



Licensing Sub-Committee 11 April 2024

Report Title	Objection to a Temporary Event Notice (TEN) – Bar 44
Cabinet Portfolio	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.	
	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 Licensing Sub-Committee must hold a hearing to consider an Objection Notice from Merseyside Police to a Temporary Event Notice in relation to the premises known as Bar 44.

2. Recommendation for Decision

Licensing Sub-Committee is recommended to:

- 1) Consider the Objection Notice and determine the Temporary Event Notice ('TEN').

3. Purpose of this report

- 3.1 The purpose of this report is for the Licensing Sub-Committee to determine a Temporary Event Notice (TEN) for the premises known as 'Bar 44', 44-46 Westfield Street, St Helens, WA10 1QF ('the Premises').
- 3.2 The Temporary Event Notice has been referred to the Sub-Committee as it has attracted an Objection Notice from Merseyside Police.

4. Background / Reason for the recommendations

- 4.1 The Premises currently holds a Premises Licence (PL0292). A copy of this is attached at **Appendix A**.
- 4.2 A TEN was received electronically on 27 March 2024. The proposed 'Premises User' is Mr Thomas Glover. The TEN is attached at **Appendix B**.
- 4.3 The TEN notes the extension of the sale of alcohol from the premises and the provision of regulated entertainment on the premises, from 03:00 to 05:00 on Monday 6 May 2024.
- 4.4 A TEN is a Notice given to the Licensing Authority for the temporary carrying out of licensable activities at the premises which are not authorised by a premises licence or club premises certificate. The TEN is also sent to the Police and Environmental Health ("relevant persons") by the Premises User. If a TEN is sent electronically, the Licensing Authority must notify the relevant persons.
- 4.5 The Licensing Authority sent the TEN to Merseyside Police and Environmental Health on 27 March 2024.
- 4.6 The Police or Environmental Health ("relevant persons") may intervene to prevent such an event taking place by sending an Objection Notice to the Licensing Authority. An Objection Notice was received from Merseyside Police on 28 March 2024, a copy of which is attached at **Appendix C**.

- 4.7 The reason provided by Merseyside Police for the objection notice is that they believe it would undermine the licensing objective of the prevention of crime and disorder.
- 4.8 The Licensing Authority must hold a hearing to consider the Objection Notice unless all parties agree that a hearing is unnecessary, or it is withdrawn.
- 4.9 At the hearing, the Licensing Sub-Committee must consider the Objection Notice and any representations made by the proposed Premises User and any relevant persons.
- 4.10 The Sub-Committee may decide to allow the licensable activities to go ahead as stated in the Notice. If the Notice is in connection with licensable activities at the licensed premises, one or more of the existing licence conditions may be imposed on the TEN if it considers that it is appropriate for the promotion of the licensing objectives. The decision to impose any existing licence conditions is one for the Licensing Authority alone, regardless of the Premises User's views or willingness to accept conditions.
- 4.11 Alternatively, the Sub-Committee can decide that the event would undermine the licensing objectives, should not take place and a counter Notice should be given. If a counter Notice is given, the Premises User may appeal against that decision within 21 days from the date the counter Notice was given but no later than 5 working days before the day on which the event is due to take place.

5. Consideration of Alternatives

- 5.1 The Licensing Sub-Committee must hold a hearing to consider the objection notice and determine the TEN.
- 5.2 As Members will be aware, the four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 5.3 In reaching a decision, the Sub-Committee must have regard to:
- The steps that are appropriate to promote the licensing objectives.
 - The representations (including any supporting information) given by all parties.
 - The Statutory Guidance issued by the Home Office (December 2023).
 - The Licensing Authority's Statement of Licensing Policy.
- 5.4 Following the hearing, the Sub-Committee may:

- Decide to allow the licensable activities to go ahead as stated in the Notice; or
- Impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives; or
- Decide that the event would undermine the licensing objectives and should not take place and issue a Counter Notice to the TEN.

6. Conclusions

- 6.1 The Licensing Sub-Committee must hold a hearing to consider the objection notice and determine the TEN.

7. Legal Implications

- 7.1 The Licensing Act 2003 and associated Statutory Guidance issued by the Home Office pursuant to the section 182 of the Act (December 2023).
- 7.2 The proposed Premises User can appeal to the Magistrates' Court against a decision to issue a Counter Notice within 21 days from the date the Counter Notice was given but no later than 5 working days before the day on which the event is due to take place.

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 to be completed 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 implications arising from this report.

15. Staffing and People Management

15.1 There are no implications arising from this report.

16. Risks

16.1 There is a risk that if the event take place as set out in the TEN, it could undermine the licensing objective of the prevention of crime and disorder, as outlined in the objection received from Merseyside Police.

17. Policy Framework Implications

17.1 There are no implications arising from this report.

18. Impact and Opportunities on Localities

18.1 There are no implications 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/R_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

20 Appendices

Appendix A – Premises Licence

Appendix B – TEN submitted by Thomas Glover

Appendix C – Objection submitted by Merseyside Police