



ST HELENS
BOROUGH COUNCIL

Town Hall, St. Helens, Merseyside, WA10 1HP

Telephone: 01744 673289 (Mrs S Frayne)

Agenda

LICENSING SUB-COMMITTEE

PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)

Date: Friday, 12 April 2024

Time: 9.30 am

Venue: Room 10

Membership

Lab 3 Councillors C D Banks, J Banks and Laird

<u>Item</u>	<u>Title</u>	<u>Page</u>
4.	<u>Determination of 2 x Premises Licence Applications for Asda Express – Additional Information</u>	3

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**Representation to Premises Licence for Asda Express, PFS Sherdley Park and PFS
Rainhill Warrington Road, St. Helens**

**Under the Licensing Objectives of Prevention of Crime and Disorder, Prevention of
Public Nuisance, and Protection of Children from Harm**

Evidence Pack – Public Health

Contents	Page
1. Applicant	2
2. Geographical Information	2
3. Statement of Licensing Policy	3
4. Public Health Related Statistics Overview	3
5. Detailed Statistics	4
6. Public Health Representation	7

1. Applicant

Asda Express, Convenience Store / Petrol Filling Station, PFS Sherdley Park, 102 St Helens Linkway, St Helens, WA9 5DT

Asda Express, Convenience Store / Petrol Filling Station, PFS Rainhill Warrington Road, Prescot Liverpool L35 9JB

2. Geographical Information

Area Name	Classification
Postcode	WA9 5DT
IMD Decile	2
LSOA	E01006912, St Helens 019G
MSOA	2001424, St Helens 019
Output Area Classification	Communal retirement
Work Zone Classification	Low density wholesale and retail
SOA Classification	Challenged white communities
Ward	Thatto Heath

Area Name	Classification
Postcode	L35 9JB
IMD Decile	6
LSOA	E01006891, St Helens 023C
MSOA	E02001428, St Helens 023
Output Area Classification	Older workers and retirement
Work Zone Classification	Manufacturing, energy and utilities
SOA Classification	Ageing urban communities
Ward	Rainhill

3. Statement of Licensing Policy 2023-2028

Public Health, as a responsible authority, were involved in the development of the St Helens Statement of Licensing Policy, which sets out the vision of the Council has for the regulation of licensed premises throughout the borough and outlines the standards expected in order to ensure the promotion of the licensing objectives of in the borough.

Taking into account the problems of crime, disorder, nuisance and anti social behaviour into the early hours of the morning, the policy sets out a framework of opening and closing times for premises.

The Framework

<input checked="" type="checkbox"/> Off Licensed Premises	8:00 am to 11:00 pm Sunday to Saturday
<input checked="" type="checkbox"/> On licensed Premises	1:00 am Sunday to Thursday 3:00 am Friday and Saturday (& Bank Holidays)
<input checked="" type="checkbox"/> Late Night Refreshment Premises	1:30 am Sunday to Thursday 3:30 am Friday and Saturday (& Bank Holidays)

4. Public Health Related Statistics Overview

The application relates two Asda Express convenience stores / petrol filling stations located in the ward of Thatto Heath (24/LAPL/01452) and Rainhill (24/LAPL/01451).

Thatto Heath (24/LAPL/01452)

The store location of the application relating to Thatto Heath (24/LAPL/01452) relates to an area within St Helens that is part of the worst 20% of deprivation in the country. This Lower Super Output Area (LSOA) is populated by challenged white communities.

The wider Middle Layer Super Output Area (MSOA) has issues of very high admissions to hospital for alcohol related conditions, statistically significantly worse than England (**figure 1**).

The wider ward boundary (Thatto Heath) of the premises has an increasing trend of alcohol related hospital admission (**figure 3**).

Accident and emergency attendance rates (all causes, aged 15-34) between 12-5am are high across St Helens (**figure 4**).

The LSOA has a higher number of offences of public order, violence and sexual offences, and all offences compared to the St Helens average (**figure 5**). This LSOA has the 4th highest percentage of all crimes across all St Helens LSOAs.

Rainhill (24/LAPL/01451)

The store location of the application relating to Rainhill (24/LAPL/01451) relates to an area within St Helens that is within IMD decile 6. This Lower Super Output Area (LSOA) is populated by ageing urban communities.

The wider Middle Layer Super Output Area (MSOA) has high admissions to hospital for alcohol related conditions, but not statistically significantly worse than England (**figure 2**).

