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MEETING: LICENSING SUB-COMMITTEE
DATE: Monday 12th August, 2024
TIME: 11.00 am
VENUE: Committee Room, Town Hall, Bootle

Member

Councillor
Councillor John Kelly
Councillor O'Brien
Councillor Thompson

COMMITTEE OFFICER: Paul Fraser
Senior Democratic Services Officer
Telephone: 0151 934 2068
Fax:
E-mail: paul.fraser@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 Monday, 12 August 2024 in the Members' Room at 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 - Application for the Grant of a Premises Licence - 3-5 Altway, Aintree, Liverpool L10 3JA

(Pages 3 - 38)

Report of the Assistant Director - Highways and Public Protection

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Report to:	Licensing Sub-Committee	Date of Meeting:	12 August 2024
Subject:	Licensing Act, 2003 – Premises Licence - Grant 3-5 Altway, Aintree, Liverpool, L10 3JA		
Report of:	Assistant Director of Place (Highways and Public Protection)	Wards Affected:	Molyneux
Portfolio:	Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	The Report is not exempt, however parts of the Annex 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 grant 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:	Tony Jennings
Telephone Number:	07792 009453
Email Address:	Tony.Jennings@sefton.gov.uk

Appendices:

There are no appendices to this report

Background Papers:

There are no background papers available for inspection.

1. Application details

Application: Grant of a Premises Licence

Premises: 3-5 Altway,
Aintree,
Liverpool L10 3JA

Applicants: NEK Trading Ltd

Representative: Ian Rushton

Designated Premises Supervisor: Dinesh Reid

Licensable activities applied for:

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 03.00

- The provision of late-night refreshment

Days of Operation	Hours of Operation
Monday to Sunday	23.00 to 03.00

Hours premises to be open to public:

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 00.00

The applicants also wish the following non-standard timings to be applicable:

For the provision of Late-Night Refreshment:

The provision (of hot drinks/snacks) will take place inside for customers to take away and after 0000 hours will only be provided via orders for delivery only.

For the provision of the Supply of Alcohol:

Alcohol sales after 00.00 hours will only be provided via orders for delivery only.

Hours premises are open to the public:

The shop will close to the general public at 00.00 hours and will then focus on orders for delivery only.

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2. Details of proposed Operating Schedule

2.1 GENERAL

This operating schedule has been drafted having regard to current information such as the Council's Statement of Licensing Policy and the Home Office Guidance.

This is a new business venture and the site, currently empty, is to be refurbished with a big investment as a new general convenience store selling a wide range of goods including newspapers, magazines, groceries, soft drinks, cigarettes, dairy goods, toiletries, snacks, household items, confectionery, etc.

The proposed alcohol sales would just be a part of the overall business.

A detailed and robust operating schedule is proposed to promote the licensing objectives;

2.2 THE PREVENTION OF CRIME & DISORDER

- i) A CCTV camera system shall be used covering the premises which shall be capable of providing good quality images in all lighting conditions. Images will be retained for a period of at least 28 days and be made available to the Police (and other authorised officers) on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).
- ii) The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.
- iii) A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing underage sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities.
- iv) All staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop for inspection.
- v) Staff will be vigilant and monitor the area immediately outside the shop to check that youths do not cause annoyance by congregating.
- vi) Spirits will be kept behind the counter.
- vii) Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.
- viii) The premises shall operate an alcohol refusals policy - alcohol will not be sold to;

(1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

(2) Any person found to be drinking alcohol in the street;

(3) Any person who is drunk or appears to be drunk;

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- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically abusive towards staff or customers.
- (7) To any person suspected of trying to buy alcohol for another person(s) who maybe underage.

A notice advising customers of the refusals policy shall be on display.

2.3 PUBLIC SAFETY

No specific risks have been identified under the Licensing Act 2003 (note – the applicant is aware of the need to comply with other legislative requirements to ensure that the shop is safe for customers and staff).

