

REGULATORY SUB COMMITTEE

At a meeting of the Regulatory Sub Committee on Thursday, 28 August 2025 at The Board Room - Municipal Building, Widnes

Present: Councillors Wallace (Chair), Abbott and Fry

Apologies for Absence: None.

Absence declared on Council business: None.

Officers present: E. Wilson-Lagan and C. Ward

Also in attendance: None

ITEM DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

REGS4 APPLICATION FOR A PREMISES LICENCE - CAVENDISH STORE, 6 BALFOUR STREET, RUNCORN, WA7 4PH

This is the formal notification of a decision made by Halton Borough Council's Regulatory Sub-Committee at a hearing held under the Licensing Act 2003 ("the Act") on 28 August 2025 in the Boardroom at Municipal Building at 10:30 am.

The hearing was held to hear an application made by Mr Abdullah Waris ("the Applicant") under section 17 of the Act for a premises licence at Cavendish Store, 6 Balfour Street, Runcorn, WA7 4PH ("the Premises"). The hearing was triggered by a representation from local residents, Mr Kenneth and Lisa Smith ("the Objectors"), on the grounds of public nuisance.

In attendance were:-

1. Members of the Regulatory Sub-Committee comprising Cllr Pamela Wallace ("Chair"), Cllr John Abbott and Cllr Mike Fry (collectively referred to as "the Sub-Committee");
2. Mr Tony Clarke ("agent for the Applicant")
3. Mr Craig Ward ("Licensing Enforcement Officer");
4. Elizabeth Wilson-Lagan ("Legal Adviser").

The Applicant was not in attendance, having

previously notified the Council that he would be represented at the hearing by his agent, Mr Tony Clake.

The Objectors failed to attend the hearing and the Sub-Committee heard evidence from Mr Craig Ward that notice of the hearing had been served on the Objectors by post on 25 July 2025. As no response had been received to that letter, a further letter attaching notice of the hearing was hand delivered by the Council's Licensing Manager, Kim Hesketh, on 8th August 2025. The Sub-Committee found that the Objectors had been served with adequate notice of the hearing and, in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005, determined to hold the hearing in the Objector's absence.

After the Chair had introduced the parties, the Legal Adviser outlined the procedure to be followed.

DETAILS OF THE APPLICATION

The application was for a premises licence for the supply of alcohol from Monday to Sunday between 7 am and 11 pm at the above Premises. A number of conditions were proposed which were detailed further in the operating schedule attached to the application (Appendix C to the Licensing Report).

THE HEARING

The Licensing Enforcement Officer summarised the contents of his report, referring to the appendices which included a map of the location of the Premises (Appendix A), the details of nearby licensed premises, including their licensed hours (Appendix B), the Application (Appendix C) and Objector's joint representation (Appendix D) and relevant sections of the Revised Guidance issued under section 182 of the Licensing Act 2003 (Appendix E) ("the Statutory Guidance").

Mr Ward explained that the Premises, which was to become a general grocery store, had previously been occupied by the Runcorn Conservative Club who had held a premises licence for the supply of alcohol and regulated entertainment from 24 November 2005 until 30 November 2024. During this time, the licensable hours for the supply of alcohol were Sunday to Thursday 10 am to midnight and Friday and Saturday 10 am to 2 am. There were also a number of licensed premises within the vicinity, including another grocery store, namely the Co-Op, which was located further along on the same street and had similar licensable

hours to those proposed by the application. He went on to explain that none of the relevant authorities, including Environmental Health, had objected to the application and the only matter before the Sub-Committee was the representation received by the Objectors who objected to the application on the grounds of public nuisance. The crux of their objection was that a further licensed premises would increase noise, litter and loitering. They also mentioned issues with road congestion and parking as well as there being no need for another licensed premises.

Mr Clarke then presented the Applicant's case. He explained that the premises would be a general grocery store and part of a chain selling their own goods. He has known the Applicant for a while and confirms that he has industry knowledge and currently works for another client of his in another store. The Applicant now wants his own business and he is fully supported by his boss in this respect. He was financially committed and, whilst there were outstanding planning issues, he was taking the appropriate steps to obtain the relevant permission.