The wider ward boundary (Rainhill) of the premises has an increasing trend of alcohol related hospital admission (**figure 3**).

Accident and emergency attendance rates (all causes, aged 15-34) between 12-5am are high across St Helens (**figure 4**).

The LSOA has a higher number of offences of public order, violence and sexual offences, and all offences compared to the St Helens average (**figure 6**). This LSOA has the 42nd highest percentage of all crimes across all St Helens LSOAs.

5. Detailed Statistics

The rates of hospital admissions are for persons (males and females) and are shown as standardised morbidity ratios where the national score is 100. The rates are over 5 years up to and including 2021.

Figure 1: Hospital Admissions for Alcohol Attributable Conditions in Thatto Heath & Lea Green: 5 Year Aggregate Rates

Indicator	Period	019 Thatto Heath & Lea Green		Counties England & UAs (2021/22-2022/23)			England		Best
		Recent Trend	Count	Value	Value	Value	Worst	Range	
Hospital admissions for alcohol attributable conditions, narrow definition	2016/17 - 20/21	–	528	162.1	129.9	100.0	471.9		22.6
Hospital admissions for alcohol attributable conditions, broad definition	2016/17 - 20/21	–	1,787	165.7	133.2	100.0	391.1		35.9

([Public health profiles - OHID \(phe.org.uk\)](https://publichealthprofiles.org.uk) Fingertips – MSOA level): Standardised morbidity ratios

Ratios of 162.1 (narrow definition) and 165.7 (broad definition) are statistically significantly higher than expected – worse than England.

Figure 2: Hospital Admissions for Alcohol Attributable Conditions in Rainhill South: 5 Year Aggregate Rates

Indicator	Period	023 Rainhill South		Counties England & UAs (2021/22-2022/23)			England		Best
		Recent Trend	Count	Value	Value	Value	Worst	Range	
Hospital admissions for alcohol attributable conditions, narrow definition	2016/17 - 20/21	–	126	83.0	129.9	100.0	471.9		22.6
Hospital admissions for alcohol attributable conditions, broad definition	2016/17 - 20/21	–	500	86.5	133.2	100.0	391.1		35.9

([Public health profiles - OHID \(phe.org.uk\)](https://publichealthprofiles.org.uk) Fingertips – MSOA level): Standardised morbidity ratios

Figure 3: Alcohol Related Hospital Admissions by Quarter

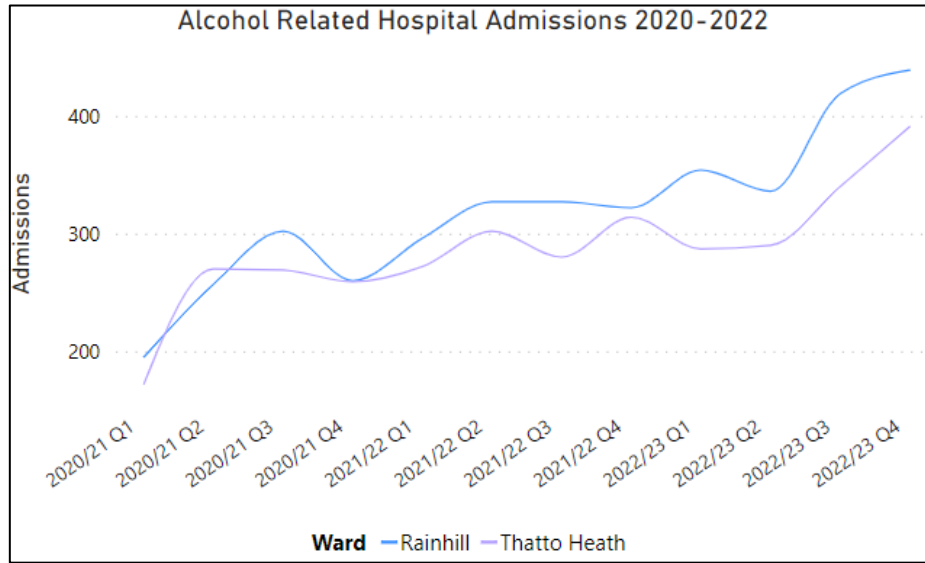


Figure 4: A&E Attendances for all causes (aged 15-34 years) between 12-5am: 2020-2022