2.4 THE PREVENTION OF PUBLIC NUISANCE

- i) Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.
- ii) A notice shall be on display in the premises asking customers to leave the premises quietly. The shop will close to the public at 0000 hours and then focus on deliveries only.

2.5 PROTECTION OF CHILDREN FROM HARM

Challenge 25 will be used. Any person appears to be under 25 years old who attempts to buy alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, or PASS accredited proof of age cards.

The premises shall display clear signage advising customers of the Challenge 25 policy.

An alcohol refusals register will be kept and maintained. The register will include details of the date of the refusal, the time, and the reason(s) for refusing the sale. It will be checked on a regular basis by the DPS and be made available for inspection by responsible authorities.

A notice(s) shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

Conditions in relation to orders and deliveries involving alcohol;

Alcohol deliveries will only be made to pre-arranged and booked postal addresses.

All alcohol deliveries shall be accepted by an individual in person.

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Alcohol will not be delivered to any 'open spaces' such as playing fields, parks etc
2.6 ADDITIONAL CONDITIONS AGREED FOLLOWING REPRESENTATIONS

The applicants have also agreed to the below Conditions being inserted on the Licence. This being in response to representations received from Merseyside Police and subsequent negotiations; as a result of this agreement representations have been formally withdrawn.

MERSEYSIDE POLICE CONDITIONS

All Drivers employed by the company will receive regular in-house training, completed upon joining, and then on a 12 monthly basis, in relation to the prevention of underage sales of alcohol. Records of this training are to be kept at the premises for inspection by Merseyside Police on request.

Drivers are to operate the 'Challenge 25' Policy, in that persons who look under the age of 25 are requested to provide proof of age by way of a photo driving licence, passport or a pass accredited proof of age card.

The drivers sheet, will contain details of the time and date of delivery, amount of alcohol delivered, total cost of order, customers signature, age check box and refusal details, to be completed by the driver upon any refusal of the sale of alcohol and reason why.

3. Objections/Representations received

Other person, business or body

Under the prevention of public nuisance and public safety objectives 13 local residents make representation.

A copy of their representations is attached in Annex 1 to this Report.

4. Additional licensing information

4.1 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.*"

4.2 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:*

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- *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.”*

4.3 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 evidence of a right to work check, either physical or digital (e.g. copy of any document checked or a clear copy of the online 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.”*

4.4 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:*

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- *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.”*

- 4.5 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 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*”.
- 4.6 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.*”
- 4.7 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. ”

4.8 SEFTON'S STATEMENT OF LICENSING POLICY

PUBLIC SAFETY

Paragraph 3.7 advises applicants when making licence applications, in providing evidence within the Operating Schedule that suitable and sufficient measures will be in place to address the Public Safety objective, to consider the following matters in particular:

- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
- The age, design and layout of the premises, including the means of escape;
- The nature of the licensable activities provided, in particular the sale of alcohol;
- Hours of operation;
- Customer profile (age, disability etc);
- The necessary Health and Safety and Fire risk assessments for the premises, and other measures to reduce risk to public safety;
- The number of people employed or engaged to secure the safety of all persons attending the premises or event;
- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;
- Implementation of appropriate crowd management measures

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;
- 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;

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- 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

4.9 GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

PUBLIC SAFETY

Paragraph 2.7 states that under the Act “*Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather*

than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene."

Paragraph 2.8 underlines that a "number of matters should be considered in relation to public safety. These may include:

- *Fire safety;*
- *Ensuring appropriate access for emergency services such as ambulances;*
- *Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts...;*
- *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
- *Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
- *Ensuring appropriate and frequent waste disposal, particularly of glass bottles;*
- *Ensuring appropriate limits on the maximum capacity of the premises...; and*
- *Considering the use of CCTV in and around the premises."*

Paragraph 2.11 underlines that "Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules."

