

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE BAR LOUNGE - TOWN HALL, BOOTLE
ON THURSDAY 1ST DECEMBER, 2022**

PRESENT: Councillor Waterfield (in the Chair)
Councillors Bradshaw and Lynne Thompson

26. APPOINTMENT OF CHAIR

RESOLVED:

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

27. DECLARATIONS OF INTEREST

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

**28. LICENSING ACT, 2003 – PREMISES LICENCE - VARIATION THE
DRAM GIFT SHOP, 76 BOTANIC ROAD, SOUTHPORT PR9 7NE**

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

A letter of objection to the application had been received from members of the public and this necessitated a hearing for which the Sub-Committee had been convened. None of the objectors were present at the meeting.

The Sub-Committee heard representations from Mr Darren Boyd-Preece, Applicant and Designated Premises Supervisor, in support of the application.

At the end of his representations, Mr Darren Boyd-Preece confirmed that he was satisfied that he had said all he 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 the Dram Gift Shop, 76 Botanic Road, Southport PR9 7NE, be granted.

Hours premises to be open to the public

Days of Operation	Hours of Operation
Monday and Tuesday	11.00 to 16.00
Wednesday to Saturday	10.00 to 21.00
Sunday	12.00 to 17.00

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

Days of Operation	Hours of Operation
Monday and Tuesday	11.00 to 15.30
Wednesday to Saturday	10.00 to 20.30
Sunday	12.00 to 16.30

Reasons:

The Sub-Committee notes that this application is for the variation of an already established Premises Licence and is 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. None of the responsible authorities have submitted any representations on this occasion. Licensing authorities must not impose predetermined 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 cannot address issues that are dealt with by other statutory or common law regimes. The Sub-Committee must grant a variation, unless to do so would undermine the licensing objectives. The Sub-Committee has not heard or received any evidence that the objectors' concerns in respect of public nuisance will occur as a result of the alcohol licence being varied.

The Sub-Committee is keen to stress that the variation to the hours which the Applicant is licensed to sell alcohol from this premises does not affect any restrictions on the hours of trading within the Applicant's tenancy agreement.

The Sub-Committee is satisfied that the Applicant has evidenced his respect for local residents and the community. The Sub-Committee concludes that should any concerns come to fruition in respect of the

variation to this licence, the interested parties have the right to request a Review of the Premises Licence.