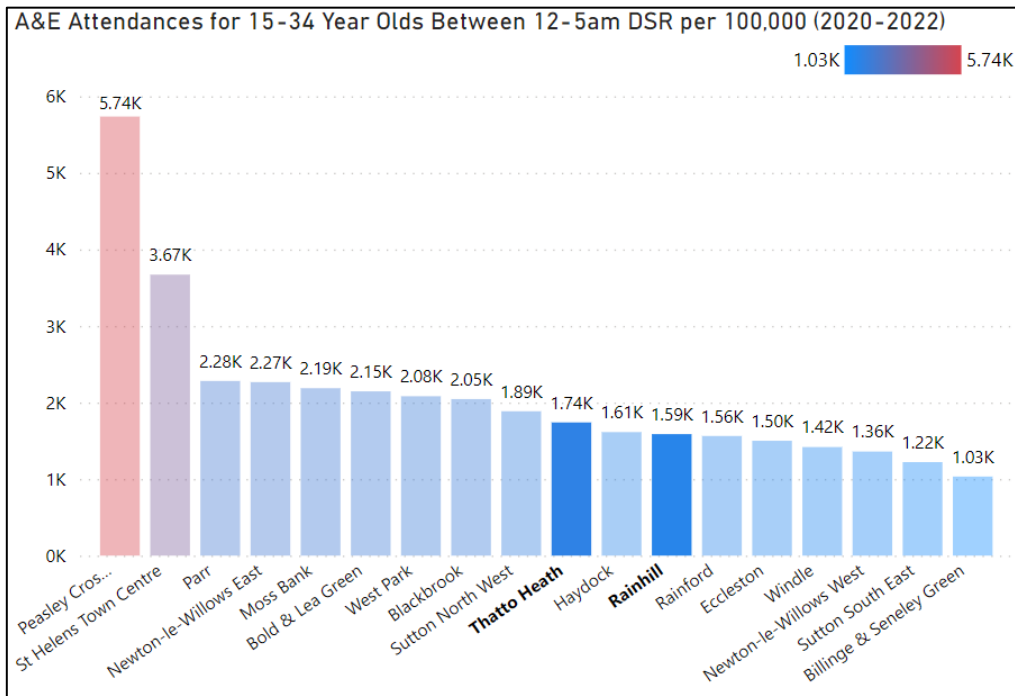
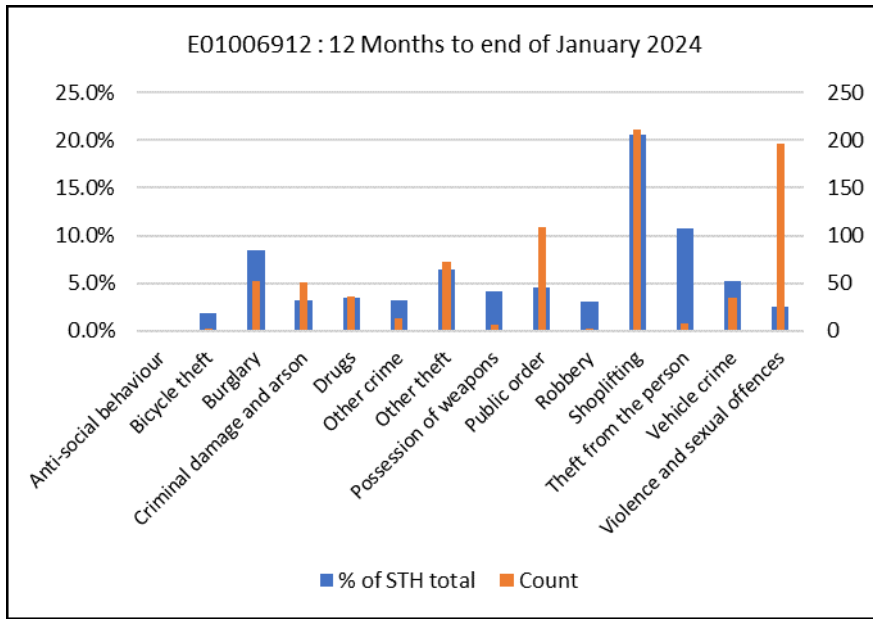
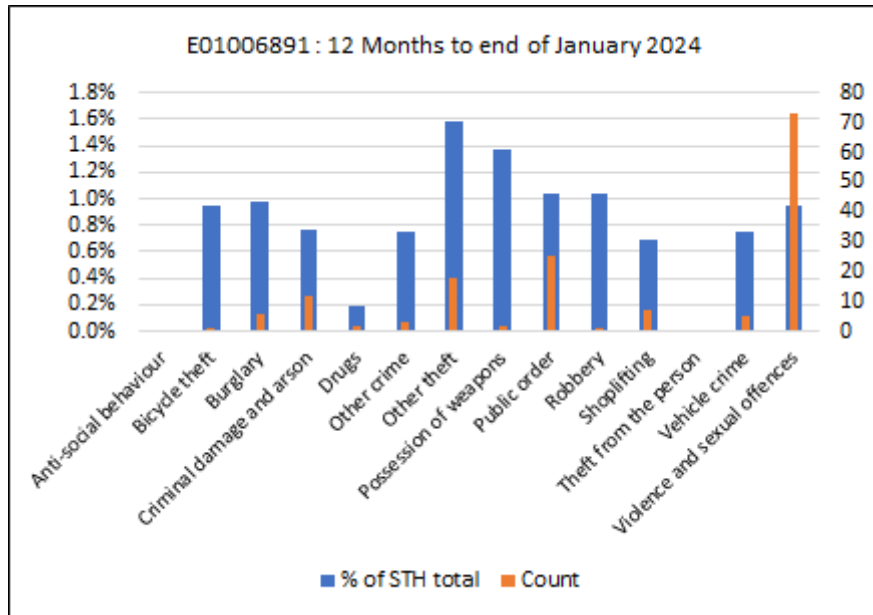


