

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Friday, 26 April 2024 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair) and Fry

Apologies for Absence: Councillor Loftus

Absence declared on Council business: None

Officers Present: Kim Hesketh (Licensing Manager) and Alex Strickland (Legal Advisor)

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

EXB8 APPLICATION FOR A PREMISES LICENCE - 182 LIVERPOOL ROAD, WIDNES, WA8 7JB

Action

The Committee met to consider an application which has been made under Section 17 of the Licensing Act 2003 to grant the above premises licence. The hearing was held in accordance with the Licensing Act 2003 and Licensing Act 2003 (Hearings) Regulations 2005.

PREAMBLE

A meeting of the Regulatory Sub-Committee (acting as Licensing Committee under the Licensing Act 2003) of Halton Borough Council was held at Municipal Building, Widnes on Friday 26th April 2024 commencing at 1.30pm.

The meeting was held to hear an application made under section 17 of the Licensing Act 2003 for the grant of a Premises Licence for a new convenience store at 182 Liverpool Road, Widnes. The application was amended prior to the hearing with the closing hour (both for premises opening and supply of alcohol) being amended to 11pm from midnight. It was confirmed during the hearing that the original request for the Late-Night Refreshment Licence (between 11pm and midnight) was being withdrawn. The hours requested for Sunday (both for premises opening and

supply of alcohol) were to be amended to start at 7am (rather than 6am) and finish at 10pm. It was this amended application that was determined by the Sub-Committee.

In attendance were:-

1. Members of the Regulatory Sub-Committee comprising Cllr Wallace (Chair), and Cllr Fry ('the Sub-Committee')
2. Mr. Rushton of JL Licensing representing the Applicant - namely Santha Kumar Nagarajah of SSAAT Limited ('the Applicant')
3. Councillor Wall speaking on behalf of local residents in support of the case put by the objectors (Ward Member)
4. Mrs. Deaves (the Objector)
5. Kim Hesketh (Licensing Manager)
6. Alex Strickland (Legal Adviser)

Councillor Kath Loftus who was scheduled to attend the Sub-Committee was absent and the Sub-Committee resolved at the outset to continue to hear the matter. The written submissions of the 17 objectors who had made relevant representations were considered by the Sub-Committee. Only one of those objectors, Mrs. Deaves, attended the meeting, accompanied by the Ward Member who addressed the Sub Committee on behalf of local residents in support of the case advanced by the objectors (including Mrs. Deaves).

After the Chair of the Sub Committee had introduced the parties, the Legal Adviser outlined the procedure to be followed. The Licensing Manager presented the Licensing Report with appendices including Location Plan (Appendix A), the schedule of Licensed Premises in the local area (Appendix B), the Application (Appendix C), objections from 17 local residents (Appendix D) and extracts from policy and guidance (Appendix E) - setting out the nature of the application and the relevant representations that had been made, noting that there had been no representation from Cheshire Police in respect of the prevention of crime and disorder statutory licensing objective (or otherwise). The Sub-Committee noted that no relevant representations on behalf of 17 objectors had been withdrawn in advance of the hearing.

1. Details of the application (as amended before and during the hearing)

The application as amended is for the grant of a Premises Licence as follows:-

Supply of Alcohol (off premises)

Monday to Saturday	06.00 to 23:00
Sunday	07.00 to 22.00

Hours open to the public

Monday to Sunday	06.00 to 23.00
Sunday	07.00 to 22.00

Operating Schedule – the conditions as set out in the Operating Schedule to the Application dated 2/3/2024, (set out in Appendix C to the Licensing Report) (amended as above to reflect a change in hours and withdrawal of the application for the Late-Night Refreshment element of the licence that formed part of the original application) together with mandatory conditions under the Licensing Act 2003.

2. The Hearing

The Applicant and the Objector were allowed a maximum of 20 minutes each to present their case.

Mr. Rushton for the Applicant made clear the proposal was to establish a new convenience store under the 'Go Local' branding. Alcohol sales would cover just around 10-12% of retail sales. Alcohol would be stored away from the shop entrance. The Applicant had taken out a 15 year lease on the premises so there was a long term commitment and the Applicant who held a Business degree and was a Personal Licence holder, had also who run premises in Bolton, Birkenhead and Liverpool without any issues. The Applicant was presented as a responsible operator with substantial customer service experience. Mr. Rushton made clear the premises would open anyway and the only issue here was the supply of alcohol. Referring to the operating schedule, it was noted that CCTV would cover inside and outside of the premises, that the Challenge 25 scheme would operate and that there would be regular staff training which Mr. Rushton himself would provide. Notwithstanding that regular litter picks would not extend much beyond the immediate exterior of the premises, the Applicant's representative emphasised the desire of the Applicant to be a good neighbour. There was no objection from Cheshire Police on crime and disorder (or other) grounds and whilst

understandable, the representations from the objectors were not based on evidence because this was a new business that had not yet started operating. On parking, it was noted this has a separate enforcement regime, but staff would be urged to act in a responsible manner. The Applicant offered to reduce Sunday hours from 7am to 10pm (and noted the Late-Night Refreshment element had been withdrawn).

