



Date 2<sup>nd</sup> March 2023

Dear Sir / Madam,

**Burscough Town Councils comments on the Application to vary a premises licence for the following location.**

Unit 7 – Cactus Ray Burscough Wharf, Liverpool Road North, Ormskirk, West Lancashire L40 5RZ.

**Application.** For the following, to remove any condition that states music cannot be played outside within the seating area (?) between 11am – 22.00pm also stated to serve alcohol Fri and Sat until midnight Sunday to Thursday 11am – 12:45am and Friday and Saturday 11am to 1:45am from April to September and December midday – midnight. Live & Recorded music and anything of a similar description through an amplified speaker, late night refreshments and the retail sale of alcohol on/off the premises

Firstly, Burscough Town Council would wish to highlight several concerns about unsocial activities around the Wharf and the Smithy Walk car park next to the Wharf which has caused concerns as to the noise and disturbances to families in the nearby homes, which have been of an unacceptable nature with reports which remain ongoing to the police and WLBC, subsequently a resident has sent a formal complaint to the Local Government Ombudsman and an investigation has commenced.

In looking closely at the Legislation regarding alcohol licence we note the main objectives of the Licensing Act 2003 are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm.

These are important statements and there is a need to ensure these points are being met and where not then action needs to be undertaken to stop the problems being continued.

The following are points have been raised by the Town Council who have looked closely at the application to vary Unit 7 licence: -

- Unit 7 do not currently have permission to use an outdoor facility.
- Unit 7 do not currently have permission to use the first-floor facility.
- Unit 7 do not currently have permission to play any type of music live or through another medium outside.
- Live music outside April to September Fri and Sat until midnight, Thurs until 11:30pm and Sun until 11pm.
- Contradiction as then states Wed until midnight, Fri and Sat until 1am and Sun midnight.
- **Existing application states they use upstairs which has seats for 35 people, existing application states they use ground floor space only. Are Cactus Ray currently trading illegally as they also state in their application that they use upstairs in their venue and don't appear to have a current licence for this seating area.**

- 1) **Conditions stipulated within the current licence: - *All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.***
- 2) **Noise from music and associated sources (including amplified voices) shall not be clearly distinguishable at the boundary of any neighbouring residential premises after 20.00 hours.**
- 3) **No music or speech shall be relayed via external speakers other than for events where the prior approval of the Licensing Authority has been obtained.**

- **On Saturday 25<sup>th</sup> February 2023 it was reported that music could be heard in residential properties until 1.50am (this has been evidenced). accepted by WLBC'**
- Objection to the extension of the closing times.
- Objection to outside music either live or via another medium underneath a gazebo.
- Outdoor seating is being used at the moment; concern was raised as to is the relevant licence in place. After looking at the information it was raised that Cactus Ray do not appear to have any plans which currently allow a licence for outdoor seating which is currently available.
- Condition have been put on the existing licence for a reason, no outside music no outside seating. What are the circumstances have changed to allow you to remove these conditions.
- There have been no changes to the infrastructure to stop music from escaping. The seating was a temporary measure during the pandemic as the original application does not allow.
- There are no Artisan Markets anymore, the Wharf are not providing a variation of community activities. This was the original intention when funding was provided from the Arts Council.
- Notes there is a requirement to have extractor fans to remove the smell of cooking food.
- Can it be confirmed that the Fire Safety Inspector has been consulted? and advised accordingly as concerned was raised regarding an outdoor barbeque area.
- **Incomplete application, discrepancies on the detail the guidance notes seem to indicate on page 18 the following: - *This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary***

***substantially the premises to which it relates. If you wish to make the type of change to the premises licence you should make a new premises licence application under section 17 of the Licencing Act.***

We also have concerns about how the initial concept of the Wharf has changed and is no longer operating in the function that Public Money was provided, from the predecessor of English Heritage. This funding was to support the creation of a local historical environment for the use of families. The wharf has over the past two years changed with increased number of licenced premises and the Town Council has needed to undertake research as it was not informed about the changes taking place, it is now not the type of tourist attraction that was in the initial projects concept and subsequently in now more a venue for drinking and music activities and this new application takes this to a none intended environment.

BTC have been working with a local police officer regarding the Police report that was produced on the 7 October 2022 following a visit on the 28 September 2022. This report was produced by Rachel Hines the South Designing Out Crime Officer at HQ Hutton Lancashire, and I understand a copy and its recommendations is now with WLBC. We as a Council hope that WLBC will engage in discussion with the Town Council and residents, to enable a way forward in implementing plans and actions in obtaining a suitable solution to all parties.

BTC recognise that many residents enjoy going to the Wharf and don't cause any problems, we also recognise that the venues employ a number of local staff who need the work and the income from the work. Subsequently we must have a solution to current situation and improve the current situation and not to worsen it.

**Burscough Town Council have previously resolved to support and resolve the anti-social behaviours raised at a Town Council meeting - (8th June 2022.)**

Part of problems for the wharf area is the annoyance of loud music for Burscough residents at night when roads have less traffic and other noises have stopped the noise from music travels further when everything else has stopped.

**Therefore, taking all of these points into consideration Burscough Town Council would like to object to vary of Licence request from Unit 7 – Cactus Ray Burscough Wharf.**

Thank you for considering this issue.

Yours faithfully

*Jackie Maguire*

Jackie Maguire  
Clerk to Burscough Town Council  
On behalf of Burscough Town Council