Figure 5: Crime Data, Thatto Heath, LSOA E01006912



	Public Order	Violence and Sexual Offences	All Offences
St Helens Average	20.2	64.7	142.7
St Helens Max	194	389	1008
St Helens Min	1	7	17
E01006912	109	197	796

Figure 6: Crime Data, Rainhill LSOA E01006891



	Public Order	Violence and Sexual Offences	All Offences
St Helens Average	20.2	64.7	142.7
St Helens Max	194	389	1008
St Helens Min	1	7	17
E01006891	25	73	155

6. Public Health Representation

We have noted that the application is seeking to apply for hours outside of the those set out within the Statement of Licensing Policy. Public Health were a key contributor for the Statement of Licensing Policy and we believe that the application does not merit a departure from the framework of hours which are set out in section 4.4 - 4.8 of the policy.

We believe that the additional hours undermines the licensing objectives of prevention of crime and disorder, the prevention of public nuisance and protection of children from harm.

Available evidence for the locations shows that in particular, Thatto Heath already has a high number of alcohol related hospital admission, and has high levels of crime compared to the St Helens average.

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Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023).

Section 1.2

The legislation (Licensing Act 2003) provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Section 1.3

The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

Section 1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Section 1.5 (includes)

The legislation (LA3) also supports a number of key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

‘providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make decisions about the most appropriate licensing strategies for the local area;

Section 1.12

However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. **A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy.** Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Section 1.15 (includes)

. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Section 1.17 (includes)

Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy

Section 8.41

In completing an operating schedule, applicants are **expected to have regard to the statement of licensing policy for their area**. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to **demonstrate knowledge of their local area** when describing the steps they propose to take to promote the licensing objectives. **Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.**

Section 8.42 (includes)

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate.

Any risk posed to the local area by the applicants' proposed licensable activities.

Section 8.46

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

Section 9.42

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.

Section 10.13 (includes)

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. **The 2003 Act gives the licensing authorities power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.** Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge.....

Section 14.51

With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. **The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge** and in consultation with other responsible authorities. However, 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.

Section 14.52

Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

St Helens Council – Statement of Licensing Policy 2023 – 2028

Section 1.4

Identifies how the Council, when carrying out its licensing duties, will seek to promote the four 'licensing objectives'.

Section 1.5 (includes)

Each objective is of equal importance. There are no other statutory licensing objectives, so **the promotion of the four objectives is a paramount consideration at all times.** However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing. They include:

- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers the Council to make and enforce decisions about the most appropriate licensing strategies for their local area.

Section 1.6

This Policy was determined after consultation with the Responsible Authorities, relevant interested parties and the public.

