

LICENSING SUB-COMMITTEE

**MEETING HELD AT THE COMMITTEE ROOM - BOOTLE TOWN HALL,
TRINITY ROAD, BOOTLE, L20 7AE
ON 24 OCTOBER 2024**

PRESENT: Councillor O'Brien (in the Chair)
Councillors Porter and Thompson

16. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor O'Brien be appointed as Chair for this meeting of the Sub-Committee.

17. DECLARATIONS OF INTEREST

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

18. LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE - WADDICAR CONVENIENCE STORE AND OFF LICENCE, 82-84 WADDICAR LANE, MELLING L31 1DY

The Sub-Committee considered the report of the Assistant Director of Highways and Public Protection on an application by Mr. Thevappody Nithiyanathan for the Grant of a Premises Licence in respect of the above premises as follows:

- The sale of alcohol by retail

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 23.00

- Hours premises to be open to the public

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 23.00

In addition to the matters outlined above, the Applicant also wished to vary the Licence to include the following non-standard timings to be applicable:

Supply of Alcohol:

LICENSING SUB-COMMITTEE- THURSDAY 24TH OCTOBER, 2024

An extra hour until 00.00 hours on Bank Holidays, Christmas Eve and New Year's Eve

Hours premises are open to the public:

An extra hour until 00.00 hours on Bank Holidays, Christmas Eve and New Year's Eve

Objections to the application had been received and this necessitated a hearing for which the Sub-Committee had been convened.

The Sub-Committee also considered information contained in a supplementary agenda, from the applicant's agent, that had been submitted to an objector which outlined the application further, and explained the steps that would be taken to promote the licensing objectives.

The Sub-Committee heard representations from:

- Mr. Ian Rushton – on behalf of the applicant, in support of the application;
- Mr Thevappody Nithyananthan, Applicant, in support of the application; and
- Councillor Danny Burns - objecting to the application.

All parties agreed the issues that were in contention and the procedure that was to be followed. There were no preliminary issues raised, and at the end of their representations, everyone 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 their decision in public.

RESOLVED:

That the application for the Grant of a Premises Licence in respect of the above premises be granted subject to the hours set out below and the conditions contained within the operating schedule.

- The sale of alcohol by retail

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 23.00

- Hours premises to be open to the public

Days of Operation	Hours of Operation
Monday to Sunday	07.00 to 23.00

Non-standard timings:

Supply of Alcohol:

An extra hour until 00.00 hours on Bank Holidays, Christmas Eve and New Year's Eve

Hours premises are open to the public:

An extra hour until 00.00 hours on Bank Holidays, Christmas Eve and New Year's Eve

Reasons:

The Sub-Committee has considered written and oral representations made on behalf of both the Applicant, and of local residents objecting to the application.

The Sub-Committee note that this application is for the grant of a new Premises Licence, and they are 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 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 in to 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 speculative 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.

In regards to the objectors perceived threat of anti-social behaviour, 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 is pleased to note that the Applicant's operating schedule includes 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 the operating schedule also included conditions as to signage asking customers to park their cars respectfully, and for the Applicant to arrange deliveries so as not to cause a public nuisance. The Sub-Committee hopes that such conditions can provide some reassurance to objectors.

During the course of the meeting one of the objectors raised issues of crime and disorder and the protection of children from harm which did not form part of their initial representation. The Sub-Committee were advised during the meeting that such late representations could not be considered.

During the course of the meeting the Applicant agreed to share his details with the objectors so that they have a direct point of contact should there be any issues of noise or anti-social behaviour. 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.