

# Public Document Pack



MEETING: LICENSING SUB-COMMITTEE  
DATE: Thursday 1st December, 2022  
TIME: 11.00 am  
VENUE: Committee Room - Bootle Town Hall, Trinity Road, Bootle, L20 7AE

Councillor Waterfield  
Councillor Bradshaw  
Councillor Lynne Thompson

COMMITTEE OFFICER: Amy Dyson Democratic Services Officer  
Telephone: 0151 934 2045  
Fax: 0151 934 2034  
E-mail: amy.dyson@sefton.gov.uk

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

**Members are requested to attend a Briefing Meeting commencing at 10.15 a.m. on Thursday 1<sup>st</sup> December in the Members Room – Bootle Town Hall.**

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

# **A G E N D A**

**1. Appointment of Chair**

**2. Declarations of Interest**

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

**3. Licensing Act, 2003 – Premises Licence - Variation The  
Dram Gift Shop, 76 Botanic Road, Southport PR9 7NE**

(Pages 3 - 34)

Report of the Assistant Director of Place (Highways and Public Protection)

# Agenda Item 3

<b>Report to:</b>	Licensing Sub-Committee	<b>Date of Meeting:</b>	1 December 2022
<b>Subject:</b>	Licensing Act, 2003 – Premises Licence - Variation The Dram Gift Shop, 76 Botanic Road, Southport PR9 7NE		
<b>Report of:</b>	Assistant Director of Place (Highways and Public Protection)	<b>Wards Affected:</b>	Meols
<b>Portfolio:</b>	<b>Regulatory, Compliance and Corporate Services</b>		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	The Report is not exempt; however, parts of the two Annexes have been redacted by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972. The Public Interest Test has been applied and favours the information being treated as exempt.		

## Summary:

To give consideration to an application for the variation of a Premises Licence.

## Recommendation(s):

The Sub-Committee's instructions are requested.

## Reasons for the Recommendation(s):

Under the Scheme of Delegation Officers cannot determine applications which have received relevant representations.

## Alternative Options Considered and Rejected: (including any Risk Implications)

N/A

## What will it cost and how will it be financed?

### (A) Revenue Costs

There are no financial costs associated with the proposals in this report

### (B) Capital Costs

There are no financial costs associated with the proposals in this report

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## Implications of the Proposals:

### **Resource Implications (Financial, IT, Staffing and Assets):**

There are no financial implications arising directly from this Report except in the event of any Appeal made against the Sub-Committee's eventual decision, the costs of which would depend upon the length of the Appeal process.

### **Legal Implications:**

The Chief Legal and Democratic Officer will provide legal advice to the Licensing Sub Committee on the issues set out in this report.

### **Equality Implications:**

There are no equality implications.

## Contribution to the Council's Core Purpose:

The Sub-Committee is acting in an administrative capacity under the Licensing Act 2003.

## What consultations have taken place on the proposals and when?

### **(A) Internal Consultations**

Consultation has taken place as per the provisions of the Licensing Act 2003.

### **(B) External Consultations**

Consultation has taken place as per the provisions of the Licensing Act 2003.

## Implementation Date for the Decision

Immediately following the Committee meeting.

Contact Officer:	Jacqueline Charlton
Telephone Number:	07973 457713
Email Address:	Jackie.charlton@sefton.gov.uk

## Appendices:

Annex 1 - Existing premise licence.

Annex 2 - Objections received.

Annex 3 - Premises Location Map

## Background Papers:

There are no background papers available for inspection.

## 1. Application details

Application: Variation of a Premises Licence

Premises: The Dram Gift Shop  
76 Botanic Road  
Southport  
PR9 7NE

Applicants: Mr Darren Boyd-Preece

Representative: Not yet known

Designated Premises Supervisor: Mr Darren Boyd-Preece

Licensable activities applied for:

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

Days of Operation	Current Hours	Variation applied for
Monday and Tuesday	11.00 to 15.30	None
Wednesday to Saturday	10.00 to 18.30	10.00 to 20.30
Sunday	12.00 to 16.30	None

Hours premises to be open to public:

Days of Operation	Current Hours	Variation applied for
Monday and Tuesday	11.00 to 16.00	None
Wednesday to Saturday	10.00 to 19.00	10.00 to 21.00
Sunday	12.00 to 17.00	None

## 2. Background information/Current Licence details

- 2.1 The premises were granted a Premise Licence on 02/04/2022 and a copy of this Licence is attached in Annex 1 to this Report.

