



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: Tuesday, 18 July 2023

Time: 4.00 pm

Venue: Room 10


Membership

Lab 2 Councillors C D Banks and J Banks

NLWI 1 Councillor Maguire

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Appointment of Chairman</u>	
2.	<u>Declarations of Interest from Members</u>	
3.	<u>Determination of a Premises Licence Application - Green Olive</u>	3
4.	<u>Determination of a Variation to a Premises Licence Application - Cricketers Arms</u>	25

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 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Licensing Sub-Committee</h2> <h3>18 July 2023</h3>
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Report Title:	Determination of a Premises Licence Application – Green Olive
Cabinet Portfolio	Inclusive Economy, Business and Skills
Cabinet Member	Councillor Kate Groucutt
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	Town Centre
Report of	Lisa Harris Executive Director Place lisaharris@sthelens.gov.uk
Contact Officer	Lorraine Simpson Licensing Manager lorrainesimpson@sthelens.gov.uk

<p>Borough priorities</p> <p>Please mark X for any priority supported by this report</p> <p>NB Use Section 4 - Background Information to explain how each selected priority is supported</p>	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	X
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

- 1.1 The purpose of this report is for Members to determine a premises licence application for the premises known as 'Green Olive', 2 George Street, St Helens, WA10 1BU ('the Premises').
- 1.2 The application has been referred to the Sub-Committee as it has attracted a representation which has been judged to be relevant pursuant to the Licensing Act 2003 ('the Act').

2. Recommendations for Decision

Licensing Sub-Committee **is recommended to:**

- i) Consider the application and review the representation received.
- ii) After consideration of all relevant information/documentation, the Sub-Committee is requested to grant the application, subject to amended hours.

3. The Application

Background to the Application

- 3.1 The Premises were previously licensed under the provisions of the Act from December 2005 to December 2021, when it was surrendered. For the duration of its licensed period, the Premises operated as a bistro/restaurant.
- 3.2 The Applicant is Md Faisal Ahmad ('the Applicant').
- 3.3 The application was received on 15 May 2023 and sent for consultation on 17 May 2023 with a closing date for representations of 14 June 2023. A copy of the application form is attached at **Appendix A**.
- 3.4 The proposed Operating Schedule as submitted with the application is attached at **Appendix A** and a plan showing the Premises layout is at **Appendix B**.
- 3.5 The application is for the following:

- Sale of alcohol for consumption on the premises 16.00 to 22.30 Monday to Sunday inclusive.

- 3.6 The opening hours of the Premises are 16.00 to 22.30 Monday to Sunday inclusive.
- 3.7 The application has attracted a representation which has been judged to be relevant under the Act from a Responsible Authority, namely Merseyside Police. However, agreement has subsequently been reached between Merseyside Police and the Applicant to include further conditions on the Operating Schedule, which Merseyside Police consider appropriate for the promotion of the licensing objectives.
- 3.8 A copy of the email correspondence confirming this agreement between the Applicant and Merseyside Police is attached at **Appendix C**.
- 3.9 Following the agreement reached between the Applicant and Merseyside Police, the parties have agreed to dispense with a formal hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

4. Promoting the Licensing Objectives

- 4.1 The Council's Statement of Licensing Policy notes:

Applications for the grant of a licence or the variation of an existing licence should incorporate an 'operating schedule' which outlines how the premises will be operated.

It is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on the type of premises, the location, and the profile of customers.

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.

5. Determining the Application

- 5.1 In determining this application and relevant representations, the Licensing Sub-Committee should focus on the steps considered appropriate to promote the particular licensing objective(s) which have given rise to the representation.
- 5.2 The Statutory Guidance issued under Section 182 of the Act states at para 9.4 that a representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. In other words, representations should relate to the impact of licensable activities carried on from the premises on the objectives.
- 5.3 As Members will be aware, the 4 licensing objectives are:
- The prevention of crime and disorder

- Public safety
- The prevention of public nuisance
- The protection of children from harm

5.4 In determining the application, the Sub-Committee must have regard to:

- The steps that are appropriate to promote the licensing objectives;
- The representations (including any supporting information) presented by all the parties;
- The Statutory Guidance issued by the Home Office (December 2022), a copy of which can be viewed or downloaded from:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf
- The Licensing Authority Statement of Licensing Policy, which is available to download from the Council's website at www.sthelens.gov.uk.

5.5 Following consideration of the representations made by the applicant and those making representations, the Sub-Committee can take the following step(s) which it considers appropriate for the promotion of the licensing objectives:

- Reject the whole or part of the application, as it considers appropriate for the promotion of the licensing objectives; or
- Grant the application subject to modified conditions* (the conditions are treated as being modified if any of them are altered or omitted or any new condition is added); or
- If the Licensing Sub-Committee does not consider that any steps are necessary, it can grant the application in its entirety.

* Where the Licensing Authority modifies the conditions, it may provide that the modification is only to have effect for a specified period of up to three months.

