



St. Helens  
Council

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# Statement of Licensing Policy

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*Transforming our Town*



**2023 - 2028**

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## Introduction

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The Borough of St Helens is ideally located on both the West Coast Main Line and Trans Pennine rail networks, with direct access to the M6 and M62 motorways. This generates easy and quick access to a wide supply chain. A market of more than 35 million people within four hours' drive and a workforce of approximately 3.4 million within one hours' drive. So that's road, rail and sea; we're also less than 20 minutes from Liverpool John Lennon Airport and 30 minutes from Manchester Airport.

St Helens really has the location and connectivity that other places dream of and is perfectly poised to take advantage of developments such as the Super Port, Atlantic Gateway and Mersey Gateway, as well as the opportunities that are generated from our partnership with both the Northern Powerhouse and the Liverpool City Region.

### **Business Development**

St Helens is booming for business and that's good news for the community and the economy. St Helens is home to award winning businesses and many major companies decide to locate here not only because of its position and connectivity, but because of its access to a large, skilled workforce specialising in key industries.

4,500 businesses have already chosen to develop in St Helens, amongst them multinational names such as NGF, Pilkington, Tata Steel, Sainsbury's Distribution, Vimto and Co-op Distribution, as well as numerous small businesses, sole traders and entrepreneurs all contributing to a booming business community and economy.

We welcome new business to St Helens and offer a range of services to support you. St Helens continues to develop its early evening and night time economy and you will find us encouraging and supportive when you to look to join us.

### **Living and Working in St Helens**

St Helens is a traditional town with a rich heritage. Our residents are proud of their borough and the continuing regeneration it embraces. As part of our housing stock we have homes in beautiful villages right through to new suburban housing developments, 'outstanding' (Ofsted) schools, local colleges and the new University Centre St Helens.

The town has long been associated with its high profile calendar of sporting and cultural events and has a strong reputation not just for the association of such events, but for the support provided. Our close proximity to both Manchester and Liverpool is undoubtedly an asset to those who chose to live or work here,

Not content with this though, we want St Helens to be 'the best', the location of choice – somewhere which is easy to get to, visually attractive, with a good range of quality entertainment, shops, cafes, bars, restaurants and leisure activities. Somewhere we want to hang out, and spend time with family and friends. We think our vision, together with our partners, for the newly modelled Town Centre will ensure that our town continues to grow, develop and crucially, evolve. Civic pride is at the heart of what we do.

In recent years our town centre, like many others, has struggled in the current economic climate. Cultural changes in shopping habits and the rise of online shopping has had an impact, the limited choice of shops and places to eat and drink in the town centre. We recognise that we need to breathe new life into the town and grasp this opportunity to make St Helens Town Centre the destination of choice.

### Licensed Premises

In St Helens we value our licensed premises and recognise the social aspect this can have on individuals and communities. Together with our partners, as part of our remodelling of the town but with particular emphasis on the town centre, we welcome the strategic benefits of clear licensing policies and frameworks.

We understand the environments that licensed premises will thrive in and in the Place and Delivery Team we work alongside our Regulatory colleagues to ensure that business can flourish whilst still operating within our strategic long term plans.

We have considered a range of evidence to help us understand the positive and negative impacts of alcohol, entertainment and late night refreshment on our Borough, and as such this policy will provide a robust framework in which we can all operate effectively.

We are confident that all of those involved in the licensing process will continue to work together in the spirit of co-operation, partnership and mutual understanding to ensure that we achieve the vision for our Borough.

Signed:

Cabinet Member for Better Neighbourhoods  
Cllr Lynn Clarke

Cabinet Member for Balanced Development, Housing and Economic Opportunity  
Cllr Andy Bowden

Cabinet Member for Community Based and Focused Services  
Cllr Anthony Burns

## Chapter 1

### Purpose and Scope of the Licensing Policy

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- 1.1 This Statement of Licensing Policy is intended to inform applicants and residents about the way in which St Helens Council will carry out its duties under the Licensing Act.
- 1.2 In carrying out its licensing functions the Council will have regard to this policy statement and the Guidance issued by the Home Office.
- 1.3 This policy covers the regulation of licensable activities on licensed premises, by qualifying clubs and at public events.
- 1.4 The following are licensable activities:
- the sale of alcohol to the public
  - the supply of alcohol to members of a club
  - the provision of regulated entertainment, and
  - the provision of late night refreshment (hot food and drink at any time between 11.00 p.m. and 5.00 a.m. for consumption on or off the premises)
- 1.4 It also identifies how the Council, when carrying out its licensing duties, will seek to promote the four 'licensing objectives' referred to in the Act, namely:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 1.5 Each objective is of equal importance. There are no other statutory licensing objectives, so the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and the Council the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - recognising the important role which pubs and other licensed premises play in our local communities, by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers the Council to make and enforce

decisions about the most appropriate licensing strategies for their local area;

- ☑ understanding the role of public events in stimulating the economy and providing a robust regulatory framework to flourish in ; and
- ☑ encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

- 1.6 This Policy was determined after consultation with the Responsible Authorities, relevant interested parties and the public.
- 1.7 The Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Home Office under the Act.
- 1.8 The Policy will come into effect on 12 July 2023 and will be subject to review and further consultation no later than 12 July 2028. During this time the Policy will be subject to regular review and will be updated and modified as necessary to take into account, amongst other things, changes in licensing legislation.

### **Promotion of Equality**

- 1.9 When drafting this policy, the Equality Act 2010 (the Act) has been considered and applied.
- 1.10 The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'. These are: sex (gender); gender reassignment; race; disability; sexual orientation; age; religion or belief (or lack of religion or belief); pregnancy and maternity and; marriage or civil partnership.
- 1.11 Further information about the Council's role in upholding its duties under the Equality Act can be found on our website:<sup>1</sup>

### **Departures from the Policy**

- 1.12 This Licensing Policy sets out the vision the Council has for the regulation of licensed premises throughout St Helens and outlines the standards expected in order to ensure the promotion of the licensing objectives in the Borough. The Council may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would likely only be in exceptional circumstances.

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<sup>1</sup> <https://www.sthelens.gov.uk/council/equal-opportunities/equality-policy/>

## Chapter 2

### St Helens a New Framework for Partnership

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2.1 St Helens has strong partnership foundations going back many years, which has brought together public service, businesses, and the voluntary and community sector. We are working with our partners to regenerate the borough, tackle crime and disorder, improve health and wellbeing and deliver better outcomes for the future of our children and young people.