The application itself was, in his view, robust with appropriate conditions for promoting the licensing objectives. In terms of the licensable hours, he stated that these were respectful and ended earlier than the previous licence which went on until 2 am. There had been no objections from the Police or other responsible authorities. In relation to the resident objection, the conditions dealt with the potential for public nuisance. He explained the nature of the conditions and further emphasised that once people had left the vicinity of the premises, they were responsible for their own behaviour. The premises could only monitor people coming in and out of the premises, for which they also had CCTV in place and would be available to the Police. He also addressed some of the residents other concerns regarding the need for another licence premise and stated that this was a planning issue and not a licensing concept.

Mr Clarke addressed the Sub-Committee's further questions on the licensing hours and staff training.

Given that the Objector's were not in attendance, Mr Ward read out their representation in full.

Mr Clarke then summed up the Applicant's case, following which all parties withdrew from the room for the Sub-Committee to conduct deliberations on the matter.

THE DETERMINATION

The Sub-Committee considered the application, the residents' objection and the oral submissions heard from the Applicant's agent at the hearing.

In doing so, the Sub-Committee resolved to **GRANT** the application for a Premises Licence in respect of the above Premises subject to the hours set out below, the conditions set out in the Operating Schedule and the mandatory conditions:

- The supply of alcohol by retail

Days of Operation	Hours of Operation
Monday – Sunday	07:00 to 23:00

- Hours open to the public

Days of Operation	Hours of Operation
Monday – Sunday	07:00 to 23:00

REASONS FOR THE DETERMINATION

In reaching its decision, the Sub-Committee have taken into consideration the Licensing Objectives, the statutory guidance and the Council's own Statement of Licensing Policy.

The reasons for the decision were:-

1. Significant weight was placed on the fact that none of the responsible authorities had objected to the application;
2. The Sub-Committee considered that the Applicant was suitably qualified to run the premises in a responsible manner and in promotion of the licensing objectives;
3. In considering the residents' objection, the Sub-Committee noted that matters had been raised that were outside the control of the licensing regime and pertained to planning, such as the "need" for a further licensed premise, congestion and parking issues. These are matters for planning and highways and were not therefore taken into consideration;
4. In terms of the public nuisance element of the objection, the Sub-Committee considered there was a risk for noise, littering and loitering. However, condition 6 (which requires management and staff to use their best endeavours to prevent persons loitering outside the premises and to ensure that persons refused entry or ejected are asked to leave the

vicinity of the premises), condition 7 (which requires prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly and to properly dispose of litter), and condition 8 (requiring staff to monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of any litter from the premises) adequately dealt with those risks;

5. The Statutory Guidance makes it clear the actions of individuals beyond the immediate area surrounding the premises are matters for the personal responsibility of individuals under the law and not the licensed premises. As such, further conditions were not considered necessary or justifiable;
6. In terms of the opening and licensable hours, the Council's own Statement of Licensing Policy states that "with regards to shops, stores and supermarkets, the norm will be for such premises to 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 very good reasons for restricting those hours". The Sub-Committee did not consider there were good reasons for restricting the hours, further noting that none of the responsible authorities had objected to the hours; and
7. On the whole, the Sub-Committee found the application promoted the licensing objectives.

The Sub-Committee recommended that the applicant and residents engage in dialogue should there be any concerns in future. In the event that the proposed operation of the premises does lead to issues, residents were strongly advised to report matters to the relevant responsible authorities.

There were powers to deal with premises if a licence leads to the licensing objectives being undermined. Not least was the power for residents or responsible authorities to bring review proceedings where steps could be taken to restrict the licence, impose further conditions or, in extreme circumstances, revoke the licence when evidence shows issues result from a licensable activity. Action could also be taken separately by environmental health in relation to statutory noise nuisance, if reported. The Sub-Committee hoped that this brought some reassurance to the residents.

Meeting ended at 12.05 p.m.