Section 1.12

This Licensing Policy sets out the vision the Council has for the regulation of licensed premises throughout St Helens and outlines the standards expected in order to ensure the promotion of the licensing objectives in the Borough. **The Council may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives.** Reasons will be given for any such departure from the general policy in this statement. However, **it is expected that any such departure would likely only be in exceptional circumstances.**

Section 2.5

While the overarching aim of this policy is to promote the licensing objectives, it is acknowledged that there are other important Council policies in place to help St Helens realise its vision. Therefore, this Licensing Policy integrates as far as is reasonably possible with those strategies.

Section 3.8

Alcohol is everybody's business. It is a crosscutting issue that concerns the health and wellbeing of our residents, the safety of our communities, and the future success of our town centres and their night-time economies.

Chapter 4 – Licensing Hours – The Framework.

Off Licensed Premises – **8.00 am to 11.00pm Sunday to Saturday.**

Section 5.3

This policy sets out the authority's expectations with regards to applications for the above authorisations. Whilst applicants are not obliged to meet these expectations, it is more likely that Responsible Authorities and other parties will make representations if they do not.

'Applicants are encouraged to have regard to our application Framework and seek advice from the Licensing Authority and Responsible Authorities before submitting an application'

Section 6.2

As a Licensing Authority we encourage high quality and well managed premises. Applications should therefore describe how these high management standards will be achieved, and in particular applicants will be expected to demonstrate:

- Knowledge of best practice
- That they understand the legal requirements of operating a licensed business.
- Knowledge and understanding of the licensing objectives, **relevant parts of the licensing policy**, and their responsibilities under the Licensing Act 2003.

Section 6.5

The operating schedule and any risk assessments should adequately demonstrate that:

- **The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for.**
- The potential effect on the licensing objectives is not significant.
- The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

Section 6.23

Applicants for off-sales will, **as a minimum**, be expected to cover the issues detailed below in their operating schedule. Where the operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.

- Details of the proof of age scheme to be implemented & how this will be promoted (we recommend 'Challenge 25)
- Details of how any refusals to sell alcohol to a person suspected of being under the age of 18 will be recorded. It is useful to include an example of your log.
- Details of any training for staff, including the frequency of refresher training on how to prevent underage sales and any other relevant matters, and how this will be recorded.
- The percentage of the premises to be used for the sale of alcohol, including details of other items to be sold;
- Details of the sale of low value / high alcohol products and any discounts or promotions that may be adopted.

Licensing Act 2003Section 176: Prohibition of alcohol sales at service areas, garages etc.

- 1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- 2) In this section “excluded premises” means-
 - premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or
 - **premises used primarily as a garage or which form part of premises which are primarily so used.**
- 3) The Secretary of State may by order amend the definition of excluded premises in subsection (2) so as to include or exclude premises of such description as may be specified in the order.
- 4) For the purposes of this section—
 - “special road” and “special road authority” have the same meaning as in the Highways Act 1980 (c. 66), except that “special road” includes a trunk road to which (by virtue of paragraph 3 of Schedule 23 to that Act) the provisions of that Act apply as if the road were a special road.
 - “class I” means class I in Schedule 4 to the Highways Act 1980 as varied from time to time by an order under section 17 of that Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in subsection (2)(a) to traffic of class I so as to take account of the additional class, and
 - premises are used as a garage if they are used for one or more of the following—
 - **the retailing of petrol,**
 - **the retailing of derv,**
 - the sale of motor vehicles,
 - the maintenance of motor vehicles

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EURO GARAGES LIMITED

Company number **04246195**

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Overview

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Registered office address

Asda House, Great Wilson Street, Leeds, England, LS11 5AD

Company status

Active

Company type

Private limited Company

Incorporated on

4 July 2001

4

Accounts

Next accounts made up to **31 December 2023**
due by **30 September 2024**

Last accounts made up to **31 December 2022**

Confirmation statement

Next statement date **18 July 2024**
due by **1 August 2024**

Last statement dated **18 July 2023**

Nature of business (SIC)

- 47300 - Retail sale of automotive fuel in specialised stores

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RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens GTE:00122000027446

Richard Taylor <RJT@gosschalks.co.uk>

Tue 19/03/2024 09:18

To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>

WARNING: This email may be from an unknown source. DO NOT reply, click links or open attachments unless you recognise the sender and know the content is safe.

Dear Chris

Thank you for your time on Thursday.