2.2 In order to address the significant issues we now face, there has been a need to redefine ways of joint working with a view to taking a truly collaborative approach to meeting the challenges of cost and demand in transforming services to deliver the best outcomes for businesses and communities of St Helens.

2.3 The Council has 3 key ambitions with a series of goals that detail our contributions to the delivery of the 4 borough level strategic objectives.

The three key ambitions are -

- Improving People's Lives
- Creating a Better Place
- Being an Adaptive and Innovative Council

The three key ambitions underpin our four borough level strategic objectives

1. Sustainable Health and Social Care
2. Growing the Economy
3. Raising Aspiration and Ambition
4. Being Better Connected.

2.4 In developing partnerships we have set up a Town Centre Joint Agency Group. This is a multi-agency group that work collaboratively to tackle issues around licensing, public health and safer communities. The aim of this group is action to address issues and promote safer town centres where people can visit, stay, enjoy and come back.

#### **Integration with Other Strategies**

2.5 While the overarching aim of this policy is to promote the licensing objectives, it is acknowledged that there are other important Council policies in place to help St Helens realise its vision. Therefore, this Licensing Policy integrates as far as is reasonably possible with those strategies .

## Chapter 3

### Tackling Alcohol & Other Related Issues

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#### The Issues...

- 3.1 The Council is aware that the hospitality and leisure industry in the Borough is a major contributor to the economy, attracts tourists and visitors, enlivens towns and communities, and is a major source of employment. Whilst alcohol plays a big part in the social and recreational activities of many people living within and visiting the Borough, alcohol misuse can sometimes cause problems within our towns and communities.
- 3.2 The total annual cost to society of alcohol-related harm is estimated to be 21bn. The cost to the NHS, local authority services and workforce productivity is in excess of £3bn a year in the North West of England. In St Helens it costs 30% more than the national average per person to support alcohol related issues.<sup>2</sup>
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“On average in St. Helens more than 3 people per day are admitted to hospital with acute intoxication, alcohol dependence or withdrawal syndrome”<sup>3</sup>

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#### Cumulative Impact

- 3.21 As the Licensing Authority, we have published a Cumulative Impact Assessment of licensed premises in St Helens Town Centre (see chapter 8). In publishing the Cumulative Impact Assessment, the Licensing Authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licence or club premises certificates in part of the Town Centre ward. In particular, the Licensing Authority considers that the number of licensed premises and club premises certificates within this area is such that it is likely that granting further licences or variations to existing licences would be inconsistent with the Licensing Authority's duty to promote the licensing objectives.

#### St Helens Peoples Plan 2017-2020

- 3.3 This plan is aspirational in its support of those who wish to enjoy a drink whilst reducing the impact of alcohol harm on families and the community. The plan has five key aims:
- *Prevention*: Working with people and utilising the latest research to understand and influence responsible drinking.
  - *Early Intervention*: Ensuring that the needs of children in families with alcohol problems are met.

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<sup>2</sup> <https://www.sthelens.gov.uk/media/7456/final-1700138-public-health-annual-report-2016-17.pdf>

<sup>3</sup> <https://www.sthelens.gov.uk/media/7456/final-1700138-public-health-annual-report-2016-17.pdf>

<sup>4</sup> <https://www.sthelens.gov.uk/media/7011/sthelens-peoples-plan-2017-2020-final.pdf>



- *Treatment:* Delivering high quality, effective treatment.
- *Enforcement:* Reducing the number of people who experience crime and anti-social behaviour as a result of alcohol misuse.
- *Control:* Influencing government policy and local licensing decisions to reduce the availability of cheap, high strength alcohol whilst at the same time taking action to support the development of a safe, thriving and vibrant night time economy<sup>4</sup>.

### **St Helens Safer Communities Partnership**

3.4 The role of this partnership is to work together to ensure that continuing and emerging problems are identified and that challenges are met head-on so that crime and anti-social behaviour will reduce and communities will become safer<sup>5</sup>.

3.5 St Helens partnership priorities include tackling and reducing:

- Anti-Social Behaviour;
- Domestic Violence and Abuse; and
- Alcohol and Drug related Crime

### **Champs Public Health Collaborative**

3.6 This is a collective of Public Health Partners, including NHS Trusts, Local Authorities, Voluntary Organisations and Education Professionals. The organisation works across the Liverpool City and Cheshire regions whose priorities include:

- Improving local health and wellbeing by collective strategic action
- Reducing alcohol harm through licensing
- Maintaining safe and resilient communities

### **The Facts**

- ☑ In 2014, sales of alcohol from off-licence premises in St Helens were equivalent to every adult resident drinking 6 bottles of spirits, 100 pints of beer and 26 bottles of wine across the year.
- ☑ 31% of adults in St Helens drink more than the recommended 14 units of alcohol per week.
- ☑ In 2016 over 1,600 calls responded to by the Police were alcohol related.
- ☑ Hospital admission rates for alcohol-related conditions in St Helens are double the national rate and the 5<sup>th</sup> highest of 152 local authorities in England.
- ☑ 29% of child need assessments reported alcohol as a risk factor compared with the average of 18% across England.
- ☑ Under 18 admission rates to hospital due to alcohol is triple the national rate and the 2<sup>nd</sup> highest in England.

<sup>4</sup> [http://safer.sthelens.gov.uk/media/28378/csp\\_delivery\\_plan\\_2013-17.pdf](http://safer.sthelens.gov.uk/media/28378/csp_delivery_plan_2013-17.pdf)

<sup>5</sup> <https://www.sthelens.gov.uk/media/7456/final-1700138-public-health-annual-report-2016-17.pdf>

- 3.7 A key part of addressing alcohol harm has been through promotional campaigns such as 'Drink Less, Enjoy More' which have enabled Public Health and Licensing to work more closely together.
- 3.8 Alcohol is everybody's business. It is a crosscutting issue that concerns the health and wellbeing of our residents, the safety of our communities, and the future success of our town centres and their night-time economies.

### **Maintaining the Street Scene**

- 3.9 The Council will give consideration to the ability to ensure the local street scene can be effectively cleansed, and the potential impact of the premises upon litter problems in the area. Consideration may be given to restricting hours of operation to ensure the streets can be cleaned before the arrival of other users the following morning. Consideration will be given to the number of rubbish bins in the area to adequately cope with litter levels as well as the general cleanliness of the area.

