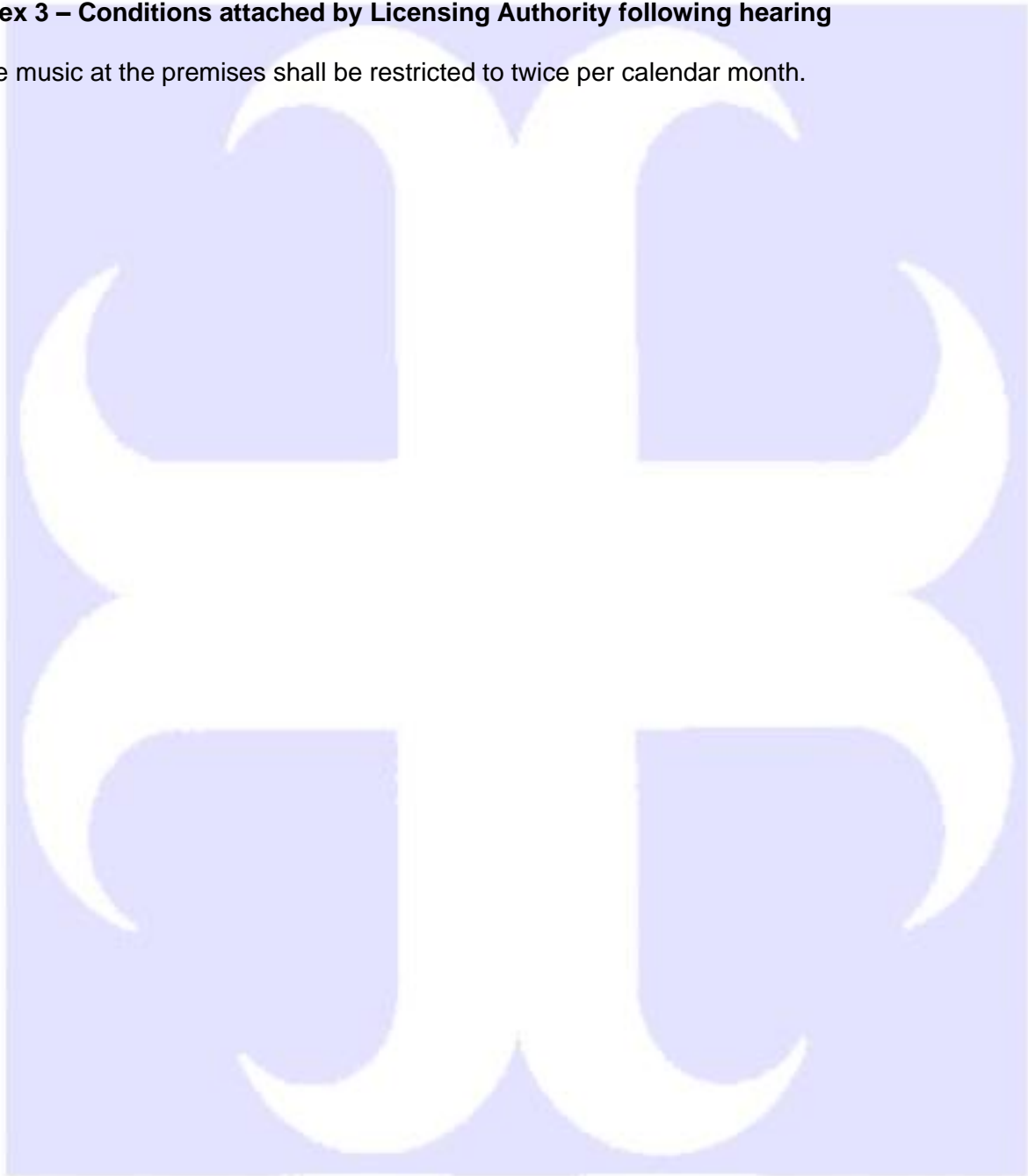
An audited proof of age scheme shall be in place.

Children must be accompanied by a responsible adult at all times.



Annex 3 – Conditions attached by Licensing Authority following hearing

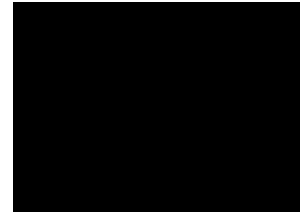
Live music at the premises shall be restricted to twice per calendar month.



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



Friday, 4th October 2024

Dear Sir/Madam,

****Re: Objection to Extended Opening Hours – Cross House Inn, Cross Green, Formby (Greene King Retailing Ltd)****

I am writing to formally object to the application for extended opening hours at the Cross House Inn, Cross Green, Formby (L37 4BH), submitted by Greene King Retailing Ltd.

As local residents, we already experience considerable disturbance caused by noise from the pub, particularly during the summer months when patrons linger outside long after last orders. Extending the opening hours will undoubtedly worsen this issue, prolonging the disruptive behaviour into even later hours.

In addition to the noise caused by patrons, we have serious concerns about the use of the pub's PA system, which broadcasts music and quiz night announcements late into the evening. On Thursday nights, it is often necessary for us to turn up the volume on our television just to drown out the noise from their quiz. This disruption occurs even when there are few or no people outside, and it seems entirely unnecessary for the outdoor speakers to be in use during the autumn and winter months when no one is seated outside.

Moreover, within a half-mile radius of the Cross House Inn, there are already five other pubs with late licences. This makes the application for extended hours at this pub both unnecessary and excessive, increasing the cumulative impact on local residents who are already affected by noise from these other establishments.