Please could you confirm whether you submitted a representation to either of these applications, or whether no representations were received and the licences granted in the amended terms.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

From: Richard Taylor

Sent: Wednesday, March 13, 2024 3:38 PM

To: 'Christopher Kenny' <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens GTE:00122000027446

Fab – looking forward to it.

Take care

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

4

From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Sent: Wednesday, March 13, 2024 3:33 PM
To: Richard Taylor <RJT@gosschalks.co.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>
Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Thank you Richard.

I will aim to ring you after 3 pm.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>
Sent: 13 March 2024 14:53
To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>
Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Hi Chris

That's fine. Please call on that number but if you could avoid 2-3 that would be great as I have a meeting then.

I look forward to catching up.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Sent: Wednesday, March 13, 2024 1:04 PM
To: Richard Taylor <RJT@gosschalks.co.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>
Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Thank you for your email Richard.

It might be better if I give you a call tomorrow afternoon at about 2 pm if that would be convenient for you.

I will call you on 07949 132931 if this is your preferred number.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>
Sent: 13 March 2024 12:02
To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>
Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

WARNING: This email may be from an unknown source. DO NOT reply, click links or open attachments unless you recognise the sender and know the content is safe.

Hi Chris

That would be great. Thank you.

I'm really not trying to be difficult!

4

I'm available at any time good for you tomorrow other than between 2 and 3 tomorrow afternoon.

If you let me know when is good for you, I'll call you.

Regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Sent: Wednesday, March 13, 2024 9:00 AM

To: Richard Taylor <RJT@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>

Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

Good morning Richard.

If you provide me with a convenient time I would be happy to contact you by phone to discuss these applications, if you feel that this would assist.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Sent: 11 March 2024 16:54

To: Richard Taylor <RJT@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>

Subject: Fw: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

Thank you for your email Richard.

My email to your colleague, Janet Braithwaite dated 27 February 2024 does state that I am considering these applications on their individual merits.

Can I ask you again to request that your clients consider their position and amend the licensed hours to one's that fall within the framework of hours as provided for in our Statement of Licensing Policy.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>

Sent: 11 March 2024 14:12

To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Dear Chris

I have discussed this again with Asda.

On the basis that the police do not object to the amended hours (as per Nicola's email attached) my instructions are to proceed on the basis of the hours that are acceptable to the police.

I understand that both of these premises are already open 24 hours a day and the grant of a premises licence will therefore not change trading hours, it will simply allow my client to display and sell a limited range of alcohol alongside other convenience products.

I note that the policy is very clear that the framework hours were adopted having taken, "*.. into account the problems of crime, disorder, nuisance and anti-social behaviour into the early hours of the morning...*" and I'm sure that as the committee's main source of advice on crime and disorder (s182 Guidance para 2.1) the police would be raising objections if it were believed that the grant (effectively extending what can be displayed on

4

the shelves at times when the premises are already open to the public) would adversely affect the licensing objectives.

You will be aware of paragraph 10.15 of the s182 Guidance but it is worth repeating it here in case this matter does proceed to a hearing as I may refer to our email exchanges. The paragraph reads,

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

If these applications proceed to a hearing, I will be inviting the committee to treat the application on their individual merits as per para 4.7 of the policy.

I am very happy to discuss the proposals with you over the phone if you feel that this would assist.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

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From: Richard Taylor

Sent: Wednesday, March 6, 2024 2:27 PM

To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

Hi Chris

Thank you for that. I'll ask Asda to reconsider.

I understand the provisions of s176 as does my client and we are satisfied that the premises will not be used primarily as a garage.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Sent: Wednesday, March 6, 2024 11:49 AM

To: Richard Taylor <RJT@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann

<Nicola.Ireland@merseyside.police.uk>

Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Thank you for your reply Richard.

Can I encourage you on behalf of your clients to reconsider your position to continue to seek to apply for licensed hours that are beyond those contained within the framework of hours as per our Statement of Licensing Policy.

I am minded to consider the provisions of section 176 of the Licensing Act 2003.

[Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

And in addition section 5.22 of the revised guidance issued under section 182 of the Licensing Act 2003 that notes:

5.22 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- *the retailing of petrol;*
- *the retailing of derv (diesel);*
- *the sale of motor vehicles; and*
- *the maintenance of motor vehicles.*

It is noted that both of these applications refer to 'Convenience Store/Petrol Filling Station'.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>

Sent: 05 March 2024 16:08

To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann

<Nicola.Ireland@merseyside.police.uk>

4

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Dear Chris

I have discussed the question of further reducing the hours sought with Asda.