### **Child Sexual Exploitation**

- 3.10 The Licensing Authority is committed to protecting children from harm. We are aware that alcohol misuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 3.11 Alcohol is also often a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink. Alcohol may also be a factor in risk taking behaviour by young people who drink irresponsibly. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
- 3.12 The Licensing Authority encourages licence / certificate holders and operators of licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
  - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

- 3.13 St Helens Safeguarding Children Board<sup>6</sup> has a webpage dedicated to providing local information about child sexual exploitation policies and procedures including risk factors and signs and symptoms.

### **Illegal Drugs and New Psychoactive Substances (NPS)**

- 3.14 A zero-tolerance policy should be implemented regarding the use of illegal drugs and the new psychoactive substances (NPS), commonly referred to as 'legal highs' on the licensed premises.
- 3.15 In accordance with the Government's revised guidance issued under Section 182 of the Licensing Act 2003, the Licensing Authority considers the sale and use of new psychoactive substances, including nitrous oxide, undermines the licensing objectives.
- 3.16 There is evidence that such NPS products can cause harm, particularly if taken in combination with alcohol. Further information about NPS is on the Government's "FRANK" website: <http://www.talktofrank.com>

### **Tools to Tackle the Issues**

#### **Late Night Levy**

- 3.17 The late night levy is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011, which enables licensing authorities to charge a levy to those premises who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 3.18 There is currently no late night levy in the St Helens Borough.

#### **Early Morning Alcohol Restriction Orders (EMROS)**

- 3.19 Also introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMRO's) are a power enabling a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 3.20 There are currently no early morning alcohol restriction orders in the St Helens borough.

#### **Cumulative Impact**

- 3.21 The Cumulative Impact Assessment is not currently active.

#### **Closure Notices**

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<sup>6</sup> <https://sthelenslscb.org.uk/lscb>

3.23 Under powers afforded in the Anti-Social Behaviour, Crime and Policing Act 2014, the Council may now issue a closure notice if satisfied on reasonable grounds that the use of the particular premises has resulted or is likely soon to result in nuisance to members of the public, or that there has been or is likely soon to be disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

### **Public Space Protection Orders (previously Designated Public Protection Orders)**

3.24 From 20 October 2017, Designated Public Place Orders (DPPO) have been replaced by the Public Spaces Protection Orders (PSPO) by virtue of the Anti-Social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has, or is likely to have, a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the police.

3.25 As Licensing Authority we would expect premises that operate in areas where PSPOs have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

3.26 There is currently a PSPO in operation in St Helens Town Centre.

3.27 The Town Centre PSPO makes it an offence to fail to surrender alcohol to a police officer, or authorised officer council officer, if requested to do so in the designated area, which can be punishable either by fixed penalty notice or a fine on prosecution in the Magistrates' Court. A copy of the Order can be found on the Council's website <http://safer.sthelens.gov.uk/>

## Chapter 4

### The Vision for our Borough

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- 4.1 Our aim is to help create and maintain a sustainable, vibrant early evening to night time economy. Key to this is ensuring that St Helens appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.
- 4.2 We strongly discourage drunkenness, and premises whose predominant offer is vertical drinking.
- 4.3 Our aim is to encourage:
- Premises that will provide a diverse range of entertainment and attract a wider range of participants, in particular the provision of regulated entertainment for persons under 18 years of age.
  - More seating in premises which serve alcohol, for people to sit and enjoy a drink and order food by table service.
  - Entertainment which does not involve the sale and supply of alcohol or to which such sale and supply is genuinely ancillary so as to offer a wider choice of entertainment.
  - More restaurants, cafes, theatres and cinemas.
  - More sporting, music or cultural events.

#### Licensing Hours

- 4.4 Taking into account the problems of crime, disorder, nuisance and anti-social behaviour into the early hours of the morning, we have introduced a framework of opening and closing times for premises.
- 4.5 This framework applies to applications for new premises licences / club premises certificates and to applications for variations to extend the hours for licensable activities (earlier and later in the case of the sale of alcohol).

#### The Framework

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- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Off Licensed Premises           | 8:00 am to 11:00 pm Sunday to Saturday                                      |
| <input checked="" type="checkbox"/> On licensed Premises            | 1:00 am Sunday to Thursday<br>3:00 am Friday and Saturday (& Bank Holidays) |
| <input checked="" type="checkbox"/> Late Night Refreshment Premises | 1:30 am Sunday to Thursday<br>3:30 am Friday and Saturday (& Bank Holidays) |
-

- 4.6 Existing premises will not be affected by this framework unless there are good reasons for imposing restrictions following a review of a premises licence or club premises certificate.
- 4.7 Applicants should note that there is no guarantee that an application will be granted if the hours of trading fall within this framework. In similar terms, an application will not automatically be rejected because the proposed hours of trading fall outside of the framework. All applications will be considered on their individual merits.
- 4.8 Once an application has been granted, the Council expects the licence / certificate holder/s to liaise regularly with local residents, local businesses and their representative organisations.

## Chapter 5

### The Licensing Application Process

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- 5.1 The 2003 Act provides for four different types of authorisation or permission, as follows:
- ☑ Personal Licence: To sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.
  - ☑ Temporary Event Notice: To carry out licensable activities at a temporary event.
  - ☑ Premises Licence: To use premises for licensable activities.
  - ☑ Club Premises Certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
- 5.2 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events, within the terms of the Licensing Act 2003.
- 5.3 This policy sets out the authority's expectations with regards to applications for the above authorisations. Whilst applicants are not obliged to meet these expectations, it is more likely that Responsible Authorities and other parties will make representations if they do not. See chapter 6.

#### Making an Application

- 5.4 Application forms are prescribed by the Licensing Act 2003 and Regulations laid down by the Secretary of State. These forms together with guidance notes and further advice, can be obtained from our website;  
<https://www.sthelens.gov.uk/business/licensing/alcohol-entertainment/>
- 5.5 To ensure the application is completed fully, applicants are advised to consider:
- ☑ the contents of this policy statement,
  - ☑ the government guidance issued under section 182 Licensing Act 2003; and
  - ☑ any relevant guidance published on our website.
- 5.6 Failure to comply with the statutory requirements may result in an application or notice being judged invalid or rejected.