## 3. Details of proposed Operating Schedule

### 3.1 GENERAL

No further items indicated.

### 3.2 THE PREVENTION OF CRIME & DISORDER

No further items indicated.

### 3.3 PUBLIC SAFETY

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No further items indicated.

## 3.4 THE PREVENTION OF PUBLIC NUISANCE

No further items indicated.

## 3.5 PROTECTION OF CHILDREN FROM HARM

No further items indicated.

## 4. Objections/Representations received

### 4.1 Other person, business or body

Under the Public Nuisance Objective two local residents make representation.

A copy of their representation is attached in Annex 2 to this Report.

## 5. Additional licensing information

5.1 Paragraph 1.17 of the Guidance issued under S.182 of the Act (“the Guidance”) states that each application “*must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.*”

5.2 With regard to conditions, Paragraph 1.16 says that these are “*are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:*

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*

- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format.”*

5.3 However paragraph 10.10, with respect to proportionality, underlines that the Act *“requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.”*

5.4 In respect of Hearings, Paragraph 9.37 states that as *“As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.”* Paragraph 9.38 continues: *“in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.”*

5.5 Paragraph 9.39 states that the *“licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the*

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*licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.” Paragraph 9.40 states that alternatively “the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information”.*

5.6 In addition to the above, Paragraph 9.42 states that *“Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be”* and further within Paragraph 9.43 that the *“authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.”*

5.7 Paragraph 9.44 indicates that determination *“of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business....The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. ”*

## PUBLIC NUISANCE

In relation to the prevention of public nuisance objective, paragraph 3.9 advises applicants to consider the following matters when making an application:

- The type of activity, its frequency and the number and nature of customers likely to attend;
- Measures taken, or proposed, to prevent noise and/or vibration escaping from the premises given its location and proximity to residential and other noise sensitive premises. This would include music, plant noise and human voice, whether amplified or not;



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- Measures taken to prevent the transmission of sound and/or vibration to adjoining properties;
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services;
- The proposed hours of operation for all, or parts, of the premises;
- Measures taken to prevent cooking odours and other smells escaping from the premises;
- Means of access to and egress from the premises, including customer entrances and exits on principal pedestrian routes;
- Whether routes to and from the premises pass residential premises;
- Whether the premises would result in increased refuse storage, disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure the collection and disposal of litter and waste outside the premises;
- Measures to be taken to reduce drunkenness on the premises, e.g. the “Drink Less Enjoy More” scheme;
- If appropriate, a ‘wind down’ period between the end of the licensable activities and closure of the premises;

Should the applicant, or a responsible authority, identify possible sound leakage from the premises paragraph 3.10 indicates that the Authority would expect this to be addressed in practical ways, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation, or if necessary, air conditioning;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration

In premises where customers leave late at night, or early in the morning paragraph 3.11 states that the Authority would expect the applicant to have included, in the Operating Schedule, such practical steps as:

- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors;
- At appropriate time making loud speaker announcements to the same effect;
- Instructing door staff to ask customers leaving the premises to do so quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Improving availability of licensed taxis or private hire vehicles to take customers from the premises;
- Refusing entry to people known to regularly leave in a noisy manner;
- The supervision of any queues so as to keep noise and disturbance to a minimum

## 5.8 GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

### PUBLIC NUISANCE

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Paragraph 2.15 states that the Act “enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

Public nuisance is given a statutory meaning in many pieces of legislation. Paragraph 2.16 states that it is “however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.”

Paragraph 2.17 states that Conditions “relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable...Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.”

Paragraph 2.18 continues that as with all conditions “those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.”

Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods, Paragraph 2.19 stating for example “the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise

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*emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.”*

Paragraph 2.20 states that measures to control light pollution should also require careful thought: *“Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.”*

Finally, Paragraph 2.21 underlines that beyond *“the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.”*

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**LICENSING ACT 2003  
PREMISES LICENCE**

**Part 1**

**Premises Licence Number** 039764

**Premises detail:** The Dram Gift Shop  
76 Botanic Road  
Southport  
PR9 7NE

**Licence Time Limit:** Not Applicable

**Licensable Activities:**  
The sale of alcohol by retail

**Times of Licensable Activities:**  
The sale of alcohol by retail  
Monday - from 11.00 to 15.30  
Tuesday - from 11.00 to 15.30  
Wednesday - from 10.00 to 18.30  
Thursday - from 10.00 to 18.30  
Friday - from 10.00 to 18.30  
Saturday - from 10.00 to 18.30  
Sunday - from 12.00 to 16.30