5.6 The Licensing Authority must make its decision within 5 working days and give a notice to that effect to the Applicant, any person who has made a relevant representation and the Chief of Police for the area in which the Premises are situated.

5.7 An appeal may be made to the Magistrates' Court by the Applicant or any person who made relevant representations, within 21 days of receipt of the Sub-Committee's decision notice. The decision will not take effect until the end of the period for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

6. **Background /Reasons for the recommendations**

6.1 The application has been referred to the Sub-Committee as it has attracted a relevant representation from Merseyside Police. Agreement has subsequently been reached between the parties to include further conditions on the Operating Schedule, which requires Sub-Committee approval.

7. **Implications**

Legal Implications

7.1. The Licensing Act 2003 and Statutory Guidance issued by the Home Office pursuant to the Act (December 2022). Following the agreement reached between the Applicant and Licensing

Authority, the parties have agreed to dispense with a formal hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

8.0 Community Impact Assessment

8.1 NA

9.0 Risks

9.1 There is a risk that if the application is granted without the proposed additional conditions that it could result in the licensing objectives being undermined.

10. Social Value

11.1 NA

12. Sustainability and Environment

12.1 NA

13. Health and Wellbeing

13.1 Residents and visitors have the right to feel safe and protected from the most harmful impacts of alcohol consumption. Public Health have contributed to the Council's Statement of Licensing Policy.

14. Equality and Human Rights

14.1 NA

15. Customer and Resident

15.1 The application has been published and advertised in accordance with statutory requirements and those representations received have been presented as part of this report for consideration by the Sub-Committee.

16. Asset and Property

16.1 NA

17. Staffing and Human Resources

17.1 NA

18. Finance

18.1 NA

19. Policy Framework Implications

19.1 NA

20. Impact and Opportunities on Localities

20.1 The Premises is located in the Town Centre Ward. There are no direct implications on Localities.

21. **Background papers**

21.1 St Helens Statement of Licensing Policy https://www.sthelens.gov.uk/media/2494/LA3-Statement-of-Licensing-Policy-2019-2024/pdf/LA3_-_Statement_of_Licensing_Policy_2019_-_2024.pdf?m=637810450152670000

22. **Appendices**

22.1 Appendix A – Application for a Premises Licence for Green Olive

22.2 Appendix B – Premises Plan

22.3 Appendix C – Email correspondence confirming agreement reached between Merseyside Police and the Applicant

New Premises Licence

Premises Details

Premises Address *

2 George Street Merseyside ST. HELENS WA10 1BU

Telephone number at premises (if any)

Non-domestic value of premises. *

£ 10,000

Applicant Details

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Please state whether you are applying for a premises licence as:

a person other than an individual -as a limited company/
limited liability partnership

Applicant Details

If you are applying as a person described in one of the above please confirm: *

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

Other Applicant (Non Individual)

Name *

Md Faisal Ahmad

Registered Address *

Town/City *

Other Applicant (Non Individual)

County	<input type="text" value=""/>
Postcode *	<input type="text" value=""/>
Registered Number (where applicable)	<input type="text" value=""/>
Description of applicant (for example partnership, company, unincorporated association, etc) *	<input type="text" value="Owner of Green Olive"/>
Telephone Number	<input type="text" value=""/>
Email *	<input type="text" value=""/>

Operating Schedule

When do you want the premises licence to start? *	<input type="text" value="09/05/2023"/>
If you wish the licence to be valid only for a limited period, when do you want it to end?	<input type="text" value=""/>
Please give a general description of the premises. *	<input type="text" value="The premises is a restaurant"/>
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	<input type="text" value=""/>

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) *

- Plays
- Films
- Indoor Sporting Events
- Boxing or Wrestling

Operating Schedule

- Live Music
- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Every Day

16:00

22:30

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) *

On the premises

State any seasonal variations for the supply of alcohol. (please read guidance note 5)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed?(please read guidance note 6)

Designated Premises Supervisor

Designated Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form)

Title *	Mr
First name *	Saleh
Surname *	Uddin Talukdar
Street address *	█ ██████████ █
Town/City *	██████
County	█
Postcode *	██████
Personal Licence Number (if known)	PA2674
Issuing Licensing Authority (if known)	Oldham

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *	Every Day
	16:00
	22:30

Opening Hours

State any seasonal variations. (please read guidance note 5)	None
Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the	None

Opening Hours

Standard days and times listed? (please read guidance note 6)

Licensing Objectives

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

Alcohol will only be served with meals. New staff will receive adequate training relating to the serving of Alcohol, the challenge 25 policy and the handling of awkward guests, all to provide a safe and enjoyable setting for guests of all ages. All staff will receive regular training while employed.

b) The prevention of crime and disorder

CCTV cameras are operational covering the whole serving area. The layout of the restaurant is open allowing employees to regularly check up and assess guests. Staff will be adequately trained to deal with guests who may cause problems. The layout of the tables permits guests of different needs, ages, etc to be sat away from one another, regardless of the party size.

c) Public safety

All drinks will only be served with food. The bar area is also the reception area, and is modest in size with limited alcohol visible. CCTV covers all of the serving floor area and the cameras are visible for patrons to see. The bar area is always attended to by a member of staff. Their job is solely to welcome guests and deal with any queries. It is their role to ensure the safety of all guests on site

d) The prevention of public nuisance

The restaurant aims to be family friendly and inclusive. All patrons will be advised to be quiet when they leave the premises, and there's a double door upon entry meaning that noise from the restaurant will be kept minimal.

e) The protection of children from harm

The floor plate is split into 2 areas, each with a number of different sized tables with no steps between. This allows guests with children or wheelchair users to be located away from other patrons who may cause issues.