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Applicants are encouraged to have regard to our application **Framework** and seek advice from the Licensing Authority and Responsible Authorities before submitting an application

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## **Personal licences**

- 5.7 A personal licence is a licence which is granted to an individual, which authorises him or her to supply alcohol or authorise the supply of alcohol in accordance with a premises licence.
- 5.8 Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. For clarification, a personal licence holder doesn't need to be present at all times that alcohol is being sold, but if any sales are made when a personal licence holder is not present, they must have been authorised by somebody who holds a personal licence. The Council does recommend that authorisations are made in writing to ensure that those authorised are clear what their legal responsibilities are.
- 5.9 Further information, including the application process can be viewed via our website; <https://www.sthelens.gov.uk/business/licensing/alcohol-entertainment/>

## **Temporary Event Notices**

- 5.10 The system of permitted temporary activities is intended to be a light touch process. Instead of applying for an authorisation, a person wishing to hold an event gives notice to the Licensing Authority that they propose to carry out licensable activities.
- 5.11 A number of limitations are imposed on the use of temporary event notices by the 2003 Act and further information is available in the Home Office Guidance<sup>7</sup>.
- 5.12 Further information, including the application process can be viewed via our website; <https://www.sthelens.gov.uk/business/licensing/alcohol-entertainment/>
- 5.13 Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event.
- 5.14 Applicants who are organising one-off events particularly in an unlicensed premises are encouraged to contact the Licensing Authority a minimum 3 months in advance of the event to seek appropriate guidance.
- 5.15 Those applicants in existing licensed premises are expected to submit applications in a timely manner and where possible in advance of statutory notice periods.

## **Premises Licences**

- 5.16 A premises licence authorises the use of any premises (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities.

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<sup>7</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf)



## **Club Premises Certificates**

- 5.17 Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.
- 5.18 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.
- 5.19 The terms of a club premises certificate is to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

## **Circumstances in which entertainment activities are not licensable**

- 5.20 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required.
- 5.21 As a result of the following deregulatory changes, which have amended the 2003 Act, there are also now a number of activities which no longer require a licence (or other authorisation).
- The Live Music Act 2012
  - Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013
  - The Legislative Reform (Entertainment Licensing) Order 2014; and
  - The Deregulation Act 2015
- 5.22 Further information about the circumstances in which entertainment activities are not licensable is available in the Home Office Guidance issued under section 182 of the Licensing Act 2003<sup>8</sup>.

## **Special Events in the Open Air or in Temporary Structures**

- 5.23 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. provides opportunities for community involvement and civic pride and can attract visitors to the Borough.
- 5.24 However, the success of such events depends upon the quality, organisation, planning and levels of safety and consideration for the rights of people who live

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<sup>8</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf)

and work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 5.25 In recognition of the special factors that are relevant, particularly with respect to major open air events such as pop festivals or other large events, the Council has a multi-agency planning group to assist organisers in co-ordinating such events. This includes Council departments who have an interest in or legislative role relevant to such events, together with representatives of the various emergency services.
- 5.26 Members of the forum are notified about all proposals to hold such events and where necessary, special safety advisory group (SAG) meetings will be organised in order to consider any communication with organisers.
- 5.27 A useful document which organisers are recommended to obtain is 'The Event Safety Guide'<sup>9</sup> (known as the purple guide), published by the Health and Safety Executive (HSE). Other guidance on the operation of a safe event can be found on the HSE website<sup>10</sup>.
- 5.28 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.
- 5.29 If you are planning to hold a new or large scale event in the borough you should contact Licensing 12 months in advance so that appropriate consideration can be given to the event and relevant guidance sourced.

### **The Decision Making Process**

- 5.30 Decisions under the Licensing Act 2003 will be made by either the Licensing Committee, the Licensing Sub Committee or by officers acting under delegated authority. Appendix B sets out how we delegate our licensing functions.

### **The Licensing Sub Committee**

- 5.31 In accordance with the Licensing Act, St Helens Council has established a Licensing Sub Committee consisting of three elected members. Where relevant representations are received regarding a licensing application (and not withdrawn), the application shall be determined at a hearing by a sub committee constituting of three members of the Licensing and Environmental Protection Committee.
- 5.32 Elected Members on these committees are appropriately trained to carry out their duties under the Act and in accordance with the Council's constitution. No member shall sit on the Sub-Committee unless they have received appropriate training.

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<sup>9</sup> [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)

<sup>10</sup> <http://www.hse.gov.uk/event-safety/index.htm>

- 5.33 Elected Members will not sit on a Sub-Committee involving an event or premises within their ward.

### **Licence Conditions**

- 5.34 Further information to assist applicants when completing their operating schedules can be found under chapter 6 'Promoting the Licensing Objectives'.

### **Responsible Authorities**

- 5.35 Responsible Authorities are public bodies that must be notified of applications for the grant, variation or review of a premises licence / club premises certificate. They are entitled to make representations to us in relation to these applications. The representations must be considered 'relevant' and relate to one or more of the licensing objectives.
- 5.34 Appendix A sets out a full list of Responsible Authorities, including contact details.

### **Other Persons**

- 5.35 As well as Responsible Authorities, any other person is entitled to make representations to us regardless of their geographic proximity to the premises, in respect of applications for the grant, variation or review of a premises licence / club premises certificate. The representations must be considered 'relevant' and relate to one or more of the licensing objectives.
- 5.36 Further information to assist residents / other persons can be found under Chapter 7 'Making Representations: Information for Residents / Other Persons'.

### **Representations**

- 5.37 Where the Licensing Authority receives an application for a new licence / certificate or a variation to an existing licence / certificate, the Responsible Authorities, and any other persons have 28 days to make representations about the application. Representations can be in support of an application as well as opposing it.

### **Determining Applications**

- 5.38 If no relevant representations are received then the application will be granted. The Licensing Authority has no discretion to refuse the application or to alter / add to the conditions offered through the operating schedule. However where an operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.
- 5.39 Where relevant representations are made, a hearing will be held before a panel made up of three members of the Licensing and Environmental Protection Committee, i.e. the Sub Committee.

- 5.40 Where an application has been made and representations have been received, the Licensing Authority will encourage discussions between the parties to see if an agreement can be reached so that the need for a hearing can be dispensed with.