**Opening hours of premises:**  
Monday - from 11.00 to 16.00  
Tuesday - from 11.00 to 16.00  
Wednesday - from 10.00 to 19.00  
Thursday - from 10.00 to 19.00  
Friday - from 10.00 to 19.00  
Saturday - from 10.00 to 19.00  
Sunday - from 12.00 to 17.00

**Sales of Alcohol authorised:** On/Off Premises

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## Part 2

### PREMISES LICENCE HOLDER

Name: Mr Darren Boyd-Preece

(Registered) Address: [REDACTED]  
[REDACTED]  
[REDACTED]

Telephone number: [REDACTED]

Email: [REDACTED]  
(if applicable)

Company/Charity Reg. Number:  
(if applicable)

### DESIGNATED PREMISES SUPERVISOR

Name: Mr Darren Boyd-Preece

Address: [REDACTED]  
[REDACTED]  
[REDACTED]

Telephone number: [REDACTED]

Issuing Licensing Authority: [REDACTED]

Personal Licence Number: [REDACTED]



## Annex 1 – Mandatory Conditions

1.No supply of alcohol may be made under the Premises Licence:-

- a)At a time when there is no Designated Premises Supervisor in respect of the premises licence, or
- b)At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.

2.Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

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The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. 1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2 – Conditions consistent with the Operating Schedule

The premises shall operate as a retail shop and not as a bar.

Staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority and/or Merseyside Police. The records will be retained for at least 12 months.

CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions.

Cameras shall encompass all entrances and exits to the premises and all areas where the sale/supply/consumption of alcohol occurs and the public have access to.

External cameras will cover the immediate front, outside main door area of the premises.

Equipment shall be maintained in good working order in accordance with the manufacturer's instructions.

The system shall record in real time and operate whilst the premises are open for licensable activities.

The recordings shall be kept available for a period of 31 days and made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018).

The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Merseyside Police. The records will be retained for at least 12 months.

A Challenge 25 policy must be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age must include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence or passport.

Refusals system in place (book) to be monitored by the Designated Premises Supervisor and made available to an authorised officer of the relevant responsible authority and/or Police Officer.

Any one who is drunk or disorderly shall not be supplied with any tasters. Any tasters provided will be accurately measured and not poured directly from bottle to glass.

The DPS shall manage closely those who enter the shop to ensure that those in the shop are in a safe environment.

There shall be daily premises checks and routine maintenance (PAT testing, fire equipment and alarms etc.) carried out to ensure the environment remains a safe place to be. The DPS shall be first aid trained, and the premise shall keep an accident book to record any accidents, with a view to preventing them in the future.

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There shall be no provision of any entertainment or music (apart from background music).

There shall be no bright lights shining from the shop to cause any light pollution to local residents.

