

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON WEDNESDAY 7TH SEPTEMBER, 2022**

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

19. APPOINTMENT OF CHAIR

RESOLVED:

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

20. DECLARATIONS OF INTEREST

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

**21. LICENSING ACT, 2003 – PREMISES LICENCE - VARIATION - PN
SUPER STORE, 160/162 LINACRE ROAD, LITHERLAND L21 8JU**

The Sub-Committee considered the report of the Head of Highways and Public Protection regarding an application by Mr Pawenthiran Rasaiya for the Variation of a Premises Licence in respect of the above premises.

Objections under all four of the Licensing Objectives had been received from Merseyside Police and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Mr Naga Rajesh, representative of the Applicant, in support of the application.

The Sub-Committee also heard representations from Merseyside Police in objection to the application.

At the end of their representations, the representatives of the Applicant company, and the objectors from Merseyside Police, confirmed that they were satisfied 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 their decision in public.

Decision

RESOLVED: That

The Application for the Variation of the Premises Licence for PN Super Store, 160/162 Linacre Road, Litherland L21 8JU be granted subject to the hours set out below along with the additional conditions set out below:

Hours premises to be open to the public

Days of Operation	Hours of Operation
Monday to Sunday	06.00 to 00.00

The sale of alcohol by retail (off the premises)

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 01.00

Additional Conditions:

All sales taking place after midnight are to be made through the night hatch.

That the Designated Premises Supervisor liaises with the Police every quarter to make them aware of any local issues or particular concerns.

Reasons:

The Sub-Committee is satisfied that the Applicants have sufficient knowledge and experience of the licensing trade and have evidenced their respect for local residents and the local community.

The Sub-Committee has noted that this application is for the variation of an already established Premises Licence and they are bound to have regard to the appropriate legislation, guidance and to Sefton Council's own Statement of Licensing Policy.

Statutory guidance states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The Sub-Committee must grant a variation unless to do so would undermine the licensing objectives. The Police objected to this variation on the basis of all four of the licensing objectives. The Sub-Committee did not read or hear any evidence from the Police demonstrating how the

application for this variation specifically undermines the objectives of the protection of children from harm, public safety and the prevention of public nuisance.

The Sub-Committee in considering the potential increase of crime and disorder in the area is directed by statutory guidance to look to the Police as its main source of advice. Whilst the Sub-Committee accepts that the Police have evidenced that the area in which the premises is located is an area of high crime and disorder; the Sub-Committee does not consider that the Police have adequately evidenced how the sale of alcohol from this particular premises will undermine this licensing objective.

Statutory guidance makes clear that, the actions of individuals beyond the immediate area surrounding the premises are matters for the personal responsibility of those individuals under the law. However, the Sub-Committee is pleased to note that the Applicant already has a condition which requires him to monitor the vicinity outside of this premises and that the Applicant records details of problem customers and street drinkers, whom they refuse to serve. The Sub-Committee encourages the Applicant to continue this and to liaise with the Police on a regular basis in this respect.