### **Suspension for Non Payment of Annual Fees**

- 5.41 The Licensing Act 2003 (Fees) Regulations 2005 state that the holder of a premises licence shall pay to the relevant Licensing Authority an annual fee. This fee becomes due and payable each year on the anniversary of the date of grant of the premises licence / club premises certificate.
- 5.42 The Licensing Authority is required to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. Where a licence or certificate has been suspended, no licensable activities can lawfully be carried out at the premises until the outstanding annual fee payment has been made.
- 5.43 Licence / certificate holders are advised to make a note of their annual fee due date, and ensure payments are promptly made. Failure to do so could lead to the suspension of the licence / certificate.

### **Integration with Planning**

- 5.44 The licensing process is separate from planning and building control regimes and shall be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters, and as such licensing applications shall not be a rerun of the planning application. Where the hours granted by planning are different to the licensing hours, the licensee must observe the earlier closing time. Likewise, the granting of a premises licence or club premises certificate (or a variation) does not negate the requirement for the licensee to ensure that relevant planning permission (or building control approval) is in place prior to the premises operating.
- 5.45 Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law. Any applicant who chooses to apply for the relevant licence prior to obtaining planning permission is advised to be aware of the relevant planning policy for the locality.

### **Appeals**

- 5.46 A party aggrieved by the decision of the Licensing Authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of receipt of the reasons for the decision.
- 5.47 In determining an appeal, the Court may
- Dismiss the appeal,
  - Substitute for the decision any other decision which could have been made by the licensing committee,

- Remit the case back to the licensing committee to dispose of in connection with the direction of the Court.

## Chapter 6

### Promoting the Licensing Objectives

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- 6.1 Applications for the grant of a licence / certificate or the variation of an existing licence / certificate 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.
- 6.2 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
- 6.3 The operating schedule must include all of the information necessary to enable the Licensing Authority, Responsible Authorities and members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.
- 6.4 The operating schedule must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public. We would refer applicants to our Framework in Paragraph 4.4 to 4.8.
- 6.5 The operating schedule and any risk assessments should adequately demonstrate that:
- The applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for.
  - The potential effect on the licensing objectives is not significant.
  - The operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.
- 6.6 The proposals contained in the operating schedule will form the conditions to be applied to the licence / certificate, together with the mandatory conditions (where applicable), any conditions agreed with Responsible Authorities during the

application process and any conditions imposed by a licensing sub-committee, where representations have been made.

- 6.7 Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months imprisonment.

### **Proposed Conditions**

- 6.8 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged.

- 6.9 Licence conditions will be focused on matters which are within the control of licence holders / those with relevant authorisations and:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

- 6.10 We have produced a document listing a number of 'model' conditions which can be applied to a premises licence / club premises certificate, by a prospective licence or certificate holder or by a Responsible Authority. This document is not exhaustive, but does contain a comprehensive list of relevant / useful conditions which we consider will assist applicants when making applications.

- 6.11 This does not restrict the ability of any party to suggest or impose any other condition they consider appropriate for the promotion of the licensing objectives.

### **Duplication with Other Regulatory Regimes**

- 6.12 In exercising its licensing functions, the Licensing Authority shall, as far as possible, avoid attaching conditions that duplicate any other existing legislation and regulatory regimes that already place obligations on employers and operators.

6.13 Conditions will also not be set which replicate licensing offences, as set out in the Licensing Act, for example:

- to sell or supply alcohol to a person who is drunk,
- to knowingly allow disorderly conduct on licensed premises,
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported,
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

### **Age Verification Policies**

6.14 It is a mandatory licensing condition for premises which sell or supply alcohol to have an age verification policy in place. The Council strongly supports the use of a 'Challenge 25' policy for all premises that supply alcohol. Such a scheme volunteered as part of an operating schedule will be given the appropriate weight when determining an application.

### **Children**

6.15 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licence / certificate holder. Applicants should note however that greater scrutiny will be given to applications that propose to permit children to remain on premises after 21.00 hours.

### **Adult Entertainment**

6.16 Applications for the grant of a licence / certificate or the variation of an existing licence / certificate must indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no information it will be assumed that there are no intentions to allow such activities.

6.17 The Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003.

6.18 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Where operators intend to take advantage of this exemption, the Licensing Authority expects a clear explanation in the operating schedule of the proposed signage, publicity and external advertising / display materials.



6.19 The Licensing Authority would expect to see appropriate measures offered in the operating schedule, and applicants are advised to refer to the following documents which are available via the Council's website:<sup>11</sup>

- Sex Establishment Licensing Policy
- Standard conditions for annual licences for sexual entertainment venues and sex cinemas

### **Outside Areas**

6.20 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should therefore detail how noise nuisance and disorder will be dealt with.

6.21 Appropriate advice on smoking areas should be sought from the Council's Chief Environmental Health Officer;  
<https://www.sthelens.gov.uk/business/environmental-health/>

### **Alcohol for Consumption OFF the Premises**

6.22 In recent years there has been a significant increase in the number of premises licensed to sell alcohol for consumption off the premises only. At the same time, visits to public houses have decreased and those who do visit town centre establishments appear to be "pre-loading" on cheaper alcohol from off-licences and shops so that they are intoxicated to some degree before they arrive at their destination. Residents often complain about the availability of alcohol through off-sales due to the increased issues of crime, disorder and public nuisance they experience. Other complaints are that it encourages street drinking and can provide easy access to alcohol by children.

6.23 Applicants for off-sales will, as a minimum, be expected to cover the issues detailed below in their operating schedule. Where the operating schedule does not provide sufficient detail or appropriate conditions, there is an increased likelihood that Responsible Authorities will make representations.

- ☑ Details of the proof of age scheme to be implemented & how this will be promoted (we recommend 'Challenge 25');
- ☑ Details of how any refusals to sell alcohol to a person suspected of being under the age of 18 will be recorded. It is useful to include an example of your log;
- ☑ Details of any training for staff, including the frequency of refresher training on how to prevent underage sales and any other relevant matters, and how this will be recorded;
- ☑ The percentage of the premises to be used for the sale of alcohol, including details of other items to be sold;

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<sup>11</sup> <https://www.sthelens.gov.uk/business/licensing/other-licences/sex-establishments-and-sexual-entertainment-venues/>

- ☑ Details of the sale of low value / high alcohol products and any discounts or promotions that may be adopted.

### **Imposed Conditions**

- 6.24 The Licensing Authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 6.25 The Licensing Authority encourages applicants to liaise with local residents, businesses and organisations who may be affected by their proposals when preparing the operating schedule for the premises.
- 6.26 The Licensing Authority recognises that a key aim of the Licensing Act 2003 is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned and which are necessary for the promotion of the licensing objectives in an individual case.
- 6.27 Where appropriate the authority may consider imposing controls on products sold, where representations indicate localised problems. This could include a ban on selling super-strength beer, lager and cider, or single cans as part of a package to deal with identified problems.