Councillor Wall raised the issue of litter picking and sought clarification on the extent of the commitment in respect of this. (It was confirmed it would only extend to the immediate exterior of the premises). Parking was also raised as an issue (and the response from the Applicant was that they would do what they could to encourage staff to act responsibly on the parking issue). Councillor Wall raised lighting as an issue (the Applicant assured the Committee they would maintain that at the appropriate level and would turn down any lighting that was problematic and ensure it only operates in accordance with any relevant consent). The Sub-Committee sought assurance from the Applicant that there would be no entry doorbell chimes that would cause nuisance to the neighbouring occupier. (Such assurance was provided on behalf of the Applicant).

Cllr Wall addressed the Sub-Committee and noted that Sarah Deaves (Objector who was present) had two children (one aged 4 and one aged 15, the latter suffering from ADHD). In this context Cllr Wall drew the attention of the Sub-Committee to academic research from USA which underlined the importance of avoiding sleep deprivation for children - noting the impact it can have on education and wellbeing. Referencing the statutory licensing objective to protect children from harm (referring to the statutory guidance) she asked if the licence was granted then it should be for reduced hours (namely 7am-9pm).

Ms. Deaves related that she lived next door, had an adjoining wall with the Premises and her husband was up early for work (working shifts) and that she worked at Liverpool Hospital, often working from home and was concerned her peace (needed for works Teams meetings) would be disturbed by the proposals.

The Sub-Committee enquired whether the Applicant would wish to review the proposed hours (and make a further concession) in light of the particular representations made on sleep deprivation by Cllr Wall. The Chair adjourned the meeting for 10 minutes to allow Mr. Rushton to take instructions from the Applicant. Upon returning, the proposal from the Applicant remained unchanged.

Cllr Wall concluded that the protection of children objective was important and that the two children living next door should not be expected to suffer. Mrs. Deaves enquired from the Committee as the extent of evidence required for any premises licence review (which was confirmed by the Legal Adviser through the Chair).

The Applicant summed up that the proposals would bring a new convenience store and that the only point at issue was the hours for supply of alcohol. It was underlined that the late-night refreshment element had been withdrawn, Sunday hours had been reduced and there was no objection from Cheshire Police.

3. The Determination

The Sub Committee resolved to grant the (amended) application for the Premises Licence on the terms set out below: -

Supply of Alcohol (off premises)

Monday to Saturday	06.00 to 23:00
Sunday	07.00 to 22.00

Hours open to the public

Monday to Sunday	06.00 to 23.00
Sunday	07.00 to 22.00

Operating Schedule – the conditions as set out in the Operating Schedule to the Application dated 2/3/2024, (set out in Appendix C to the Licensing Report) (amended as above to reflect a change in hours and withdrawal of the application for the Late-Night Refreshment element of the licence that formed part of the original application) together with mandatory conditions under the Licensing Act 2003.

4. Specific reasons for the determination

In making its determination, the Sub-Committee had regard to the licensing objectives, the statutory guidance and Halton Council's own Statement of Licensing Policy.

The Sub Committee found that: -

1. The Applicant had improved the prospects of the licence being granted by withdrawing the late night refreshment element of the application and by

reducing the hours (for both premises opening and supply of alcohol) on Sunday.

2. The Sub-Committee was encouraged by and gave particular weight to the fact that the Applicant was an experienced operator, having run several convenience stores across the north-west without significant problems arising. The Sub-Committee was encouraged that the Applicant had made a substantial investment in the Premises by acquisition of a long lease and accepted that there was a desire to operate in accordance with the promotion of the statutory licencing objectives.
3. The Applicant assured the Sub-Committee that he wanted and intended to be a good neighbour within his community and the members gave substantial weight to this assurance.
4. As set out in the statutory guidance, the Sub-Committee looks to Cheshire Police as the main source of advice on crime and disorder. They did not make any representations.
5. The objectors (and the Ward Member) raised the issue of the statutory objective to protect children from harm. The Sub-Committee took account of the matters raised but was satisfied that a range of conditions within the operating schedule covering issues from CCTV to Challenge 25 were sufficient to deal with these matters on the evidence provided.
6. Notwithstanding legitimate concerns around the statutory licensing objectives – (namely potential anti-social behaviour, nuisance and protection of children from harm), that were raised by the objectors and underlined by the Ward Member, on balance this had to be weighed against the specifics of this application, in light of the fact that this was a new business which had yet to commence operating. The Sub-Committee noted the court decision in Daniel Thwaites Plc v Wirral Borough Council, and accordingly was not minded to impose additional regulation/conditions in this case.
7. On balance, it therefore finds that application does not undermine the licensing objectives.

The Sub-Committee recommends that the premises and residents engage in dialogue should there be any concerns in future. Those present were also reminded that if the proposed operation of the premises does lead to problems, residents are strongly advised to report matters to the police and environmental health where appropriate.

It was also noted that there are powers to deal with

premises if a licence leads to the licensing objectives being undermined. Options included reports to environmental health in relation to statutory noise nuisance, if reported and the possibility of a formal review of the Premises Licence should that be necessary.

5. Time that the determination shall take effect

Forthwith

Meeting ended at 3.50 p.m.