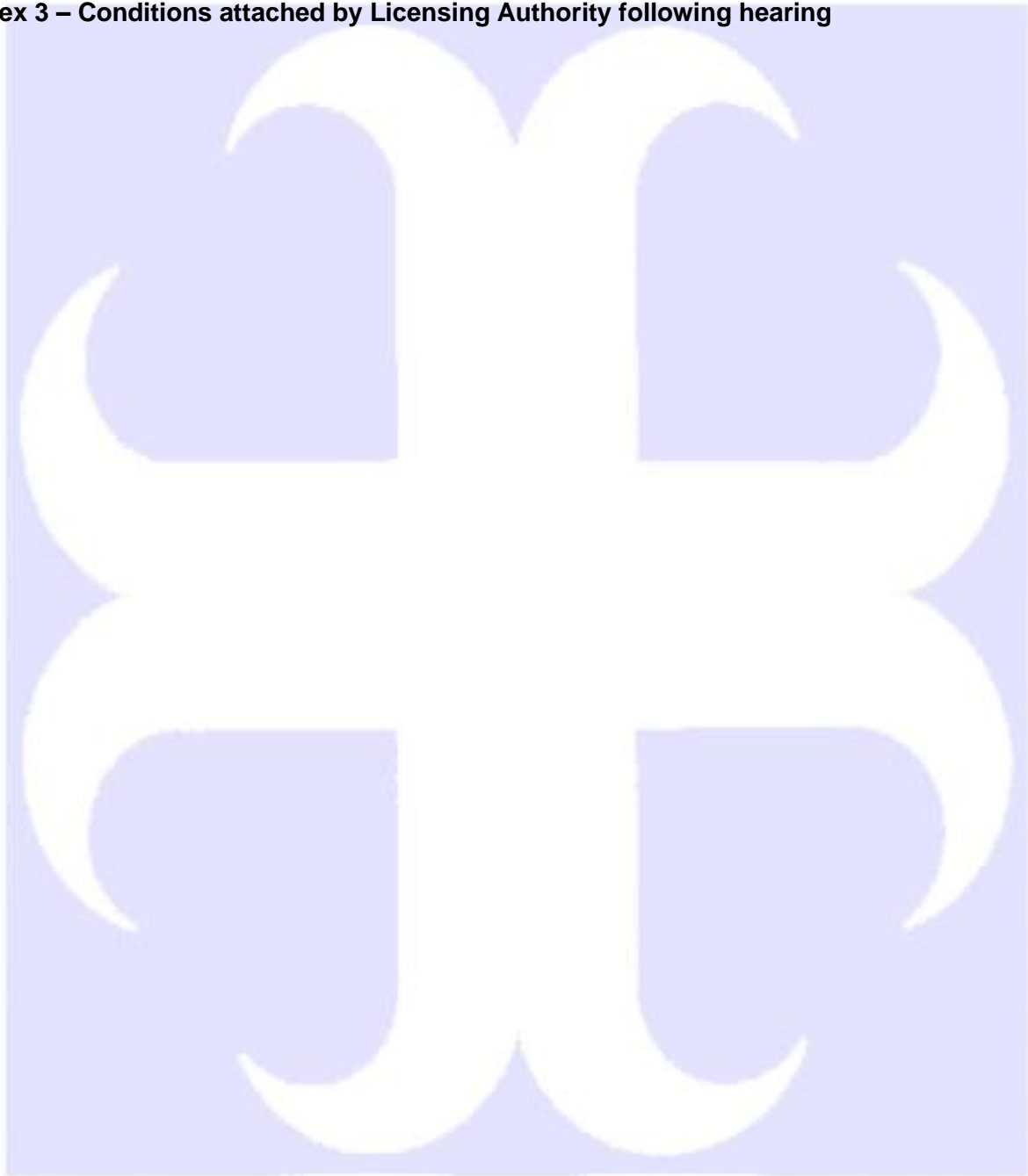
Any waste shall be removed from the site in a quiet and orderly way so as not to create any mess or unwanted noise. As shall any deliveries coming into the shop.

There shall be no entertainment on site and the premises shall have no visual content that would not be appropriate for children to see. All minors shall be accompanied by an adult at all times.

All staff who are to work in the shop shall under go a basic CRB check prior to beginning work.



Annex 3 – Conditions attached by Licensing Authority following hearing



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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**From:** [REDACTED]  
**Sent:** 28 October 2022 16:27  
**To:** Licensing <[licensing@sefton.gov.uk](mailto:licensing@sefton.gov.uk)>  
**Subject:** Re: M040815 - 'The Dram Gift Shop' Botanic Rd

Dear Ms J Charlton

Reference: M040815  
Re: The Dram Gift Shop, Botanic Road, Southport, PR9 7NE - Application to vary premises licence opening hours.

We write in reference to the above.

We strongly object to the variation of extended opening hours on the basis of 'public nuisance'. [REDACTED] the building for 'The Dram Gift Shop' and also the cottage that is attached at the rear and above the shop. The cottage will have occupants which we feel the excess noise will disturb their peace outside reasonable working hours.

[REDACTED] 'Tenancy Agreement' in place with 'The Dram Gift Shop' which has agreed operating times at [REDACTED], we feel after 7pm any excess noise would disturb the attached accommodation and the well being of occupants.

Their tenancy agreement, may become void if the business was to operate during hours which aren't set out in the contract. I believe it will have a subsequent impact to their license, as permitted use is only on the basis of a 'retail shop' and NOT an onsite drinking establishment.

Within the tenancy agreement itself [REDACTED] we refer to Section 3 Page 3 and also on Page 5 Section 22 that the hours of business are to be determined by the 'Landlord'.

