



ST HELENS
BOROUGH COUNCIL

Licensing Sub-Committee

18 July 2023

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

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

- 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