



ST HELENS
BOROUGH COUNCIL

Licensing Sub-Committee

17 August 2023

Report Title:

Determination of a Premises Licence Application – Premier Wargrave

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

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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 premises licence application for the premises known as 'Premier Wargrave', 100 Wargrave Road, Newton-Le-Willows, Merseyside, WA12 9RJ ('the Premises').
- 1.2 The application has been referred to the Sub-Committee as it has attracted representations which have 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 applicant is Erest Ltd ('the Applicant').
- 3.2 The application was received on 21 June 2023 and sent for consultation on the same day with a closing date for representations of 19 July 2023. A copy of the application form is attached at **Appendix A**.
- 3.3 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**.
- 3.4 The application is for the following:
- Sale of alcohol for consumption off the premises 07.00 to 23.00 Monday to Sunday inclusive.
- 3.5 The opening hours of the Premises are 07.00 to 23.00 Monday to Sunday inclusive.

- 3.6 The application has attracted two representations which have been judged to be relevant under the Act from Responsible Authorities, namely Merseyside Police and the Licensing Authority. However, agreement has subsequently been reached between Merseyside Police and the Applicant to reduce the hour to which alcohol may be sold and to include further conditions on the Operating Schedule, which Merseyside Police consider appropriate for the promotion of the licensing objectives. An agreement was also reached with the Licensing Authority and the Applicant to include further conditions on the Operating Schedule, which the Licensing Authority consider appropriate for the promotion of the licensing objectives.
- 3.7 A copy of Merseyside Police representation and the email correspondence confirming the agreement between the Applicant and Merseyside Police is attached at **Appendix C**.
- 3.8 A copy of the Licensing Authority representation and the email correspondence confirming the agreement between the Applicant and the Licensing Authority is attached at **Appendix D**.
- 3.9 Following the agreement reached between the Applicant, Merseyside Police and the Licensing Authority, all 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 relevant representations from Merseyside Police and the Licensing Authority. Agreement has subsequently been reached between the parties to reduce the hour to which alcohol may be sold and 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 reduction in hours and the 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 Newton West 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 Premier Wargrave including Operating Schedule.

22.2 Appendix B – Premises Layout Plan

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

22.4 Appendix D – Licensing Authority representation and email correspondence confirming agreement reached between the Licensing Authority and the Applicant.