### **Mandatory Conditions**

- 6.28 The Licensing Act 2003 Act provides for mandatory conditions, where applicable, to be included on premises licences / club premises certificates. The mandatory conditions relate to:
  - Sales/supplies of alcohol must be by a personal licence holder,
  - Alcohol may not be sold or supplied at a time when there is no designated premises supervisor or, the designated premises supervisor does not hold a personal licence or his personal licence is suspended,
  - Irresponsible drinks promotions,
  - The provision of free water,
  - The adoption and application of age verification policies,
  - The provision of small measures at licensed premises,
  - Banning the sale of alcohol below the cost of duty plus VAT,
  - Door supervisors,
  - Exhibition of films.
- 6.29 In respect of irresponsible promotions the 'responsible person' should be aware of their moral and social responsibilities in ensuring that they refrain from offering any promotions that are designed to encourage people to drink excessive amounts of alcohol, or drink more than they normally would do. Applicants are advised to consult either the Licensing Authority before proceeding with any drinks promotions. Contact details are at Appendix A.

6.30 Responsible persons are also reminded of other serious consequences of selling alcohol to a person who is drunk. Any person who knowingly (a) sells or attempts to sell alcohol to a person who is drunk, or (b) allows alcohol to be sold to such person, commits an offence under Section 141 of the Licensing Act.

## Chapter 7

### Making Representations: Information for Residents / Other Persons

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- 7.1 Local residents and businesses can play an important role in the licensing process, they who are most likely to be directly affected. This section provides useful information on understanding how to find out about applications and submit any comments (representations) in respect of them.
- 7.2 Representations do not have to be objections and can be made in support of an application.
- 7.3 Further useful information and guidance can be found on the Council's website at [www.sthelens.gov.uk/business/licensing/alcohol-entertainment/policies-guidance/](http://www.sthelens.gov.uk/business/licensing/alcohol-entertainment/policies-guidance/) or via [www.gov.uk/alcohol-licensing](http://www.gov.uk/alcohol-licensing)

#### Finding out about an application

- 7.4 Applicants for the grant of a licence / certificate or the variation of an existing licence / certificate are required to advertise the application in two ways, by:
1. Placing a notice at or on the premises, where it can be conveniently read from the exterior of the premises,
  2. Placing a notice in a local newspaper (not applicable for a minor variation application).
- 7.5 Notices must give a brief description of the proposed application, and specify the date by which representations should be made.
- 7.6 There is no provision within the legislation for the Licensing Team to consult with residents or businesses in the local area. We do however record details of pending applications for premises licences / club premises certificates online at <https://www.sthelens.gov.uk/business/licensing/alcohol-entertainment/premises-licences/applications-under-consideration-recent-decisions/>. This includes new, variation or review applications. It is therefore good practice to regularly check this website for any licence / certificate applications for premises in your local area.
- 7.7 Additionally, the Licensing Team provides email notifications of applications to all local ward councillors and relevant services within the Council.

#### Making a Representation

- 7.8 If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:
- (a) Be made by any person or Responsible Authority,
  - (b) Be made in writing to the Licensing Authority,
  - (c) Be received by the Licensing Authority no later than 28 days after the date the application was made (ten working days for a minor variation),

(d) Relate to the likely effect of the granting of the application upon one or more of the licensing objectives, which are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

7.9 Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises, or provision of activities not suitable for children where children could be admitted.

7.10 Any representation other than from a Responsible Authority that is considered as frivolous or vexatious by the licensing authority will not be accepted.

7.11 Representations may be made by email. The Licensing Authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By email: [generallicensing@sthelens.gov.uk](mailto:generallicensing@sthelens.gov.uk)

By post: Licensing Team, Place Services, Wesley House, Corporation Street, St Helens WA10 1HF.

7.12 When making a representation please consider the following:

- Providing an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that the representation is specific to the premises.
- Consult the Licensing Policy and if you consider that an application has not addressed any particular issues specified in the policy, highlight these and explain your reasons why you think these issues should be addressed.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- If you are making a representation in support of an application, explain how the proposed application would promote the licensing objectives.

7.13 Representations will not be accepted if they are considered 'frivolous' or 'vexatious'. It is for the Licensing Authority to determine whether a representation is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous.

- 7.14 A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses, and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 7.15 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 7.16 Where relevant representations are made, the following factors will normally be taken into account:
- The style of operations, the number of customers and profile of customers expected to attend the premises,
  - The location of the premises and its proximity to noise sensitive properties,
  - The proposed hours of operation,
  - The transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses,
  - The proposed methods for the dispersal of customers,
  - The scope for mitigating any impact,
  - The extent to which the applicant has offered conditions to mitigate the impact,
  - How often the activity occurs.

### **Disclosure of personal details of persons making representations**

- 7.17 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant or their representative.
- 7.18 In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. The Licensing Authority may decide to withhold some or all of the person's personal details from the applicant or their representative, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.
- 7.19 Where a person has concerns regarding an application, but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a representation based on their concerns, or providing details on how the licensing objectives are likely to be undermined to a Responsible Authority, who may make a representation if they consider it justifiable and appropriate to do so.

7.20 You can nominate any person, including a local councillor, to represent you at the hearing to determine the application. It is your responsibility to ensure that the nominated person is available and willing to represent you. As above, any request should be made in writing so that the Licensing Authority can be satisfied the person has been nominated by you prior to any hearing.

