

LICENSING SUB-COMMITTEE

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

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

51 **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.

52 **DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

53 **DETERMINATION OF 2 X PREMISES LICENCE APPLICATIONS - ASDA EXPRESS**

Members of the Committee were advised that two applications for Premises Licences were received on 16 February 2024 for the premises known as 'Convenience Store/Petrol Station Asda Express', Warrington Road, Rainhill, St Helens L35 9JB ('the Premises – Rainhill') and 'Convenience Store/Petrol Station Asda Express', 102 St Helens Linkway, St Helens, WA9 5DT ('the Premises – Linkway'). The applicant for both premises was Euro Garages LTD ('the Applicant').

The proposed licensable activities and hours of operation were detailed in the report.

The applications had been referred to the Sub-Committee as they had attracted representations from responsible authorities, namely St Helens Council's Public Health Department and the Licensing Authority, which had been judged to be relevant under the Licensing Act 2003.

The Applicant's representative attended the hearing on behalf of the Applicant with Asda's Licensing Manager. Representatives from Public Health and the Licensing Authority were in attendance to present their representations to Members.

A list of documents were appended to the report as Appendix A to H respectively. Since publication of the agenda, additional supporting evidence had been provided to the Sub-Committee to consider as part of its determination.

The hearing was conducted in accordance with the Sub-Committee's Protocol and all parties were advised of the 20 minute restriction for submissions.

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

The Applicant's representative was then invited to present their case and answer questions from Members. During these submissions, the Applicant's representative confirmed the hours requested for the sale of alcohol had changed from 00:00 to 00:00 Monday to Sunday inclusive, to 06:00 to 00:00 Monday to Sunday inclusive.

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The Licensing Authority representative was then invited to present their case and answer questions from Members.

The Public Health 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 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 steps to be appropriate for the promotion of the licensing objectives:**

To grant both applications, subject to modified hours and additional conditions, namely:

- **Sale of alcohol for consumption off the premises 08.00 to 23.00 Monday to Sunday inclusive.**
- **CCTV must be installed at the premises in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.**
- **Cameras must encompass all entrances and exits to the premises and all areas where the sale/supply of alcohol occurs. Equipment must be maintained in good working order and checked every 12 months. The system shall record in real time and operate whilst the premises are open for licensable activities.**
- **CCTV recordings must be kept available for a period of 31 days. The system shall be time stamped and dated and will be made available upon request to the Police or Local Authority approved Officer. The recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.**
- **The Retailer or Site Manager will be trained to be able to download evidence within 48 hours at the request of the Police or Local Authority approved Officer.**
- **Staff will be trained regarding the premises licence and their responsibilities in the retail sale of alcohol and regular refresher training every 6 months will also be undertaken. Training records can be made available for inspection upon reasonable request by the police or other relevant officers of a responsible authority.**
- **A challenge 25 policy will be operated at the premises with a fill prompt system for alcohol products, acceptable forms of identification are a passport, photo card driving licence, military ID, PASS accredited**

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identification card or any other ID approved for use by the Home Office. Notices in relation to this will be displayed prominently at the premises.

- An incident log will be operated and maintained and will be produced to a relevant officer of the police or other relevant officers of a responsible authority upon request.
- A refusals log will be operated and maintained and will be produced to a relevant officer of the police or other relevant officers of a responsible authority upon request.
- Spirits will be located behind the counter.
- There will be no sale of beer, lager or cider in single cans (i.e. split multipacks.) For the avoidance of doubt, this does not apply to the sale of artisan/craft beer, lager or cider sold in single units.
- No sale of cans of lager/cider/beer above 6.5% ABV (except for Artisan products).
- No miniature bottles of spirits will be sold from the premises.
- The premises shall operate an alcohol refusals policy - alcohol will not be sold to;
 - Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);
 - ii. Any person who is drunk or appears to be drunk;
 - iii. Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
 - iv. Any person unable to provide valid ID when requested by staff;
 - v. Any person who is verbally or physically abusive towards staff or customers.
 - vi. To any person suspected of trying to buy alcohol for another person(s) who may be under age.