



## Licensing Act 2003 Sub-Committee

<b>Date:</b>	Friday, 27 November 2009
<b>Time:</b>	10.00 am
<b>Venue:</b>	Committee Room 1 - Wallasey Town Hall

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### AGENDA

1. **APPOINTMENT OF CHAIR**
2. **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**  

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda, and, if so, to declare them and state what they are.
3. **SUNSET OVER THORS ROCK - MUSIC FESTIVAL, STATION ROAD, THURSTASTON (Pages 1 - 6)**
4. **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**  

To consider matters which the Chair accepts as being urgent.

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WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 27 NOVEMBER 2009

REPORT OF THE DIRECTOR OF REGENERATION

**NAME OF PREMISES: SUNSET OVER THORS ROCK, STATION ROAD,  
THURSTASTON**

**NAME OF APPLICANTS: ANDREW CARR AND GERARD WHITE**

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## 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application for the grant of a Premises Licence under the provisions of the Licensing Act 2003.

## 2.0 RELEVANT BACKGROUND

2.1 This site does not currently have a Premises Licence.

## 3.0 APPLICATION

3.1 The application for the grant of a Premises Licence is as follows:

### **Sale by Retail of Alcohol**

Friday	13:00 to 01:00
Saturday	10:00 to 01:00

### **Regulated Entertainment (Exhibition of Films, Live Music, Recorded Music and Performance of Dance)**

Friday and Saturday	13:00 to 01:30
Sunday	09:00 to 13:00

### **Entertainment Facilities (Facilities for Making Music, Dancing and Anything of a Similar Description)**

Friday and Saturday	13:00 to 01:30
Sunday	09:00 to 13:00

### **Late Night Refreshment**

Friday and Saturday	23:00 to 01:30
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The applicant has also requested that the site be open to members of the public from 08:00 on Friday 28 May 2010 to 16:00 on Sunday 30 May 2010.

If granted, the licence will be in force for a limited period from Friday 28 May 2010 to Sunday 30 May 2010.

#### 4.0 **PROMOTION OF LICENSING OBJECTIVES**

- 4.1 Applicants are required to submit as part of their application an operating schedule that sets out how they will conduct/manage their business in accordance with the four Licensing Objectives. A copy of the full application detailing the steps proposed by the applicant is available.
- 4.2 Members of the Licensing Act 2003 Sub-Committee are advised that the proposals set out in the operating schedule would become conditions of licence should the licence be granted.

#### 5.0 **RELEVANT REPRESENTATIONS**

- 5.1 The following Representations have been received in respect of the above application.

##### **Interested Party – Local Residents**

In respect of this application a total number of 123 representations have been received expressing concerns relating to the impact of the granting of the application on the four licensing objectives. These representations include representations from individual residents and bodies representing residents. The representations relate to public nuisance that would be caused by noise from entertainment coming from the site and by people attending the event. The representations also relate to public safety, in particular relating to the movement and volume of traffic. Concerns have also been expressed regarding the potential for various forms of criminal action, including offences under the Wildlife and Countryside Act 1981 and the sale of alcohol to persons under the age of 18 years. Copies of the representations are available.

Petitions have also been received from the Irby, Thurstaston & Pensby Amenity Society which contains 69 signatures and from the Thurstaston Caravan Owners Association which contains 78 signatures. These petitions are signed by residents who are concerned with the application relating to the above representations. Copies of the petitions are available.

Ward Councillors have also made representations as they have been contacted by local residents. The representations support the views expressed by local residents. Copies of the representations are available.

In support of the application, 36 representations have been received from residents and local businesses who have stated that they understand the measures that will be put in place to minimise the effect of the event and the security which will be put in place. A representation has also been received from the Wirral Chamber of Commerce and Industry in support of the application.

##### **Environmental Health (Pollution Control)**

Environmental Health have made a representation concerning the Prevention of Public Nuisance. The representation relates to noise nuisance being caused to neighbouring premises including the residential caravan park and Caravan Club Site. A copy of the representation is available.

##### **Merseyside Police**

Merseyside Police made a representation in respect of the application. The representation related to the possibility of an offence being committed under the Wildlife

and Countryside Act 1981 which potentially undermined the Licensing Objective of the Prevention of Crime and Disorder.

The grounds for the representation were that it was considered a possibility that a criminal offence would be committed under The Wildlife and Countryside Act 1981 if a music festival was to take place at the proposed location. The offence being to intentionally or recklessly disturb any wild bird (in this case Barn Owls) included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young or disturbs dependant young of such a bird.

An expert opinion was sought by Merseyside Police. Having considered the information provided by the expert, Merseyside Police have withdrawn their representations on the understanding that the following conditions are complied with:

- Music would be confined within four marquees. The main stage would occupy the largest of the marquees, measuring 40ftx40ft. This would be sited in field A and orientated so that the front was open to the south-west. Please see appendix A for map of the site.
- The three other smaller marquees would be positioned north west of the main marquee within the top half of field A. Field A would also comprise numerous food booths. Please see appendix A for map of the site.
- Toilet facilities and camping would be provided within fields A and C. Please see appendix A for map of the site.
- The car parking would be confined to field B and would not overspill into field C. Please see appendix A for map of the site.
- Security fencing would be installed around the festival site and specifically around the perimeter of the nearby property, Copperfields, Station Road, Thurstaston, Wirral. CH61 0HN where one pair of Barn Owls regularly breed. The fencing surrounding the private pastureland would be no higher than the existing hedges to reduce the chance of Barn Owls colliding with this temporary structure.
- Artificial lighting would be directed towards the north and west and away from the two nesting sites.

5.2 There have been no other representations received from the following Responsible Authorities:

Fire Authority  
Wirral Area Child Protection Committee  
Trading Standards  
Environmental Health (Health and Safety)  
Planning Authority

## 6.0 FINANCIAL AND STAFFING IMPLICATIONS

6.1 A statutory fee has been paid in respect of the application, which goes towards administrative and enforcement costs.

## **7.0 EQUAL OPPORTUNITIES IMPLICATIONS**

7.1 There are none arising from this report.

## **8.0 LOCAL AGENDA 21 IMPLICATIONS**

8.1 There are none arising directly from this report.

## **9.0 LOCAL MEMBER SUPPORT IMPLICATIONS**

9.1 The premises are located in the West Kirby and Thurstaston Ward.

## **10.0 HUMAN RIGHTS IMPLICATIONS**

10.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

## **11.0 COMMUNITY SAFETY IMPLICATIONS**

11.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

## **12.0 PLANNING IMPLICATIONS**

12.1 There are none arising from this report.

## **13.0 ANTI-POVERTY IMPLICATIONS**

13.1 There are none arising from this report.

## **14.0 SOCIAL INCLUSION IMPLICATIONS**

14.1 There are none arising from this report.

## **15.0 BACKGROUND PAPERS**

15.1 Application form applying for a Premises Licence – Operating Schedule.

15.2 Representation received from Local Residents in support and against the application from residents, local business and recognised bodies.

15.3 Representation received from Environmental Health.

## **16.0 RECOMMENDATIONS**

16.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for the grant of a Premises Licence in respect of the above premises.

Alan Stennard  
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478



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