With regard to safe capacities Paragraph 2.12 states that they "should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new

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capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.”

PUBLIC NUISANCE

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

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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 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 Authority

2 July 2024

Sefton MBC

Magdalen House

30 Trinity Road

Bootle

L20 3NJ

Dear Sir/Madam

Re: Application for a new premises licence: 3-5 Altway Liverpool L10 3JA

I wish to register my opposition to the to this proposed general convenience store, also selling alcohol.

The location is well supplied with convenience shops, including a Tesco Local (open until 11.00 each day), a PRM store opposite Old Roan Station, Morrisons Local in Altway and ASDA (open 24 hours, apart from Sundays). All these stores provide a wide range of convenience goods and services and are licenced to sell alcohol.

It seems ridiculous to have yet another such store. And I am concerned that its being open until 00.00 will attract individuals and groups who are likely to create late-night noise and nuisance, especially for those residents in the flats above, and nearby to these premises. I am also concerned that a delivery service operating between 00.00 and 03.00 will increase the level of disturbance to residents.

Yours sincerely,



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16/07/2024

Sefton Licensing committee

Dear Sirs/Madams

Re: NOTICE IS GIVEN that NEK Trading LTD have applied to Sefton Metropolitan Borough Council for a new premises licence at 3 - 5 Altway, Aintree, L10 3JA for;

The sale of alcohol for consumption off the premises 0700 to 0300 hours daily - the shop will close at 0000 hours and then take orders (for delivery only) until 0300 hours.

Late night refreshment to 0300 hours - the shop will close at 0000 hours and then take orders (for delivery only) until 0300 hours

The shop will become a new general convenience store selling a wide range of goods.

As residents of [REDACTED] [REDACTED] for 47 years this month we wish to appeal against the application of Nek Ltd for the property 3-5 Altway to become a general store selling liquor and takeaways of food and liquor up to 0300 hours (3am).

There are already other premises selling liquor nearby or only a few minutes away and most are open until late at night. Tesco express is opposite the proposed site and open until 11pm. At the other end of the village Bargain Booze already have a takeaway using Uber, whilst Morrisons local sell alcohol till late. Asda only a few minutes drive away is open 24 hours except on a Sunday. Other stores in the area offer Uber deliveries throughout the night. How many more do we need?

The issuing of a license for it to stay open until 3am for 'deliveries' is unfair on residents who live above or near. As the road leading to the proposed shop is a one way drive residents of Ormskirk Road, Oundle Avenue (side and backs of houses) and Bradfield Avenue would be affected by delivery vehicles coming and going throughout the night.

Recent events outside the premises proves it is already a congregating area for drug dealers. A car deliberately ramming two bikers. Large police attendance witnessed by my husband on his evening walk to the pillar box! Eye witnesses say it was probably drug related. It could also encourage more gangs of mainly young males to congregate there later at night. Around the same time a young man was shot and died nearby.

We are also concerned that if they take away custom from Tesco we may lose this shop as much of Tesco's evening business is for drinks and snacks.

Extra litter would also be generated.

We in [REDACTED] [REDACTED] already get disturbed at times with cars or motorbikes racing round the village late at night.

.We are an elderly couple who only recently had our front door damaged by passing (drug/alcohol fuelled persons?) kicking our front door and running away. Please think of our neighbourhood when you make your decision. We are a residential village and do not need more shops selling alcohol especially at night! 11pm is late enough and there are many alternatives available for home delivery if you google them.

Regards from

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Subject: 3-5 Altway, L10 3JA - licensing application - the proposals are shopping until 00:00 then deliveries until 03:00

Dear colleague,

On behalf of the local residents I would like to object to this application which was made on 24th June on the grounds of:-

- Public nuisance e.g. excessive noise/disturbance to the local community

I would like the opportunity to speak at the Hearing.

