



## Licensing Sub-Committee

12 April 2024

<b>Report Title</b>	<b>Determination of 2 x Premises Licence Applications - Asda Express</b>
<b>Cabinet Portfolio</b>	Economy, Business and Skills
<b>Cabinet Member</b>	Councillor Kate Groucutt
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	Rainhill and Thatto Heath
<b>Report of</b>	Lisa Harris Executive Director Place lisaharris@sthelens.gov.uk
<b>Contact Officer</b>	Lorraine Simpson Licensing Manager lorrainesimpson@sthelens.gov.uk

<b>Borough Priorities</b>	Ensure children and young people have a positive start in life.	
	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 A Licensing Sub-Committee is required to determine two premises licence applications which have received relevant representations, pursuant to section 18 of the Licensing Act 2003.

## 2. Recommendation for Decision

### Licensing Sub-Committee is recommended to:

- i) Consider the application, all relevant information/documentation, and representations received.
- ii) Determine the steps(s) which the Sub-Committee considers to be appropriate for the promotion of the licensing objectives. The steps available are to:
  - Modify the conditions
  - Reject the whole or part of the application, or
  - Grant the premises licence in accordance with the application.

## 3. Purpose of this report

- 3.1 The purpose of this report is for the Licensing Sub-Committee to determine two premises licence applications for the premises known as:
- Convenience Store/Petrol Station Asda Express, Warrington Road, Rainhill, St Helens L35 9JB ('the Premises – Rainhill').
  - Convenience Store/Petrol Station Asda Express, 102 St Helens Linkway, St Helens, WA9 5DT ('the Premises – Linkway').
- 3.2 The applications have been referred to the Sub-Committee as they have attracted representations which have been judged to be relevant pursuant to section 18 of the Licensing Act 2003 ('the Act').

## 4. Background / Reason for the recommendations

- 4.1 The applicant for both premises is Euro Garages LTD ('the Applicant').
- 4.2 The premises licence applications for both premises are attached at **Appendix A** (the Premises – Rainhill) and **Appendix B** (the Premises – Linkway), together with a layout of each premises at **Appendix C** and **D** respectively.
- 4.3 The description of both premises applications reads as 'convenience store/petrol station'.
- 4.4 Both applications are for the following:

- Sale of alcohol for consumption off the premises 00.00 to 00.00 (24hrs) Monday to Sunday.
  - Late night refreshment 23.00 to 05.00 Monday to Sunday.
- 4.5 The opening hours of both premises are 00.00 to 00.00 (24hrs) Monday to Sunday.
- 4.6 The applications have attracted representations which have been judged to be relevant under the Licensing Act 2003 from St Helens Council's Public Health Department and the Licensing Authority.
- 4.7 The representation received from St Helens Council Public Health Department for the Premises - Rainhill is attached at **Appendix E** and for the Premises – Linkway is attached at **Appendix F**. In each representation, Public Health noted that the application is seeking to apply for hours outside of the those set out within the Statement of Licensing Policy. Public Health were a key contributor to the Statement of Licensing Policy and does not believe that the application merits a departure from the framework of house which are set out in Section 4.4 - 4.8 of the Policy. Public Health considers that the application undermines the licensing objectives of prevention of crime and disorder, the prevention of public nuisance and protection of children from harm.
- 4.8 The representation received from the Licensing Authority for the Premises - Rainhill is attached at **Appendix G** and for the Premises – Linkway is attached at **Appendix H**. Both representations note that the granting of these premises licences would likely undermine the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. This application seeks the sale of alcohol in excess of the framework of hours as contained in the Council's current Statement of Licensing Policy. This current Statement of Licensing Policy & revised guidance issued under S182 of the Licensing Act 2003 (December 2023) (S1.12) notes that any departures from the policy should only be in exceptional circumstances and in the interests of the promotion of the licensing objectives. Viewing this application on its merits the Licensing Authority does not consider any such departure from its licensing policy is merited.
- 4.9 The Council's Statement of Licensing Policy states:
- “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. Consideration of Alternatives**

5.1 The Council must hold a hearing of the Licensing Sub-Committee to determine the applications because both applications have attracted two representations each from Public Health and the Licensing Authority.

