

**LICENSING SUB-COMMITTEE**

**MEETING HELD AT THE BAR LOUNGE - TOWN HALL, BOOTLE  
ON 10 NOVEMBER 2023**

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

**4. APPOINTMENT OF CHAIR**

RESOLVED:

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

**5. DECLARATIONS OF INTEREST**

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

**6. LICENSING ACT, 2003 – SUB COMMITTEE EASTBANK STREET  
STORE, 117 EASTBANK STREET, SOUTHPORT, PR8 1DQ**

The Sub-Committee considered the report of the Assistant Director of Place (Highways and Public Protection) regarding an application by Mr Daban Zahir Karim for the Grant of a Premises Licence in respect of Eastbank Street Store, 117 Eastbank Street, Southport, PR8 1DQ.

Six letters of objection 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 Ian Rushton (Applicant's Representative) in support of the application.

Mr Rushton agreed the issues that were in contention and the procedure that was to be followed.

At the end of his representations, Mr Rushton 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 its decision in public.

Decision

RESOLVED:

That the Application for the Grant of a Premises Licence in respect of Eastbank Street Store, 117 Eastbank Street, Southport, PR8 1DQ, be granted subject to the hours set out below and the conditions set out in the operating schedule:

**The sale of alcohol by retail (off the premises)**

<b>Days of Operation</b>	<b>Hours of Operation</b>
Sunday to Thursday	09:00 a.m. to 00:00 (midnight)
Friday and Saturday	9:00 a.m. – 01:00 a.m.

**Hours open to the public**

<b>Days of Operation</b>	<b>Hours of Operation</b>
Sunday to Thursday	09:00 a.m. to 00:00 (midnight)
Friday and Saturday	9:00 a.m. – 01:00 a.m.

**Reasons:**

The Sub-Committee heard from the Applicant's representative and had considered the written representations of local residents and businesses objecting to the application.

During the Hearing, the Applicant's representative reduced the hours of sale by retail off the premises Sunday to Thursday to 9 am - 12 midnight.

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.

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 has sympathy for the local resident's concerns it has 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 includes conditions which require staff to monitor the vicinity outside of this premises, that prominent notices will be displayed requesting that customers respect the needs of local residents and to leave the premises and area quietly, and that the Applicant records details of problem customers and street drinkers, whom they refuse to serve.

The Sub-Committee in considering the potential increase of crime and disorder in the area are directed by statutory guidance to look to the Police as their main source of advice; the Police were consulted as a responsible authority and did not make any representation in response to this application. Again, there is no evidence that crime will occur as a result of this licence being granted.

The Sub-Committee was of the view that no evidence was provided of harm caused to children, or of risk to public safety as a result of the grant of this premises licence.

The Sub-Committee concluded that should any concerns come to fruition, in respect of this premises, the interested parties would have the right to request a Review of the Premises Licence.