We note that you mention it being a civil matter, however if there is a breach of the agreement, the tenancy would be revoked and therefore not meeting licensing requirements/conditions so thought you may need to know this.

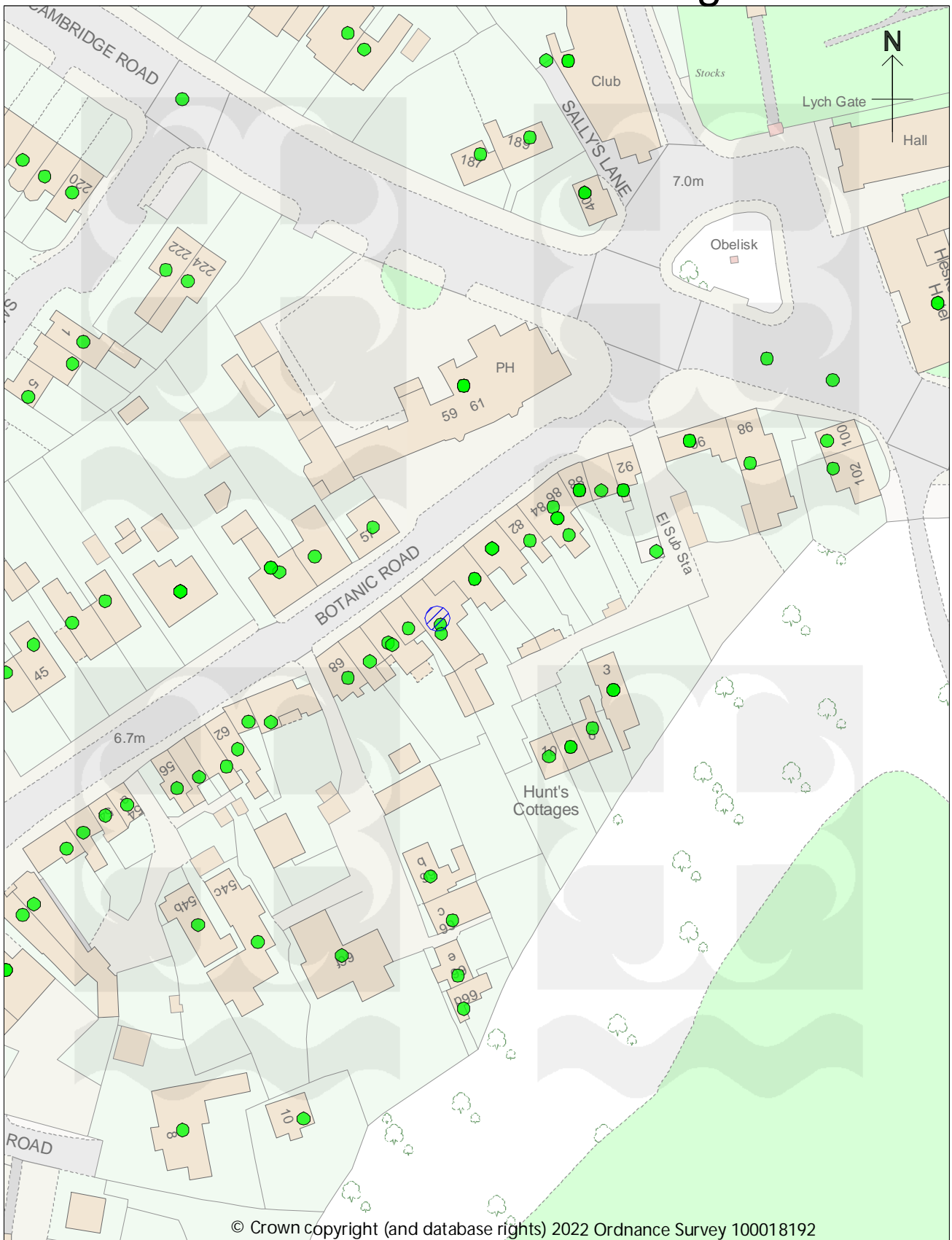
Please can you organise for your records to be updated for any correspondence to be sent to the below address so any important mail is not missed.

We look forward to hearing from you.

Yours sincerely

[REDACTED]

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Sefton Council



Reference: Variation  
Date: 02/11/2022  
Scale: 1:1000  
Created by: KC

Dram Gift Shop  
76 Botanic Road  
Southport

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