## Chapter 8

### Cumulative Impact Assessment

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#### Introduction

- 8.1 Cumulative impact is the potential impact on the promotion of the Licensing objectives of a number of licensed premises concentrated in one area.
- 8.2 In accordance with Section 5A of the Licensing Act 2003 and the Statutory Guidance issued under Section 182 of the Act, a Cumulative Impact Assessment may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 8.3 There can be confusion about the difference between the 'need' for licensed premises and the 'cumulative impact' of premises on the licensing objectives, for example on crime and disorder. 'Need' concerns the commercial demand for licensed premises and is not a matter for the Licensing Authority to consider in discharging its licensing functions or for its statement of licensing policy.
- 8.4 After considering the available evidence and undertaking the required consultation, the Licensing Authority has determined that it is appropriate to publish a Cumulative Impact Assessment for part of the Town Centre ward.
- 8.5 Any Cumulative Impact Assessment published by the Licensing Authority must be summarised in its Statement of Licensing Policy. The full Cumulative Impact Assessment is available to view on the Council's website at:  
[https://www.sthelens.gov.uk/media/2493/LA3-Cumulative-Impact-Policy/pdf/CIA\\_Policy\\_2023\\_-\\_2026.pdf?m=638254538366070000](https://www.sthelens.gov.uk/media/2493/LA3-Cumulative-Impact-Policy/pdf/CIA_Policy_2023_-_2026.pdf?m=638254538366070000)

#### The nature of the problems identified and evidence

- 8.6 Prior to publishing the Cumulative Impact Assessment, evidence of cumulative impact on the licensing objectives in the area was obtained from:
- Merseyside Police and Community Safety
  - The Licensing Authority
  - Public Health
- 8.7 This evidence includes information on local crime and disorder statistics, statistics on anti-social behaviour offences and health related statistics. The evidence demonstrates that alcohol related crime and disorder, alcohol related anti-social behaviour and alcohol related hospital admissions in the area are particularly prevalent.
- 8.8 The evidential basis for the Cumulative Impact Assessment is attached to the Assessment at Appendix A.

#### Area covered by the Cumulative Impact Assessment



8.9 The geographical extent of the Cumulative Impact Area is identified on the map attached to the Cumulative Impact Assessment at Appendix A and includes the following four streets:

- Bridge Street (incorporating Chalon Way West up to Cineworld)
- Duke Street (up to the corner of King Street)
- Ormskirk Street (in its entirety)
- Westfield Street (in its entirety)

8.10 Where a boundary line follows a street or road, addresses on both sides of the street or road are deemed to be within the Cumulative Impact Area.

### **Applications covered by the Cumulative Impact Assessment**

8.11 The Cumulative Impact Assessment relates to all applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Cumulative Impact Area.

8.12 The Cumulative Impact Assessment relates to premises carrying on or proposing to carry on the following licensable activities:

- The sale of alcohol or consumption on or off the premises
- The provision of late-night refreshment

8.13 Whilst the Cumulative Impact Assessment does not apply to Temporary Event Notices, it is open to the police and environmental health (as relevant persons) to refer to evidence published within the Assessment when objecting to a TEN.

### **Effect of the Cumulative Impact Assessment**

8.14 In publishing the Cumulative Impact Assessment, the Licensing Authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licence or club premises certificates in the Cumulative Impact Area.

8.15 The Licensing Authority considers that the number of licensed premises and club premises certificates within the Cumulative Impact Area is such that it is likely that granting further licences or variations to existing licences would be inconsistent with the Licensing Authority's duty to promote the licensing objectives.

8.16 As such, on receipt of relevant representations from a responsible authority or other persons, the Licensing Authority will generally refuse applications for new premises licences and club premises certificates or to vary existing premises licences and club premises certificates in the Cumulative Impact Area. When deciding that an application should be refused, the Licensing Authority recognises that it will need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

- 8.17 Applicants for a premises licence or club premises certificate or to vary an existing premises licence or club premises certificate in the Cumulative Impact Area should therefore give careful consideration to cumulative impact issues within their applications and the steps that will be taken to promote the licensing objectives. To assist with this, the Licensing Authority recommends early consultation with responsible authorities.
- 8.18 While the evidence underpinning the publication of the Cumulative Impact Assessment should generally be suitable as the basis for a decision to refuse an application or impose conditions, each decision in the Cumulative Impact Area will still be made on a case by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.
- 8.19 The Licensing Authority recognises that the Cumulative Impact Assessment is not absolute. This policy allows for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the Licensing Authority recognises that it must consider whether it would be justified in departing from the Cumulative Impact Assessment in light of the individual circumstances of the case.
- 8.20 The Licensing Authority is not able to provide a definitive list of examples of when it may consider it would be justified in departing from the Cumulative Impact Assessment in light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. However, applicants should be aware that the Licensing Authority will not depart from its policy merely on the grounds that the premises have been or will be operated in accordance with the conditions on the licence, or that they are or will be generally well managed because of the reputation or good character of the applicant. This is expected in the conduct of all licensed premises.

## **Review**

- 8.21 The Licensing Authority will review the Cumulative Impact Assessment within 3 years of its publication date and consider whether it remains of the opinion set out in the Assessment.
- 8.22 The Licensing Authority acknowledges that it may carry out a review of the Cumulative Impact Assessment at more regular intervals if it considers this to be appropriate.

## **Cumulative Impact in other areas**

- 8.23 The absence of a Cumulative Impact Assessment in relation to other areas of the Borough outside of the Cumulative Impact Area does not prevent any responsible authority, or other person, making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

However, in each case it will be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

### **Other mechanisms for controlling cumulative impact**

8.24 Once away from the licensed premises, a minority of customers will behave badly. The Licensing Authority recognises that there are mechanisms, both within and outside the licensing regime that are available for addressing such issues. The Cumulative Impact Assessment should be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, for example but not limited to:

- Planning control;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practice schemes such as Best Bar None, and Pubwatch;
- The provision of CCTV surveillance and transport facilities in town centres;
- Police enforcement of the general law concerning disorder and anti-social behaviour.

## Chapter 9

### Developing and maintaining a Vibrant Night time Economy

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- 9.1 The Licensing Authority, Responsible Authorities and all partners are committed to ensuring that our Borough offers a safe, vibrant and enjoyable night time economy for everybody to enjoy.
- 9.2 We are therefore committed to supporting licence / certificate holders and their staff through a range of interventions, all designed to provide help and assistance in raising operating standards.
- 9.3 We fully accept that the majority of businesses operate in such a way as to ensure that they comply fully with legislative requirements.
- 9.4 We do however acknowledge that some premises may not operate in such a way, either wilfully or neglectfully, and whilst we would in the majority of circumstances support businesses in the first instance, we will consider formal action in some circumstances. Any such action taken by the Council will be in accordance with our Enforcement Policy<sup>12</sup>

#### **How we support you to get it right**

##### **Purple Flag**

- 9.5 The Licensing Authority supports the Purple Flag for town centres and along with its partners, is part of the active planning group for St Helens Town Centre. It is anticipated that through this status significant development will be become part of the Early Evening and Night Time Economy.
- 9.6 The Licensing Authority, along with its partners (including the Police and Fire Service) recognise that many people are working hard to ensure that St Helens licensed premises provide a safe and attractive venue for customers.
- 9.7 Best Bar None is a national accreditation scheme for clubs, pubs and bars that are able to demonstrate, through high standards of management, their commitment to providing safe and enjoyable venues for their customers. As part of its commitment to Purple Flag, the Licensing Authority along with its partners will support the Night Time Economy to reach this standard.