Yours sincerely,

[Redacted signature block]

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Licensing Authority

2 July 2024

Sefton MBC

Magdalen House

30 Trinity Road

Bootle

L20 3NJ

Dear Sir/Madam

Re: Application for a new premises licence: 3-5 Altway Liverpool L10 3JA

I wish to register my opposition to the to this proposed general convenience store, also selling alcohol.

The location is well supplied with convenience shops, including a Tesco Local (open until 11.00 each day), a PRM store opposite Old Roan Station, Morrisons Local in Altway and ASDA (open 24 hours, apart from Sundays). All these stores provide a wide range of convenience goods and services and are licenced to sell alcohol.

It seems ridiculous to have yet another such store. And I am concerned that its being open until 00.00 will attract individuals and groups who are likely to create late-night noise and nuisance, especially for those residents in the flats above, and nearby to these premises. I am also concerned that a delivery service operating between 00.00 and 03.00 will increase the level of disturbance to residents.

Yours faithfully,

[Redacted signature block]

29th June 2024,

Dear Sir/Madam,

I wish to object to the application by JK Licensing for the sale of Alcohol at 3/5, Altrway, Aintree.

As a resident of [REDACTED] My Objection is based on my concern the new license may increase the possibility of public nuisance for the many dwellings nearby including my own and the sale & Supply of Alcohol from 07-00/03-00, Plus early morning deliveries at 0-300. When there are residents living above the said premises. As there are already a number of outlets Selling Alcohol in the locality: Asda 24/7 Tesco's 07.00/23.00 & PRM. We dont need another.

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Yours Sincerely, [REDACTED]

Agenda Item 3

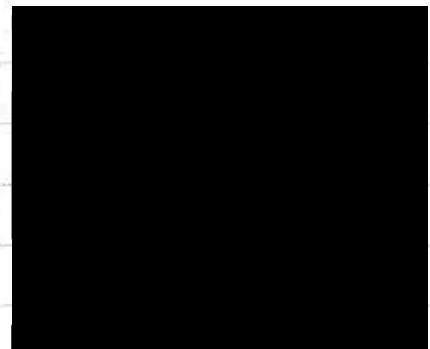
LICENSING AUTHORITY

SEFTON M.B.C.

MAGDALEN HOUSE

30 TRINITY RD

BOOTLE L20 3NJ



RE. LICENSING APPLICATION BY N.E.K. TRADING 3 P S
ARTWAY L10 3JA.

DEAR SIR/MADAM:

BEING ONE OF THE LOCAL RESIDENTS MOST AFFECTED BY THE APPLICATION I MUST OBJECT AT THE HOURS 7.00 AM - 3.00 AM.

THIS IS A QUIET ESTATE AFTER 10.30 PM / 11.00 PM. AS OTHER BUSINESSES HAVE CLOSED BY THEN. THERE IS A ONE-WAY SYSTEM AND THE EXIT IS VIA A HOUSING ESTATE WITH VEHICLES USING IT TILL 3.00 AM !! AS PREMISES WILL STILL BE USED AS A "WAREHOUSE"

THERE IS AT THE MOMENT ALREADY THREE LICENSED PREMISES WITHIN 500 METRES TESCO EXPRESS (SHUTS AT 11.00 PM) P.R.M ON COPY LAND (CLOSES 10.30 PM) AND ASDA SUPERSTORE (24 HS. TRADING)

ANTI SOCIAL ORDERS HAVE BEEN IN PLACE IN THE PAST TO STOP GAMES OF YOUTHS WRECKAGE AND CREATING NOISE IN THE AREA AND I FEEL THIS WILL RETURN IT BEING A MAGNET FOR UNDER-AGE DRINKERS.