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants,

Declarations

including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT' 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name *

Md faisal ahmad

Date *

15/05/2023

Capacity *

Applicant

Declaration made

Do you wish to provide alternative correspondence details? *

No

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Surname /Company Name

Md Faisal Ahmad

Email *

Email confirmation

Telephone

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ground floor plan
scale 1:100

1. The bar has a wide view of much of the serving area, allowing employees an extensive view of patrons. This gives employees the ability to carefully monitor guests' consumption of alcohol and manage them appropriately.
2. There is an archway that allows employees to view the back areas of the seating area. This allows the staff to monitor guests in the back areas of the restaurant.
3. Food is delivered both through the front and rear doors, (numbers 2 and 3). This means that staff are often passing all tables at close proximity, further allowing the staff to keep observing guests.
4. The open floor plan means that noise passes through the restaurant fluently. If guests are becoming louder, which is natural with the consumption of alcohol, staff will be able to hear this quickly.
5. There are family tables of larger numbers in 3 different positions. This allows staff to make a judgement on the guests and where would be suitable to sit them. If for any reason staff feel the guests might need monitoring, they can be positioned on table number (6), or if the guests require a quieter area of the restaurant, they can be seated in either positions (7) or (8). Table (7) would be suitable for guests with children who would require a quieter area of the restaurant.
9. There are baby changing facilities in the female bathroom.
10. There is a security camera overseeing the main part of the restaurant. This covers the bar area and the entry / exit from the street. This is visible upon entry and will naturally prevent disorder and crime.
11. The double door entry creates an extra barrier if thieves were to enter the restaurant. The internal area is glazed allowing staff to monitor who is entering quicker.
12. General - A challenge 25 policy will be implemented. All new staff will receive adequate training relating to the serving of alcohol, and existing staff will receive regular training to ensure that they are promoting the safe sale and consumption of alcohol on the premises. Any issues arising from the sale of alcohol will be addressed and further training will be provided to ensure the staff are well equipped.



TD Design Studio
 Architectural and interior design specialists
 for residential and commercial projects
 Tels 07865920160

Revision:

Contractor to check all measurements on site prior to the commencement of work and notify TD Design of any discrepancies. All setting out to be approved by TD Design prior to fabrication. TD Design retain the copyright ownership of the drawings which must not be copied without written consent.



Drawing: Ground Floor Plan
 Number: AL001
 Scale: 1:100 @ A3

Site: Green Olive, 2 George Street, St Helens





Revisions:

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Contractor to check all measurements on site prior to the commencement of work and notify TD Design of any discrepancies. All setting out to be approved by TD Design prior to fabrication. TD Design retain the copyright ownership of the drawings which must not be copied without written consent.



Drawing: Areas and Signage / alarm positions
 Number: A1002
 Scale: 1:100 @ A3

Site: Green Olive, 2 George Street, St Helens



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Re: Application for a Premises Licence - Green Olive, 2 George Street, St Helens, WA10 1BU.

Faisal Ahmad [REDACTED]

Wed 6/7/2023 2:09 PM

To:Lawrenson Dawn Patricia <Dawn.Lawrenson@merseyside.police.uk>

📎 6 attachments (36 KB)

image001.png; image002.gif; image003.gif; image004.gif; image005.gif; image003.gif;

CAUTION: This is an external email. Do not click links or open any attachments unless you are sure they are safe.

Hello Lawrenson,

Hope you are well

I have read all the conditions and I have agreed and accepted your terms and conditions. I'm aware of all of these . Some of the conditions are already in place.

I'm looking forward to hearing from you

Faisal
Greenolive

On Wed, 7 Jun 2023, 09:46 Lawrenson Dawn Patricia, <Dawn.Lawrenson@merseyside.police.uk> wrote:

Good morning,

I am the Licensing Officer with conduct of your application for a Premises Licence in respect of Green Olive, 2 George Street, St Helens, WA10 1BU.

I have considered your application and whilst I have no issues with the hours requested, I list below some conditions for you to consider. These conditions will strengthen those offered up by you in your application.

1. The premises will not operate as a vertical drinking establishment. The primary use of the premises shall be that of a restaurant.
2. Alcohol will be served with a table meal only.

3. CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and made available to Merseyside Police or authorised persons on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised persons.

4. Staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions relating to their job roles. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by a Merseyside Police Officer. The records will be retained for at least 12 months. All staff will be made aware of the provision within the Licensing Act allowing 16–17-year-olds to consume alcohol (beer, wine or cider) with a table meal if the alcohol has been purchased by a person aged 18 or above.

5. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by a Merseyside Police officer. The records will be retained for at least 12 months.

6. A Challenge 25 policy must be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. The only means of identification would include PASS approved proof of age card, photo-card driving licence or passport.

All refusals of sale must be documented into a book when the refusal is made. The Refusals Register is to be monitored by the Designated Premises Supervisor and made available to an authorised officer of the relevant responsible authority and/or Police Officer.

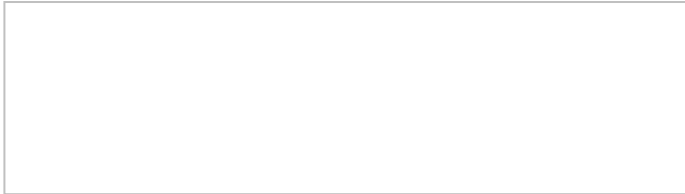
7. A zero tolerance drugs policy in written form, shall be adopted by the premises. Regular toilet checks are to take place at least every hour from 8.00 p.m. and recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.

Please read through these conditions carefully. If there is anything that you do not understand, please contact me. My details are listed at the foot of this email.

If these conditions are acceptable to you, please let me know by return of email.

Regards,

Dawn Lawrenson
Licensing Officer
PREV Licensing Admin



Direct Line Tel: +441517778064
Email: Dawn.Lawrenson@merseyside.police.uk
Website: www.merseyside.police.uk




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 <p>ST HELENS BOROUGH COUNCIL</p>	<h2>Licensing Sub-Committee</h2> <h3>18 July 2023</h3>
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Report Title:	Determination of a Variation to a Premises Licence Application – Cricketers Arms
Cabinet Portfolio	Inclusive Economy, Business and Skills
Cabinet Member	Councillor Kate Groucutt
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	Town Centre
Report of	Lisa Harris Executive Director Place lisaharris@sthelens.gov.uk
Contact Officer	Lorraine Simpson Licensing Manager lorrainesimpson@sthelens.gov.uk

Borough priorities	<table border="1" style="width: 100%;"> <tr> <td data-bbox="363 1831 1331 1904">Ensure children and young people have a positive start in life</td> <td data-bbox="1331 1831 1422 1904"></td> </tr> </table>	Ensure children and young people have a positive start in life	
Ensure children and young people have a positive start in life			

Please mark X for any priority supported by this report NB Use Section 4 - Background Information to explain how each selected priority is supported	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	X
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

- 1.1 The purpose of this report is for Members to determine a variation to a premises licence application for the premises known as ‘Cricketers Arms’, Peter Street, St Helens, WA10 2EB (‘the Premises’).
- 1.2 The application has been referred to the Sub-Committee as it has attracted a representation which has been judged to be relevant pursuant to the Licensing Act 2003 (‘the Act’).

2. Recommendations for Decision

Licensing Sub-Committee **is recommended to:**

- i) Consider the application and review the representation received.
- ii) After consideration of all relevant information/documentation, the Sub-Committee is requested to grant the application, subject to amended hours.

3. The Application

Background to the Application

- 3.1 The Premises have been licensed under the provisions of the Licensing Act 2003 since 2 November 2005.
- 3.2 The applicants are Denise Evans and Andrew Evans (‘the Applicants’).
- 3.3 The application was received on 25 May 2023 and sent for consultation on the same day with a closing date for representations of 22 June 2023. A copy of the application form is attached at **Appendix A**.
- 3.4 The proposed operating schedule as submitted with the application is attached at **Appendix A** and a plan showing the proposed Premises layout is at **Appendix B**.
- 3.5 The variation application is for the following:
 - (1) Amend the existing layout plan of the premises*
 - (2) To provide addition steps for the promotion of the licensing objectives, as follows:

- The boundary bar and the pizza kitchen to be taken out of service by 22.00 each day.
- The outdoor seating area in the car park to be closed by 20.00 each day.

*The proposed changes to the layout are to include and provide within the licensable area:

- 1) An outdoor seating area in the car park
- 2) Barrel storage
- 3) Pizza Kitchen and Prep Room
- 4) Boundary Bar
- 5) An additional outdoor seating area

3.6 The application has attracted a representation which has been judged to be relevant under the Act from a Responsible Authority, namely Merseyside Police. However, agreement has subsequently been reached between Merseyside Police and the Applicants to include further conditions on the Operating Schedule, which Merseyside Police consider appropriate for the promotion of the licensing objectives.

3.7 A copy of the email correspondence confirming this agreement between Merseyside Police and the Applicants is attached at **Appendix C**.

3.8 Following the agreement reached between Merseyside Police and the Applicants, the parties have agreed to dispense with a formal hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

4. Promoting the Licensing Objectives

4.1 The Council's Statement of Licensing Policy notes:

Applications for the grant of a licence or the variation of an existing licence should incorporate an 'operating schedule' which outlines how the premises will be operated.