5.2 In determining this application and relevant representations, the Licensing Sub-Committee should focus on the steps considered appropriate to promote the licensing objective(s) which have given rise to the representation.

5.3 Paragraph 9.4 of the Statutory Guidance issued under Section 182 of the Act states 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 out from the premises on the objectives.

5.4 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

5.5 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 2023), a copy of which can be viewed or downloaded from:  
[https://assets.publishing.service.gov.uk/media/65a8f578ed27ca00d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca00d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)
- The Licensing Authority’s Statement of Licensing Policy, which is available to download from the Council’s website at [www.sthelens.gov.uk](http://www.sthelens.gov.uk).

5.6 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 as submitted

5.7 The Licensing Authority must make its decision within 5 working days and provide reasons to support the decision. The Licensing Authority must give notice to of its decision 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.

## **6. Conclusion**

6.1 The Sub-Committee must determine the premises licence applications under its statutory duties as the Licensing Authority. The options available to the Sub-Committee are set out at 5.6 above.

## **7. Legal Implications**

7.1 The Licensing Act 2003 and associated Statutory Guidance issued by the Home Office pursuant to the s182 of the Act (December 2023).

7.2 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.

## **8. Financial Implications**

8.1 There are no financial implications arising from this report.

## **9. Equality Impact Assessment**

9.1 There is no requirement for an Equality Impact Assessment in relation to this report.

## **10. Social Value**

10.1 There are no social value implications arising from this report.

## **11. Net Zero and Environment**

11.1 There are no Net Zero or Environment implications arising from this report.

## **12. Health and Wellbeing**

12.1 There are no health and wellbeing implications arising from this report.

## **13. Customer and Resident**

13.1 Customers and Residents can make representations in support of, or objecting to, a premises licence application if they are concerned that the licensing objectives will not be promoted. The applications have been published and advertised in accordance with the statutory requirements and those representations received have been presented as part of this report for consideration by the Sub-Committee

## **14. Asset and Property**

14.1 There are no asset and property implications arising from this report.

## **15. Staffing and People Management**

15.1 There are no staffing or people management implications arising from this report.

## **16. Risks**

16.1 When considering its decision, the committee must ensure that the licensing objectives are upheld.

## **17. Policy Framework Implications**

17.1 The report is relevant to the Borough Priorities of:

Create safe and strong communities and neighbourhoods for all and

Be a responsible council.

## **18. Impact and Opportunities on Localities**

18.1 There is no impact on Localities arising from this report.

## **19. Background Documents**

19.1 Revised Guidance issued under section 182 of the Licensing Act 2003 -

[https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

19.2 St Helens Council Statement of Licensing Policy -

[https://sthelens.gov.uk/media/2494/LA3-Statement-of-Licensing-Policy-2023-2028/pdf/Statement\\_of\\_Licensing\\_Policy\\_2023-2028.pdf?m=1707225869197](https://sthelens.gov.uk/media/2494/LA3-Statement-of-Licensing-Policy-2023-2028/pdf/Statement_of_Licensing_Policy_2023-2028.pdf?m=1707225869197)

## **20. Appendices**

Appendix A – Premises Licence Application – the Premises Rainhill

Appendix B – Premises Licence Application – the Premises Linkway

Appendix C – Layout of the Premises - Rainhill

Appendix D – Layout of the Premises - Linkway

Appendix E – Representation from Public Health for the Premises - Rainhill

Appendix F – Representation from Public Health for the Premises - Linkway

Appendix G – Representation from the Licensing Authority for the Premises - Rainhill

Appendix H – Representation from the Licensing Authority for the Premises - Linkway