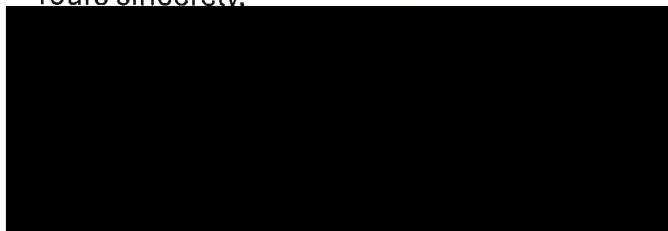
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We kindly request that the Licensing Authority consider imposing restrictions on the use of the outdoor speakers, ensuring they are turned off at a reasonable hour. This would significantly reduce the disturbance to residents and greatly improve our quality of life.

For these reasons, we strongly urge the Licensing Authority to reject the application for extended opening hours at the Cross House Inn.

Thank you for your attention to this matter. We would appreciate being kept informed of any decisions regarding this application.

Yours sincerely,



Kevin Hogan

From: Kevin Hogan
Sent: 14 October 2024 13:54
To: Kevin Hogan
Subject: FW: Objection

From: [REDACTED]
Sent: Friday, October 11, 2024 7:23 PM
To: Licensing <licensing@sefton.gov.uk>
Subject: Objection

You don't often get email from [REDACTED] [Learn why this is important](#)

Caution: This email originated from an External Source. Use caution when clicking links, or opening attachments.

Subject: Ongoing Complaints and Unresolved Issues Regarding Noise and Property Damage/ objection to license extension.

Dear Kings Brewery Management/Sefton Council

I hope this message finds you well. I am writing to formally lodge a complaint regarding several unresolved issues that have persisted for far too long. Despite multiple attempts to address these matters, both with your staff at the pub and directly with your organisation, I find myself increasingly frustrated by the lack of meaningful action and communication. I also would like to object about the change in licensing hours.

The first, and perhaps most pressing, issue is the ongoing noise disturbance caused by external speakers at your venue. This has been raised with the pub management on numerous occasions, yet nothing has changed. The loud music continues to be a significant disruption, especially during evenings when peace and quiet should be the norm in the neighbourhood and after midnight. As a resident who lives [REDACTED], I should not have to endure this constant disturbance, especially when it has been brought to your attention repeatedly. Over the last month the external speakers have been on over night, and these could be heard from down the road. I have video evidence for the council of this. Again, on Wednesday 9th October, external speakers were left on till nearly midnight playing loud music. Out neighbour was chatting to police passing who called the pub and told the staff to turn them off... This is happening all the time. Imagine the disturbance if a later licence was granted!

Despite promises to address this issue, including what seemed to be a sincere commitment from your staff, the problem has only persisted. I am beginning to lose faith in Kings Brewery as a responsible community member, and frankly, in your staff's willingness to resolve these concerns.

Further adding to this frustration is the unresolved issue of the tree that has been encroaching into my garden for some time. Despite assurances from [REDACTED] that a tree surgeon would be appointed to rectify the situation, only the falling tree was removed and not the rest of the branches that are about to fall. This is extremely concerning given the danger it presents. Recently, a large branch fell into my garden, and the fact your organisation took two days to resolve this is worrying, leaving me with my car blocked in (pictures available). After two days this was sorted out and I was again advised by [REDACTED] that the remaining tree would be sorted out... this still hasn't happened and [REDACTED] still has not returned any calls or Whatsapp messages.

To compound the matter, [REDACTED] made additional promises to build a "purposeful relationship" with residents, and yet, I have had no such contact since. [REDACTED] also assured me that she would arrange a meeting between myself and her staff at the pub to discuss and rectify the ongoing problems—this meeting has never materialised. I was even

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told we could address the matter of the damaged fencing, which my household paid for, despite the damage clearly being the responsibility of the brewery. The lack of follow-through from a senior member of your team such as [REDACTED] is deeply disappointing and unprofessional.

I have also BCC'd [REDACTED], a neighbour who has similarly been affected. While waiting outside my property at the temporary traffic lights, a branch from the same problematic tree fell onto her car. This incident could have been avoided had your team acted on the initial complaint, made a long time ago, regarding the state of the tree and the need for immediate action. I explained to [REDACTED] that a tree surgeon was supposed to have attended to the issue months ago, but as with so many other promises from Kings Brewery, nothing was done.

This prolonged pattern of inadequate responses, broken promises, and lack of action leaves me extremely upset with how your company handles complaints. I have lost all confidence in the ability of your staff, particularly [REDACTED], to effectively address these matters. Considering [REDACTED] senior position, this is even more troubling. I now request that a more senior member of your management team gets in touch with me to discuss these issues and provide a clear and actionable resolution.

I look forward to your prompt response and a clear outline of how you plan to rectify these issues. Should this matter not be addressed in a timely fashion, I will have no choice but to escalate my complaint further.

I would also like to reiterate, I object to the license change and believe we have until the 11th October to object against the application.

Many thanks

[REDACTED]

Ref: GS 2567705 / GS 2635135

All video evidence and dates and times are available.

NOTICE OF APPLICATION

Notice is hereby given that We
Sefton Metropolitan Borough C
a premises licence to use the p
Formby, L37 4BH

To vary the following Hours:

Sale of Alcohol by Retail from 09

Opening from 09:00 to 00:30 dai

Late night refreshment from 23:0

Any person who wishes to make
give notice in writing of his/her
grounds for making said represe

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Cross House Inn



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