My instructions are not to reduce the hours any further. Accordingly, the applications are seeking alcohol sales of 0600 to midnight as these hours are acceptable to the police.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Sent: Tuesday, March 5, 2024 1:26 PM

To: Richard Taylor <RJT@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>

Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Thank you for your reply Richard and I look forward to hearing back from you.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>
Sent: 05 March 2024 12:52
To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>
Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Hi Chris

My apologies – I'd (mis)understood that having considered the circumstances of these two applications you were happy with the hours that I'd agreed with Nicola notwithstanding the fact that these were beyond the policy framework hours and that you wanted us to be cognisant of the framework hours and policy in future applications.

I'll take instructions and revert but I suspect that those instructions will be that we are not prepared to amend the hours further.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | F: [REDACTED] | M: [REDACTED] | Reception: [REDACTED] | www.gosschalks.co.uk

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
Sent: Tuesday, March 5, 2024 11:42 AM
To: Richard Taylor <RJT@gosschalks.co.uk>; Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>
Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>
Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Richard.

Can you confirm whether you are in agreement to amend the currently applied for licensed hours to timings that are within the framework of hours as contained within our current Statement of Licensing Policy.

Regards

Chris Kenny

Principal Operations Officer

4

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>

Sent: 05 March 2024 11:15

To: Christopher Kenny <ChrisKenny@sthelens.gov.uk>; Janet Braithwaite

<janet_braithwaite@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann

<Nicola.Ireland@merseyside.police.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens

GTE:00122000027446

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Hi Chris

Thank you for that.

Please let me know if you require anything further as far as these two applications are concerned.

I note and understand your comments with regard to the policy.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Sent: Tuesday, March 5, 2024 9:52 AM

To: Richard Taylor <RJT@gosschalks.co.uk>; Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>; Ireland Nicola Ann

<Nicola.Ireland@merseyside.police.uk>

Subject: Re: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens

GTE:00122000027446

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Thank you for your email Richard.

I have spoken to Nicola and we have discussed that we are both in agreement that the hours as applied for, and as proposed to be amended are in excess of those contained within the framework of hours as referenced in our Statement of Licensing Policy.

Our policy is clear that any departure from the policy should only be in exceptional circumstances and with a view to the promotion of the licensing objectives.

These and all premises licence applications are considered on their individual merits, and I would request that all and any other premises licence application that seek to authorise off sales of alcohol, do so within the framework of hours.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

M - 07801 405531

From: Richard Taylor <RJT@gosschalks.co.uk>

Sent: 01 March 2024 09:24

To: Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>; Christopher Kenny <ChrisKenny@sthelens.gov.uk>

Cc: General Licensing <generallicensing@sthelens.gov.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

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Dear Chris

Following on from the email below, I can confirm the following –

1. All staff whose duties include alcohol sales will receive Asda's training through its eLearning platform. This includes age verification, proxy sales, sales to persons who are intoxicated. Training is given on induction, is documented and refreshed annually.
2. Alcohol is a small but important part of Asda's offer. There will be a maximum of 2 bays given over to alcohol display. This is likely to be less than 10% of the display space.
3. As far as the product range is concerned, the convenience stores do not sell products likely to appeal to street drinkers/children. The stores do not sell cheap white ciders or super strength beers.

4

I hope this addresses your query. If you require anything further then please do not hesitate to contact me.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

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From: Richard Taylor

Sent: Thursday, February 29, 2024 4:11 PM

To: janet_braithwaite@gosschalks.co.uk; ChrisKenny@sthelens.gov.uk

Cc: generallicensing@sthelens.gov.uk; Ireland Nicola Ann <Nicola.Ireland@merseyside.police.uk>

Subject: RE: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
GTE:00122000027446

Dear Chris

I hope this email finds you well?

I am responsible for all Asda applications and have been discussing these two premises with Nicola Ireland from Merseyside Police (copied in.)

I am pleased to confirm that we have agreed a reduction in hours for alcohol sales and a list of agreed conditions to replace those which accompanied the original application.

Please accept this email as a formal amendment to the application such that the attached conditions are offered and the hours for alcohol sales are reduced to 0600 to midnight.

Nicky is copied in so that she can confirm that subject to these amendments, the police have no objections/representations.