It is for the applicant to determine what steps are appropriate for the promotion of the licensing objectives as these will vary from premises to premises and will also depend on the type of premises, the location, and the profile of customers.

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.

5. Determining the Application

- 5.1 In determining this application and relevant representations, the Licensing Sub-Committee should focus on the steps considered appropriate to promote the particular licensing objective(s) which have given rise to the representation.
- 5.2 The Statutory Guidance issued under Section 182 of the Act states at para 9.4 that a representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. In other words, representations should relate to the impact of licensable activities carried on from the premises on the objectives.
- 5.3 As Members will be aware, the 4 licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.4 In determining the application, the Sub-Committee must have regard to:
- The steps that are appropriate to promote the licensing objectives;
 - The representations (including any supporting information) presented by all the parties;
 - The Statutory Guidance issued by the Home Office (December 2022), a copy of which can be viewed or downloaded from:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf
 - The Licensing Authority Statement of Licensing Policy, which is available to download from the Council’s website at www.sthelens.gov.uk.
- 5.5 Following consideration of the representations made by the applicant and those making representations, the Sub-Committee can take the following step(s) which it considers appropriate for the promotion of the licensing objectives:
- Reject the whole or part of the application, as it considers appropriate for the promotion of the licensing objectives; or
 - Grant the application subject to modified conditions* (the conditions are treated as being modified if any of them are altered or omitted or any new condition is added); or
 - If the Licensing Sub-Committee does not consider that any steps are necessary, it can grant the application in its entirety.
- * Where the Licensing Authority modifies the conditions, it may provide that the modification is only to have effect for a specified period of up to three months.
- 5.6 The Licensing Authority must make its decision within 5 working days and give a notice to that effect to the Applicant, any person who has made a relevant representation and the Chief of Police for the area in which the Premises are situated.
- 5.7 An appeal may be made to the Magistrates’ Court by the Applicant or any person who made relevant representations, within 21 days of receipt of the Sub-Committee’s decision notice. The decision will not take effect until the end of the period for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.
6. **Background /Reasons for the recommendations**

6.1 The application has been referred to the Sub-Committee as it has attracted a relevant representation from Merseyside Police. Agreement has subsequently been reached between the parties to include further conditions on the Operating Schedule, which requires Sub-Committee approval.

7. **Implications**

Legal Implications

7.1. The Licensing Act 2003 and Statutory Guidance issued by the Home Office pursuant to the Act (December 2022). Following the agreement reached between the Applicant and Licensing Authority, the parties have agreed to dispense with a formal hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

8.0 Community Impact Assessment

8.1 NA.

9.0 Risks

9.1 There is a risk that if this application is granted without the proposed additional conditions that it could result in the licensing objectives being undermined.

10. Social Value

11.1 NA

12. Sustainability and Environment

12.1 NA

13. Health and Wellbeing

13.1 Residents and visitors have the right to feel safe and protected from the most harmful impacts of alcohol consumption. Public Health have contributed to the Council's Statement of Licensing Policy.

14. Equality and Human Rights

14.1 NA

15. Customer and Resident

15.1 The application has been published and advertised in accordance with statutory requirements and those representations received have been presented as part of this report for consideration by the Sub-Committee.

16. Asset and Property

16.1 NA

17. Staffing and Human Resources

17.1 NA

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18. Finance

18.1 NA

19. Policy Framework Implications

19.1 NA

20. Impact and Opportunities on Localities

20.1 The Premises is located in the Town Centre Ward. There are no direct implications on Localities.

21. **Background papers**

21.1 St Helens Statement of Licensing Policy https://www.sthelens.gov.uk/media/2494/LA3-Statement-of-Licensing-Policy-2019-2024/pdf/LA3_-_Statement_of_Licensing_Policy_2019_-_2024.pdf?m=637810450152670000

22. **Appendices**

22.1 Appendix A – Application for a Variation to a Premises Licence for Cricketers Arms

22.2 Appendix B – Premises Layout Plan

22.3 Appendix C – Email correspondence confirming agreement reached between Merseyside Police and the Applicant

Vary a Premises Licence

Review

Please review the details to below to ensure they are correct before proceeding. If the details shown are not correct, click previous to enter the correct licence number.

Current Licence number

23/LAPL02/07818

Current Premises address

Cricketers Arms Peter Street St Helens WA10 2EB

Premises Details

Premises Licence Number *

23/LAPL02/07818

Premises Address *

Cricketers Arms Peter Street St Helens WA10 2EB

Telephone Number at Premises (if any)

██████████

Non-domestic rateable value of premises. *

£ 21500

Type of Premises Licence Holder

Type of Premises Licence Holder *

Individual(s)

Premises Licence Holder - Individual

I/We being the premises licence holder, apply to vary a premises licence under section 34 of the licensing Act 2003 for the premises described.

