

LICENSING SUB-COMMITTEE

At a meeting of this Sub-Committee held on
25 April 2024

(Present) Councillors C D Banks, Laird and Maguire

- **NB The agenda was not able to be published five clear days prior to the meeting in accordance with Local Government Act 1972. However, Regulation 6(2)(b) of the Licensing Act 2003 (Hearings) Regulations 2005 state that in relation to a counter notice following police objection to a TEN, the authority shall give the notice of hearing no later than two working days before the day or the first day on which the hearing is to be held.**

54 APPOINTMENT OF CHAIR

- * **Resolved that Councillor C D Banks be appointed as Chair for this meeting of the Sub-Committee.**

Councillor C D Banks here took the Chair.

55 MINUTES OF THE MEETINGS HELD ON 11 APRIL 2024 AND 12 APRIL 2024

- * **Resolved that the minutes of the meeting held on 11 April 2024 and 12 April 2024 be approved and signed.**

56 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

57 OBJECTION TO A TEMPORARY EVENT NOTICE (TEN) – MALONEY’S

Members of the Committee were advised that a Temporary Event Notice (TEN) had been received on 11 April 2024 for the premises known as Maloney’s, 25 Ormskirk Street, St Helens, WA10 1BQ (‘the Premises’). The proposed premises user was Ms Demi Murphy (‘Premises User’). A copy of the TEN detailing the licensable activities and hours of operation was appended to the report at Appendix 2.

The Licensing Authority sent the TEN to Merseyside Police and Environmental Health on 12 April 2024. An Objection Notice was received from Merseyside Police on 16 April 2024. The reason provided by Merseyside Police for the Objection Notice was that they believed the TEN would undermine the licensing objective of the prevention of crime and disorder.

As the TEN had attracted an Objection Notice from a relevant person, the TEN was referred to the Sub-Committee for a hearing as prescribed by the Licensing Act 2003.

The Premises User attended the hearing and was not represented. A representative from Merseyside Police was in attendance to present their objection to Members.

A list of documents were appended to the report as Appendix 1 to 3 respectively. Additional evidence from Merseyside Police was also provided before the day of the hearing for the Sub-Committee to consider as part of its determination.

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The Licensing Manager presented an outline of the report and Members were provided with an opportunity to ask any questions.

The Premises User was invited to present their case and answer questions from Members.

The Merseyside Police representative was then invited to present their case, following which there was an opportunity for Members to ask questions.

All parties were invited to summarise their cases and the Sub-Committee then passed the appropriate resolution to enable the Sub-Committee to deliberate in private.

All parties then left the hearing whilst the Sub-Committee deliberated in private with their Solicitor.

The Sub-Committee carefully considered the Objection Notice and all of the evidence and information presented including the written representations made by all parties, the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

* **Resolved that, on the balance of probabilities, the Sub-Committee considered the following step to be appropriate for the promotion of the licensing objectives:**

- **Decision that the event should not take place and to give a Counter Notice.**

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