

LICENSING SUB-COMMITTEE

At a meeting of this Sub-Committee held on
10 January 2024

(Present) Councillors C D Banks, J Banks and Laird

After publication of the agenda Councillor J Banks replaced Councillor Mussell on this Sub-Committee.

35 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.

36 MINUTES

- * **Resolved that the minutes of the meeting held on 28 December 2023 be approved and signed.**

37 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

38 REVIEW OF PREMISES LICENCE PL0619 – NUTGROVE EXPRESS

A report was submitted to determine a review application submitted by St Helens Council's Trading Standards department on 13 November 2023. The review related to Premises Licence PL0619 known as 'Nutmogrove Express', 7 Nutmogrove Road, Thatto Heath, St Helens, WA9 5PJ ('the Premises').

The review had been requested by Trading Standards pursuant to section 51 of the Licensing Act 2003 ('the Act') on the grounds that the Premises has undermined the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

The review attracted supporting representations, which had been judged to be relevant pursuant to the provisions of the Act from the Licensing Authority and Public Health.

The hearing was conducted in accordance with the Sub-Committee's Protocol, and it was agreed by the Sub-Committee that the 20-minute restriction for submissions be extended to allow all parties to present the relevant evidence.

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

A representative of Trading Standards was then invited to present their review application, following which there was an opportunity for Members to ask questions.

A representative of the Licensing Authority was invited to present their representation, following which there was an opportunity for Members to ask any questions.

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Public Health representatives were then invited to present their representation, following which there was an opportunity for Members to ask questions.

The Premises Licence Holder and their representatives were then invited to present their case, following which there was an opportunity for Members to ask any 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 meeting whilst the Sub-Committee deliberated in private with their Solicitor.

The Sub-Committee carefully considered all of the evidence and information presented including the written and oral 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, in relation to the Premises Licence, the Sub-Committee considered the following steps to be appropriate for the promotion of the licensing objectives:**

- **To remove the Designated Premises Supervisor from the licence;**
- **To suspend the licence for a period of 3 months; and**
- **To modify the conditions of the Premises Licence as follows:**
 - **To reduce the licensed hours for the sale of alcohol from 08:00 to 23:00, Monday to Sunday; to 09:00 to 23:00, Monday to Sunday;**
 - **To include further conditions on the Operating Schedule, consistent with the 'Proposed Operating Schedule' submitted by the Premises Licence Holder, so far as they do not conflict with the current Premises Licence Conditions; and**
 - **The modification of the condition 'The shop will not sell single cans of any stronger beers, lagers and ciders above 6.5% ABV' to 'The shop will not sell single cans of any alcohol (including any stronger beers, lagers and ciders above 6.5% ABV)'.**