I BELIEVE THE PREVIOUS APPLICATION WAS FOR A LATE NIGHT BAR OPEN TILL 3.00 AM AND IF THE APPLICATION IS APPROVED THE USAGE WILL SOON BE ASKED TO CHANGE TO THIS

Agenda Item 3

ALTHOUGH THERE IS PARKING 18 BAYS PLUS
ROADSIDE PARKING ALSO 8 BAYS + ROADSIDE
AT MOLYNEAU WAY BY 9.00 AM ALL
ROADSIDE PARKING IS TAKEN UP BY STAFF
OF BUSINESSES AND COMMUTERS. NORMALLY AT
PRESENT ONLY 3 BAYS ARE LEFT EMPTY EVEN
WORSE AT EARLY EVENING / LUNCHTIME LEADING
TO DOUBLE / EVEN TRIPLE PARKING

THIS PUTS PRESSURE ON ESTATE ROADS NEARBY
WITH ON PAVEMENT, PARKING INCLUDING DROPPED
KERBS, DOUBLE YELLOW LINES LEADING AS WELL
TO BLOCKING RESIDENTS ACCESS TO THEIR
PROPERTY EVEN WITH "H", EVEN DRAINING
WROTE WAY OUT OF ONE WAY SYSTEM.

Agenda Item 3

Kevin Hogan

From: Licensing
Sent: 03 July 2024 13:01
To: Kevin Hogan
Subject: FW: License objection.

-----Original Message-----

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, July 2, 2024 12:42 PM
To: Licensing <licensing@sefton.gov.uk>
Subject: Re: License objection.

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email originated from an External Source. Use caution when clicking links, or opening attachments.

Dear Sir or madam

With reference to my previous email my address is [REDACTED]. Thank you.

Yours sincerely

[REDACTED]

Sent from my iPad

> On 2 Jul 2024, at 11:58, [REDACTED] <[REDACTED]> wrote:

>

>

> Dear Sir or Madam

>

> I wish to strongly object to the granting of an alcohol license for the new premises at 3-5 Altway, Aintree, Liverpool L10 3JA for the following reasons

>

> 1). Public Safety.

> 2)Public Nuisance.

> 3)Harm to Children.

>

> It is obvious the main aim of this store is greed and profit regardless of the impact of the local community.

>

> Unruly youths tend to congregate around this type of store selling alcohol and whatever else causing anti social behaviour.

>

> This area is already well supplied with alcohol as per

>

> 1) Tesco Express.

> 2) Petrichor Bar.

> 3) Oldy Club.

Agenda Item 3

- > 4) PMR Store).
- > 5) Nine Dragons Restaurant.
- > 6) Asda Superstore.
- > 7) Holy Rosary Bar.
- > 8) Valentine Pub.
- > 9) Bargain Booze.
- > 10) Morrisons Express.
- > 11) Blue Anchor Pub.
- > 12) Conservative Club.

>

> All the above are within 10 minutes walk of each other and it means alcohol is available to anyone who wants it from 00.70 am to 12.00pm. The need for alcohol to be delivered from 12.00pm to 00.30am is totally out of keeping with the majority of people living in the Old Roan area and would only benefit the unruly minority.

>

> Has anyone considered how deliveries will be made to this shop as the area around this shop is already totally congested with cars single and double parked especially with people picking up takeaways from the fish and chip shop next door and the Nine Dragons Restaurant. Please consider my objection for the sake of the local community. Thank you.