Title *

Mrs

First name *

Denise

Premises Licence Holder - Individual

Surname *

Evans

Street address *

[Redacted]

[Redacted]

[Redacted]

Town/City *

St Helens

County

[Redacted]

Postcode *

[Redacted]

Daytime Contact Telephone Number

[Redacted]

Email *

[Redacted]

Premises Licence Holder - Individual

I/We being the premises licence holder, apply to vary a premises licence under section 34 of the licensing Act 2003 for the premises described.

Title *

Mr

First name *

Andy

Surname *

Evans

Street address *

[Redacted]

[Redacted]

[Redacted]

Town/City *

St Helens

County

[Redacted]

Postcode *

[Redacted]

Daytime Contact Telephone Number

[Redacted]

Premises Licence Holder - Individual

Email *

Variation

Do you want the proposed variation to take effect as soon as possible? *

Yes

Variation

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1)*

Yes

Briefly describe the nature of the proposed variation. (Please see Guidance Note 2) *

New floor plan 2 additional conditions restricting the hours of use of 2 outdoor areas

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number.

Operating Schedule

Complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (please read guidance note 3) *

Plays

Films

Indoor Sporting Events

Boxing or Wrestling

Live Music

Operating Schedule

- Recorded Music
- Performances of Dance
- Anything of a similar description falling under Music or Dance
- Provision of late night refreshment
- Supply of Alcohol

Type of Variation - Supply of Alcohol

Please select the type of variation that applies to this activity.

*

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 8) *
Please enter times in 24hr format (HH:MM)

Day *

Sunday

12:00

23:30

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 9) *

Both

State any seasonal variations for the supply of alcohol. (please read guidance note 6)

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed? (please read guidance note 7)

Adult Entertainment

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. (please read guidance note 10)

None

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Monday to Thursday

11:00

00:30

Opening Hours Standard Times

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Friday to Saturday

11:00

01:30

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 8) * Please enter times in 24hr format (HH:MM)

Day *

Sunday

11:00

00:30

Opening Hours

State any seasonal variations. (please read guidance note 6)

Christmas day 1100-00:30

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 7)

Variation

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

I agree to return the original premises licence or the relevant part of the original premises licence: *

Yes

Note: This application cannot be processed until the original licence is received or a statement as to why it cannot be returned has been accepted.

Licensing Objectives

Licensing Objectives

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e)
(please read guidance note 11)

To add two new conditions; 1. The boundary bar and the pizza kitchen will be taken out of service by 2200 hours each day 2. The outdoor seating area in the car park will be closed by 2000 hours each day

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Declarations

Declaration Type *

Joint Applicant - Individuals or Others

Joint Applicant Declaration

I have made or enclosed payment of the fee or. I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. I have sent copies of this application and the plan to responsible authorities and others where applicable. I understand I must now advertise my application. I have returned the premises licence, or relevant part of it or explanation. I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

Signature/Declaration of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 13). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

Full Name *

Peter Conisbee

Date *

24/05/2023

Capacity *



Declaration made

Where the premises licence is jointly held, signature of a second applicant (the current premises licence holder) or second applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please

Joint Applicant Declaration

state in what capacity you are authorised to sign/apply. When submitting an online application form the 'Declaration made' checkbox must be selected.

Full Name *

Peter Conisbee

Date *

24/05/2023

Capacity *

Authorised Agent

Declaration made

Do you wish to provide alternative correspondence details *

Yes

Alternative Correspondence Address

This is the address which we shall use to correspond with you about this application.

Please provide Contact Name (where not previously given) and postal address for correspondence associated with this application (See guidance note 15).

Title *

[Redacted]

First name *

Peter

Surname *

Conisbee

Street address *

[Redacted]

[Redacted]

[Redacted]

Town/City *

[Redacted]

County

[Redacted]

Postcode *

[Redacted]

Telephone Number

[Redacted]

Email Address *

[Redacted]

