

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE BAR LOUNGE - TOWN HALL, BOOTLE
ON FRIDAY 15TH SEPTEMBER, 2023**

PRESENT: Councillor John Kelly (in the Chair)
Councillors Sonya Kelly and O'Brien

17. APPOINTMENT OF CHAIR

RESOLVED:

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

18. DECLARATIONS OF INTEREST

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

**19. LICENSING ACT 2003 - APPLICATION FOR A GRANT OF A
PREMISES LICENCE FOR WADDICAR CONVENIENCE STORE AND
OFF-LICENCE**

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Mr Thevappody Nithiyananthan for the Grant of a Premises Licence in respect of Waddicar Convenience Store and Off Licence, 88 Waddicar Lane, Melling, Liverpool, L31 1DY.

Two letters of objection to the application had been received from local residents and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee heard representations from Mr Thevappody Nithiyananthan (Applicant and Designated Premises Supervisor) and Mr Ian Rushton (Applicant Representative) in support of the application.

All parties agreed the issues that were in contention and the procedure that was to be followed.

At the end of the representations, all parties confirmed they were satisfied that 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 its decision in public.

Decision

RESOLVED: That

The Application for the Grant of a Premises Licence in respect of Waddicar Convenience Store and Off Licence, 88 Waddicar Lane, Melling, Liverpool, L31 1DY, be granted subject to the hours and conditions set out in the operating schedule, including one extra hour to the permitted hours for alcohol and opening on Bank Holidays, Christmas Eve, and New Year's Eve:

The sale of alcohol by retail (off the premises)

Days of Operation

Monday – Sunday

Hours of Operation

07:00 – 23:00

Hours open to the public

Days of Operation

Monday – Sunday

Hours of Operation

07:00 – 23:00

Reasons:

The Sub-Committee considered written representations made on behalf of both the Applicant, and of local residents objecting to the application; and heard oral representations from the Applicant and his representative during the hearing.

The Sub-Committee noted that this application is for the grant of a new Premises Licence and is bound to have regard to the appropriate Legislation, Guidance and to Sefton Council's own Statement of Licensing Policy. The Sub-Committee must grant the application unless it can be shown that to do so would be contrary to one of the Licensing objectives. 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; no representations were received from any of the responsible authorities in response to this application. 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 cannot impose conditions that are, or could be considered disproportionate, overly burdensome, or purely aspirational. In addition, the Sub-Committee cannot address issues that are dealt with by other statutory regimes. The Sub-Committee made clear at the outset of the hearing that it could not take into consideration issues of planning, highways, or parking; such would result in the Sub-Committee acting in excess of its powers. By and large the concerns raised by the objectors were not matters which the Sub-Committee could consider.

Relevant representations had been made in respect of the objective of the prevention of public nuisance, and these related to concerns as to noise and antisocial behaviour caused by those visiting the shop. Whilst the Sub-Committee had sympathy for the local resident's concerns it had not heard or received any evidence that these concerns will occur as a result of the alcohol licence being granted and cannot refuse an application or impose purely aspirational conditions in the absence of any evidence.

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 was pleased to note that the Applicant's operating schedule included 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. Further, although not a matter that the Sub-Committee can give consideration to, the Sub-Committee was pleased to note that per the letters sent to objectors in advance of the hearing, the Applicant has stated that he will place a notice on display, to ask customers to park respectfully when visiting the premises. Something which the Applicant reiterated during the hearing.

The Sub-Committee wished to remind the objectors that they have the right to request a Review of the Premises Licence should their concerns come to fruition.