For your information, I can also confirm that the request for late night refreshment is to cover the sale of hot drinks only – there is a coffee machine within the premises.

I will come back to you with regard to the outstanding issues questions raised in the email below.

In the meantime, please let me know if you require anything further from me.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

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From: janet_braithwaite@gosschalks.co.uk <janet_braithwaite@gosschalks.co.uk>
 Sent: Tuesday, February 27, 2024 4:49 PM
 To: ChrisKenny@sthelens.gov.uk
 Cc: generallicensing@sthelens.gov.uk
 Subject: RE: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens
 GTE:00122000027446

Hi Chris

Many thanks for your email upon which we will take instructions and revert in due course

Kind regards
 Janet

Janet Braithwaite | Administrator | Licensing

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: [REDACTED] | Reception: [REDACTED] | F: [REDACTED] | www.gosschalks.co.uk

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From: Christopher Kenny <ChrisKenny@sthelens.gov.uk>
 Sent: Tuesday, February 27, 2024 4:46 PM
 To: Janet Braithwaite <janet_braithwaite@gosschalks.co.uk>
 Cc: General Licensing <generallicensing@sthelens.gov.uk>
 Subject: Premises licence applications - Asda Express - Warrington Road & Sherdley Road - St Helens

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Janet

I am contacting you on behalf of St Helens Council as Licensing Authority, in relation to the new premises licence applications applied for in respect of Asda Express, Warrington Road, Rainhill and Asda Express, 102 St Helens, Linkway.

The licence applications propose:

Late Night Refreshment: Monday to Sunday 23:00 to 05:00.
 Retail sale of alcohol (consumption off the premises): Monday to Sunday 00:00 to 00:00.
 Premises open to the public: Monday to Sunday 00:00 to 00:00.

Whilst considering this application on its merits I would wish to make the following initial comments.

I am mindful of the St Helens Statement of Licensing Policy (2023-2028) a copy of which can be accessed through the below link.

[Draft Statement of Licensing Policy \(sthelens.gov.uk\)](#)

Section 4.4 provides for a framework of hours that for off licensed premises is:

4

Off Licensed Premises 8:00 am to 11:00 pm Sunday to Saturday

Late Night Refreshment 1:30 am Sunday to Thursday Premises 3:30 am Friday and Saturday (& Bank Holidays)

Whilst all applications are considered on their individual merits our policy does state in section 1.12:

This Licensing Policy sets out the vision the Council has for the regulation of licensed premises throughout St Helens and outlines the standards expected in order to ensure the promotion of the licensing objectives in the Borough. The Council may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would likely only be in exceptional circumstances.

I would invite your comments as why you as the applicant for this premises licence considers a departure for our Licensing Policy would benefit the promotion of the licensing objectives in respect of the proposed licensed hours.

Looking at the contents of the proposed operating schedules and giving reference to section 6.23 of our Licensing Policy which I have detailed below:

Details of any training for staff, including the frequency of refresher training on how to prevent underage sales and any other relevant matters, and how this will be recorded; - hoe often will staff receive training?

The percentage of the premises to be used for the sale of alcohol, including details of other items to be sold; - the application makes no reference to this - can this be provided.

Details of the sale of low value / high alcohol products and any discounts or promotions that may be adopted. - the application makes no reference to this - can this be provided.

The operating schedule as provided with the application includes:

'The company has devised policies, procedures, systems and training to ensure they sell alcohol in a responsible manner'. No details of any of this has been included. Can this be provided?

Note that on our website applicants are advised:

Pre-consultation is strongly advised with all responsible authorities, prior to submission of an application.

I note that prior to these applications being submitted the Licensing Authority were not pre-consulted.

Can I reiterate that on behalf of the Licensing Authority I am considering this application on its individual merits (as per section 14.10 of the revised guidance issued under section 182 of the Licensing Act 2003 - December 2023).

I would ask for your consideration of reducing the proposed hours for the sale of alcohol from these premises to be within the framework of hours as stated above and to provide for condition that would seek to promote the licensing objectives as per the contents of Chapter 6 of our Statement of Licensing Policy.

Thank you and I look forward to hearing back from you.

Regards

Chris Kenny

Principal Operations Officer

Licensing & Land Charges Section

Place Services

3rd Floor Wesley House

Corporation Street

St Helens

WA10 1HF

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