Alternative Correspondence Address

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Peter

Surname /Company Name

Conisbee

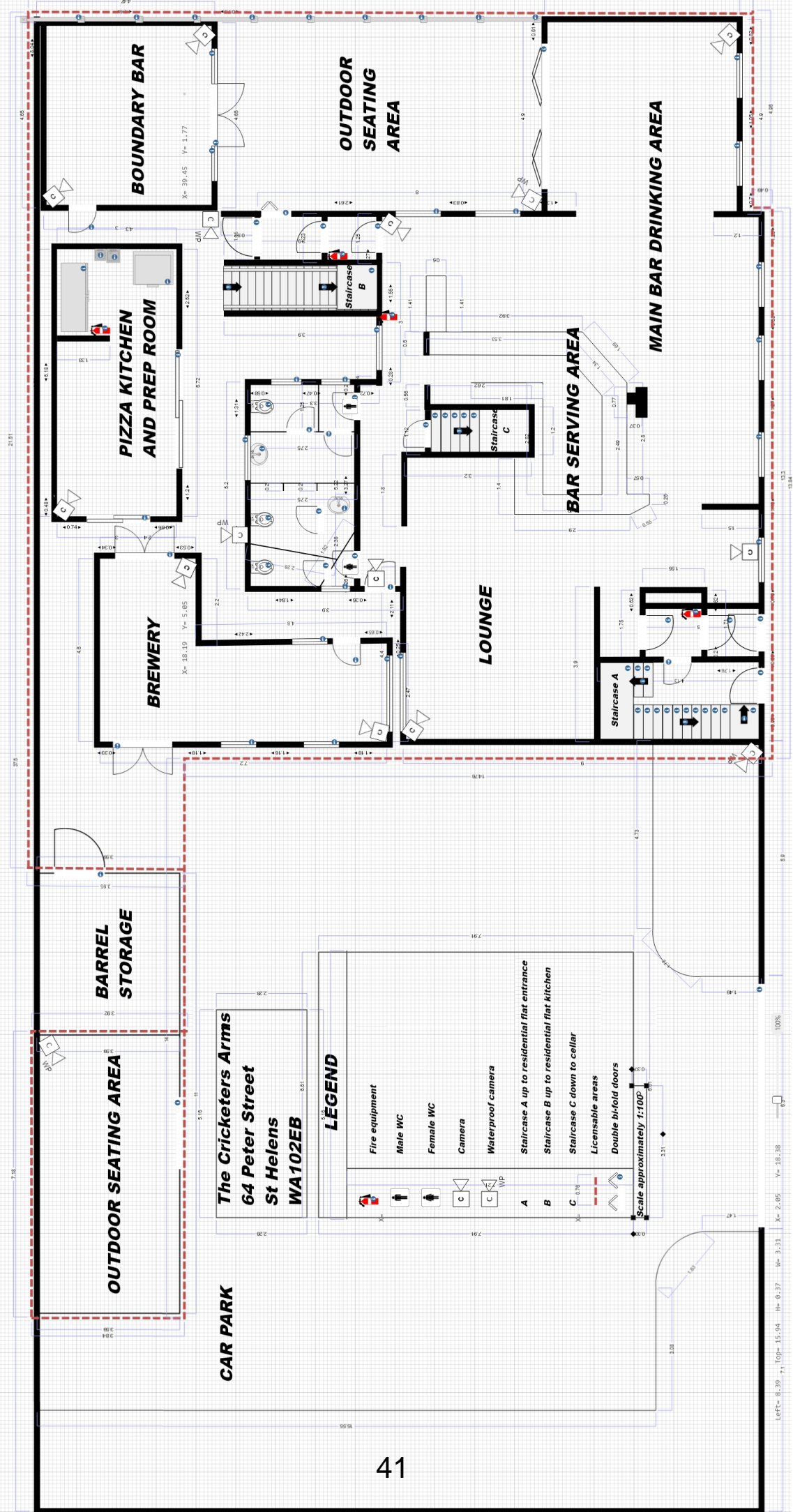
Email *

[REDACTED]

Telephone

[REDACTED]

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The Cricketers Arms
64 Peter Street
St Helens
WA102EB

LÉGEND

- Fire equipment
- Male WC
- Female WC
- Camera
- Waterproof camera
- Staircase A up to residential flat entrance
- Staircase B up to residential flat kitchen
- Staircase C down to cellar
- Licensable areas
- Double bi-fold doors

Scale approximately 1:100

100%
 Left= 8.39 Top= 15.94 H= 0.37 W= 3.31
 X= 2.05 Y= 18.38

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FW: Application for Variation to Premises Licence - The Cricketer's Arms, Peter Street, St Helens, WA10 2EB

Lawrenson Dawn Patricia <Dawn.Lawrenson@merseyside.police.uk>

Fri 16/06/2023 16:12

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

Cc:Adele Appleton <AdeleAppleton@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.

Good afternoon,

Please see below agreed conditions with the applicant's agent in respect of an application to vary the Premises Licence for The Cricketer's Arms, Peter Street, St Helens, WA10 2EB. These conditions will replace those contained in Annex 2 of the Premise Licence to support the variation requested.

For completeness the agreed conditions are –

1. Staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions relating to their job roles. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by a Merseyside Police Officer or other authorised person. The records will be retained for at least 12 months. Training to be refreshed at least every 6 months.
2. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by a Merseyside Police officer or other authorised person. The records will be retained for at least 12 months.
3. CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and made available to Merseyside Police or authorised officer on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.
4. A Challenge 25 policy will be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. The

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only means of identification would include PASS approved proof of age card, photo-card driving licence or passport.

An automatic till prompt system will be in use, to prompt the person making a sale of alcohol, to undertake a proof of age check in line with the age verification policy.

All refusals of sale must be documented into a book when the refusal is made. The book is to be monitored by the Designated Premises Supervisor on a regular basis and made available to an authorised officer of the relevant responsible authority and/or Police Officer.

5. The Premises Licence Holder shall risk assess the requirement to employ SIA registered door supervisors at any time the premises intends to operate after midnight for licensable activities.