>

> Yours sincerely

>

> 

>

>

>

>

> Sent from my iPad

Agenda Item 3

Subject: Convenience Store and Licence to sell alcohol application

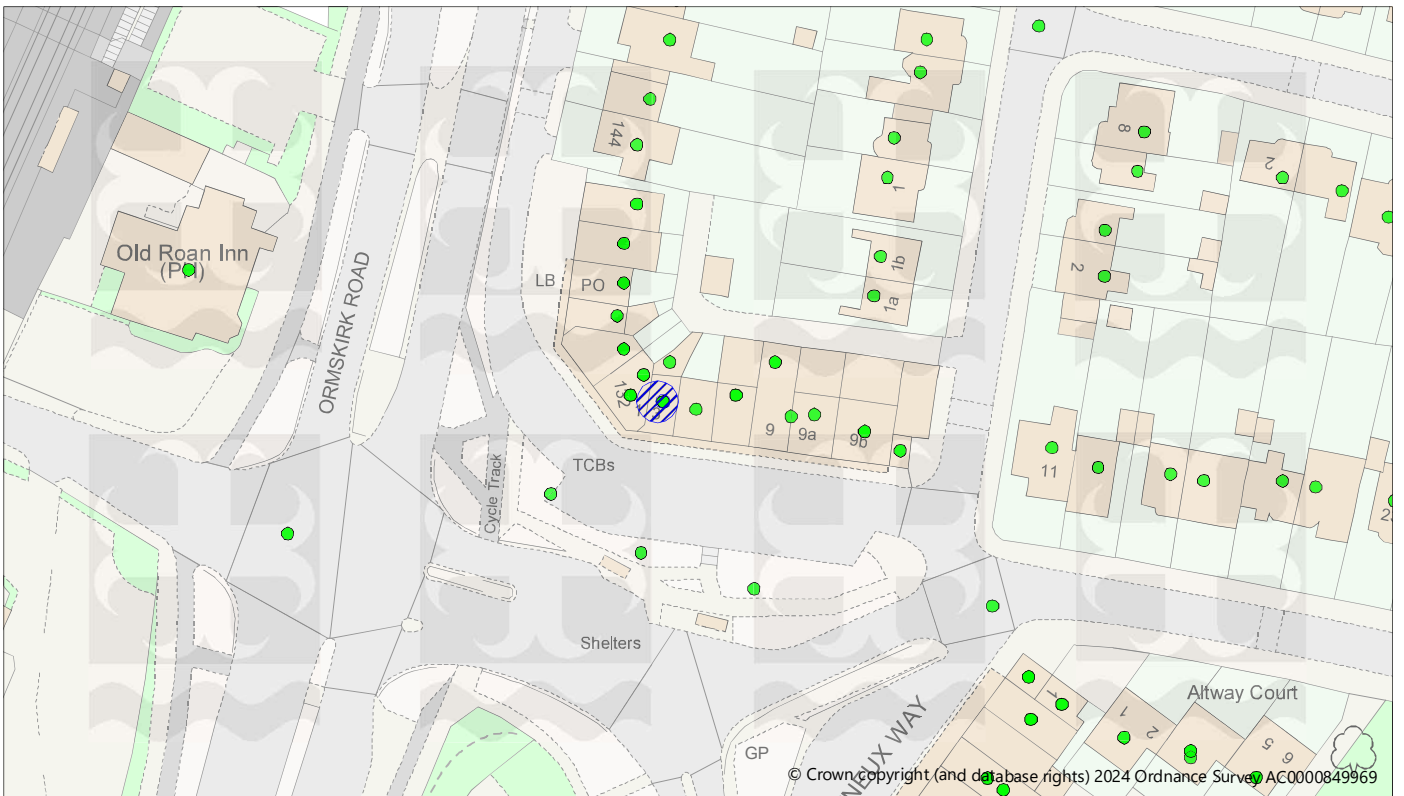
[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: This email originated from an External Source. Use caution when clicking links, or opening attachments.

I am writing to object to the above application in the now empty shop on the block of shops leading from Altway/Ormskirk Road L10 for the following reasons.

- 1, we don't need it, we have Asda open 24 hours. Tesco open until 11pm across the road.
- 2, this will become a public nuisance attracting gangs as it did when it was an off licence before.
- 3, this will also become a danger to our children and elderly due to these long hours.
- 4, It will bring more traffic into this small area of which we cannot cope with now.

[REDACTED]



Title Line 1 3-5 Altway
Title Line 2 Aintree
Title Line 3 Liverpool L10 3JA

Reference: Map reference
Date: 03/07/2024
Scale: Scale: 1:800
Created by: TJ

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