

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE ASSEMBLY HALL - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON WEDNESDAY 26TH JULY, 2023**

PRESENT: Councillor John Kelly (in the Chair)
Councillors O'Brien and Lynne Thompson

ALSO PRESENT: Councillor Catie Page (Representing residents in
objection to the application)

4. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor John Kelly be appointed as Chair for this meeting of the
Sub-Committee.

5. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal
interests were received.

**6. LICENSING ACT, 2003 – PREMISES LICENCE - VARIATION
ORRELL HILL WOOD, ORRELL HILL LANE, HIGHTOWN, L38 5DA**

The Sub-Committee considered the report of the Assistant Director of
Place (Highways and Public Protection) regarding an application by Mr
Wallace James Greenwood for the Variation of a Premises Licence in
respect of Orrell Hill Wood, Orrell Hill Lane, Hightown.

25 Letters of objection to the application had been received from local
residents and the Ince Blundell Parish Council, this necessitated a hearing
for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Mr Wallace James
Greenwood (Applicant and Designated Premises Supervisor) and Mr
Edward Grant (Applicant Representative) in support of the application.

The Sub-Committee also heard representations from 4 members of the
public, the Clerk to the Ince Blundell Parish Council and Councillor Catie
Page, acting on behalf of a group of residents, objecting to the application.

All parties agreed the issues that were in contention and the procedure
that was to be followed.

At the end of their representations, all parties confirmed they were satisfied that they had said all they wished to say.

The Sub-Committee retired under Regulation 14 (2) of the Licensing Act (Hearings) Regulations 2005 (as amended) and thereby excluded the press and public whilst they reached their decision on the application.

The Sub-Committee returned to give its decision in public.

Decision

RESOLVED:

That the application for the variation of the Premises Licence in respect of Orrell Hill Wood, Orrell Hill Lane, Hightown, L38 5DA, be granted subject to the following:

- The sale of alcohol by retail (on and off the premises);
- The provision of regulated entertainment - plays;
- The provision of regulated entertainment - films;
- The provision of regulated entertainment - live music;
- The provision of regulated entertainment - recorded music;
- The provision of regulated entertainment - performance 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;

Days of Operation	Hours of Operation
Monday - Sunday	08:00 – 23:00

Hours open to the public:

Days of Operation	Hours of Operation
Monday - Sunday	08:00 – 23:00

The insertion of the following condition:

Security cover and wayfinding staff external to site will extend operations from 30 minutes before opening until at least 30 minutes after closing.

The variation of the following condition:

Any local resident liaison groups which for clarification shall include the Ince Blundell Parish Council shall be contacted and given details of planned events and potential implications to the local community. A letter shall be sent by the festival team to local residents who may be affected by music from the event. The residents to be covered shall be decided in advance with Sefton Council as part of the noise management plan. The letter shall advertise the timings of regulated entertainment and shall include an event contact and the Local Authority out of hours noise service.

Reasons

The Sub-Committee has heard from the Applicant and had considered the written and oral representations of local residents objecting to the application.

The Sub-Committee notes that this is an application for the variation of an already existing premises licence, one which neither responsible authorities or interested parties have at any time sought to review in respect of the activities already allowed under the licence. In effect, this variation seeks only to extend the hours of the licensable activities and the days of operation; with the insertion of a condition concerning wayfinding staff. It does not seek to remove any of the conditions already imposed and the licence continues to limit the occurrence of one three-day music event per year which requires significant prior notification and approval from a number of agencies.

The Sub-Committee is bound to have regard to the appropriate legislation, Guidance and to Sefton Council's own Statement of Licensing Policy. The Sub-Committee must grant the variation unless to do so can be shown to be contradictory to one of the licensing objectives. In addition, the Sub-Committee cannot address issues that are dealt with by other statutory regimes such as planning, highways or environmental legislation. To make a determination on the basis of anything other than the licencing objectives would result in the Sub-Committee acting beyond its powers.

A number of representations touched on concerns of crime and disorder. In accordance with the statutory guidance, the Sub-Committee should look to the Police as the main source of advice on crime and disorder, and no representations were received from the Police in response to this application. Whilst the Sub-Committee has sympathy for the local resident's concerns it has not heard or received any evidence that their concerns in particular relation to crime and disorder or public safety would occur as a result of this application for a variation being granted; the representations in this respect appeared speculative in nature.

In respect of public nuisance, many of the objectors speculated about the conduct of patrons leaving the premises. Statutory guidance makes clear that in considering public nuisance, the actions of individuals beyond the immediate area surrounding the premises are matters for the personal responsibility of those individuals under the law, and therefore the Sub-Committee was of the view that imposing conditions in respect of the conduct of patrons beyond the boundary of the premises would be in excess of the Sub-Committee's powers. However, it did note that the applicant had sought the insertion of a condition which would see security and way-finding staff extend their operations 30 minutes before opening and 30 minutes following closure of the premises to the public. It is hoped this will assist those leaving the site to do so in an orderly manner.

The main issue in respect of public nuisance was noise leakage given the proximity of the premises to residential dwellings. The Sub-Committee heard representations from residents who complained of having experienced noise nuisance during the festival in previous years. There are already conditions on the licence which require certain maximum noise levels; the Sub-Committee has not received any evidence of such levels being exceeded despite residents saying that noise was excessive. Furthermore, the Sub-Committee notes that no representations have been received from environmental health in response to this application. The levels provided for in the applicant's application to vary were as already stated conditions in the licence. The Sub-Committee cannot impose conditions that are, or could be considered disproportionate, overly burdensome, or purely aspirational, and as such was not of the view that it could require further conditions in this respect, in the absence of (a) evidence of previous breach and (b) representations from environmental health as to the reasonableness or otherwise of such levels of noise.

The Sub-Committee concluded that should any concerns come to fruition, in respect of this premises, the interested parties would have the right to request a Review of the Premises Licence.