When employed by the premises, a register of all door supervisors will be kept at the premises, with recorded details of dates and times on and off duty, full names and full 16 digit SIA numbers, signed on and off by the DPS or deputy. Any incident involving door supervisors will be recorded in the door supervisor register.

6. A zero tolerance drugs policy shall be adopted by the premises. Regular toilet checks are to be made at least every hour and details recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.
7. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits, to request the co-operation of patrons to make as little noise as possible when leaving the premises.
8. The Premises Licence Holder/Designated Premises supervisor/person(s) authorised by either will regularly monitor the noise being generated by the premises, particularly any noise generated from any external areas used by customers. Appropriate actions will be taken to reduce or limit any noise and any appropriate advice given by responsible authorities.

Merseyside Police have no further observations to make, provided the above conditions are embedded in the Premises Licence, consistent with those offered up by the applicant in the operating schedule.

Kind regards,

Dawn Lawrenson
Licensing Officer
PREV Licensing Admin



Direct Line Tel: +441517778064
Email: Dawn.Lawrenson@merseyside.police.uk
Website: www.merseyside.police.uk



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From: Info [redacted]
Sent: 16 June 2023 11:07
To: Lawrenson Dawn Patricia <Dawn.Lawrenson@merseyside.police.uk>
Subject: Re: Application for Variation to Premises Licence - The Cricketer’s Arms, Peter Street, St Helens, WA10 2EB

CAUTION: This is an external email. Do not click links or open any attachments unless you are sure they are safe.

All agreed dawn, no issues.

Thank you!

Kind regards

Peter Conisbee [Q.Inst.Pa](#)
Alcohol Licensing Consultant



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From: Lawrenson Dawn Patricia <Dawn.Lawrenson@merseyside.police.uk>
Date: Thursday, 15 June 2023 at 17:16
To: Info [redacted]
Subject: Application for Variation to Premises Licence - The Cricketer’s Arms, Peter Street, St Helens, WA10 2EB

Good afternoon,

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Further to our telephone conversation this afternoon, please see listed below suggested conditions to support the variation in respect of the Premises Licence for The Cricketer's Arms, Peter Street, St Helens, WA10 2EB. These conditions will replace those presently listed in Annex 2 of the Operating Schedule to the Premises Licence.

1. Staff shall be trained in the contents of the premises licence including times of operation, licensable activities and all conditions relating to their job roles. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by a Merseyside Police Officer or other authorised person. The records will be retained for at least 12 months. Training to be refreshed at least every 6 months.
2. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by a Merseyside Police officer or other authorised person. The records will be retained for at least 12 months.
3. CCTV coverage shall be provided in the form of a recordable system, capable of providing clear quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises and all areas where the sale/consumption of alcohol occurs and the public have access to. External cameras will cover the immediate front and outside main door area of the premises. Equipment shall be maintained in good working order in accordance with the manufacturer's instructions. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a period of 31 days and made available to Merseyside Police or authorised officer on reasonable written request for evidential purposes, in accordance with the relevant Data Protection Legislation (currently GDPR 2018). The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.
4. A Challenge 25 policy will be adopted, implemented and advertised within the premises, whereby an accepted form of photographic identification must be requested before any alcohol is sold to any person who appears to be under 25 years of age. The only means of identification would include PASS approved proof of age card, photo-card driving licence or passport.

An automatic till prompt system will be in use, to prompt the person making a sale of alcohol, to undertake a proof of age check in line with the age verification policy.

All refusals of sale must be documented into a book when the refusal is made. The book is to be monitored by the Designated Premises Supervisor on a regular basis and made available to an authorised officer of the relevant responsible authority and/or Police Officer.

5. The Premises Licence Holder shall risk assess the requirement to employ SIA registered door supervisors at any time the premises intends to operate after midnight for licensable activities.

When employed by the premises, a register of all door supervisors will be kept at the premises, with recorded details of dates and times on and off duty, full names and full

16 digit SIA numbers, signed on and off by the DPS or deputy. Any incident involving door supervisors will be recorded in the door supervisor register.

- 6. A zero tolerance drugs policy shall be adopted by the premises. Regular toilet checks are to be made at least every hour and details recorded. Appropriate signage in relation to the drugs policy shall be displayed. Staff will inform police immediately of any suspicious activity within, or in the vicinity of the premises.
- 7. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits, to request the co-operation of patrons to make as little noise as possible when leaving the premises.
- 8. The Premises Licence Holder/Designated Premises supervisor/person(s) authorised by either will regularly monitor the noise being generated by the premises, particularly any noise generated from any external areas used by customers. Appropriate actions will be taken to reduce or limit any noise and any appropriate advice given by responsible authorities.

I look forward to hearing from you by return of email, once you have taken your client's instructions.

If you have any comments, queries or amendments, please do not hesitate to contact me as below.

Regards,

Dawn Lawrenson
 Licensing Officer
 PREV Licensing Admin



Direct Line Tel: +441517778064
 Email: Dawn.Lawrenson@merseyside.police.uk
 Website: www.merseyside.police.uk



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