##### **Pubwatch**

- 9.8 Local Pubwatch schemes encourage licence / certificate holders, and designated premises supervisors to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Licensing Authority and the Police. The operation of collective banning policies and enforcing exclusion

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<sup>12</sup> <https://www.sthelens.gov.uk/media/8763/enforcement-policy.pdf>

orders are also seen to be an essential part of crime prevention in an area or neighbourhood.

- 9.9 Effective Pubwatch schemes require reliable communication systems as well as unity of action. Communication can take place via a secure intranet for members only, at face to face meetings, as well as radio links or 'ring-round' phone systems within an area or neighbourhood where a cluster of licensed premises are located.
- 9.10 The Licensing Authority encourages all licences / certificate holders to actively participate in their local pubwatch (if there is one in place) and is keen to support the development of more groups where there is a demand.
- 9.11 St Helens currently has one Pubwatch operating for the Town Centre. Should you wish to develop a Pubwatch in your area of the borough, please contact the Licensing Authority to see how we can assist you.

### **Supporting Business and its Development**

- 9.12 St Helens Council has a full range of services which support business. For further information on this range check the website at <https://www.sthelens.gov.uk/business/>

### **What to expect if something goes wrong**

#### **Problems with existing licensed premises**

- 9.13 Whilst the Licensing Authority expects licensed premises to be properly controlled and managed by responsible operators, legitimate concerns will sometimes be raised about particular operators. In some instances, the Licensing Authority will encourage the individuals or groups affected to raise those concerns directly with the operator in the first instance.
- 9.13 In our experience, this approach can often be successful, as the operator may not be fully aware of the problems and can introduce changes to improve the situation. Where concerned individuals or groups do not wish to approach the operators directly, the Licensing Authority may approach the operator to discuss the concerns and seek improvements, if required.

#### **Reviews of Premises Licences and Club Premises Certificates**

- 9.14 The legislation provides that an existing premises licence or club premises certificate can be subject to a formal review process, and also that the Police can close premises where they consider it necessary to do so in the interests of promoting the licensing objectives.
- 9.15 In addition, the Police may apply to the Licensing Authority for an expedited review of a premises licence where a senior police officer is of the opinion that the premises are associated with serious crime or serious disorder, or both.

- 9.16 The procedure for the review of premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.
- 9.17 The Licensing Authority expects Responsible Authorities and other parties to give early notice to licence / certificate holders of any concerns about problems identified at a premises and of the need for improvement. It is expected that requests for a review of any licence / certificate will only be sought after voluntary measures have been attempted.
- 9.18 Where a review application is made, the Licensing Authority will arrange a hearing in accordance with the regulations. The possible outcomes of a review hearing are:
- take no action,
  - modify conditions of the licence or certificate,
  - exclude a licensable activity or qualifying club activity from the scope of the licence or certificate,
  - suspend the licence or certificate for a period not exceeding three months,
  - remove the designated premises supervisor,
  - revoke the licence or withdraw the certificate.
- 9.19 Whilst the list below is not exhaustive, the Licensing Authority will view particularly seriously applications for the review of any premises licence where it involves issues such as:
- Underage purchase and consumption of alcohol,
  - Continuous breaches or contraventions of licence conditions,
  - Serious risks to public safety have been identified which the management is unable or unwilling to correct,
  - Serious risks to children have been identified,
  - Not operating the premises according to the agreed operating schedule,
  - Use of licensed premises for crime, including the sale and distribution of illegal drugs/firearms,
  - The police are frequently called to attend incidents of crime and/ or disorder.

## **Enforcement**

- 9.20 Interventions are risk based and take full account of data, intelligence and information available to both the Council and its partners, including Responsible Authorities. The approach to support licensed premises to comply is often via multi-agency activity who will intervene at an early stage where it is found that the provision of licensable activities is being carried on in a manner which does not promote the four licensing objectives.
- 9.21 The approach that the Council will adopt will seek to ensure that low risk premises and responsible operators are permitted to trade with the minimum level of inspection.

9.22 The Licensing Authority expects all licence / certificate holders to co-operate with the agencies concerned and to deal promptly and properly with the concerns raised.

9.23 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the Borough.

9.24 Where enforcement action is considered necessary this will be taken in accordance with the principles of St Helens Council's Enforcement Policy<sup>13</sup>.

- ☑ The Council believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
- ☑ In dealing with any enforcement situation, the Council's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;
- ☑ There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case. We will have regard to any impact our interventions may have on economic growth and in particular the impact on small businesses;
- ☑ Except in the most serious cases or where advice/warnings have not been heeded, adequate opportunity will normally be given to rectify non-compliance before formal legal action is commenced;
- ☑ Enforcement is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself;
- ☑ Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- ☑ Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action, (e.g. Human Rights Act 1998, Code for Crown Prosecutors).

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<sup>13</sup> <https://www.sthelens.gov.uk/media/8763/enforcement-policy.pdf>

## Appendix A

### Responsible Authorities

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Applications for licences under the Licensing Act 2003 must be sent to the Licensing Team (as the relevant Licensing Authority).

The Act states that a copy of your application must also be sent to the Responsible Authorities listed below. However, the Licensing Team will arrange for this to be done electronically on your behalf.

- (1) The relevant licensing authority;
- (2) The chief officer of police for the area in which the premises are situated;
- (3) The fire authority for the area in which the premises are situated;
- (4) The local planning authority for the area in which the premises are situated;
- (5) The health and safety authority for the area in which the premises are situated;
- (6) The environmental health authority for the area in which the premises are situated;
- (7) The body recognised as being responsible for protection of children from harm for the area in which the premises are situated;
- (8) Inspectors of weights and measures;
- (9) The director of public health
- (10) The Home Office

The contact details for all Responsible Authorities are outlined below should you require them. However we would prefer it if you did not send copies of your application to the authorities (2)-(9) and allow us to do this on your behalf.

## Appendix B

### Delegation of Functions

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The Licensing Act 2003 provides that decisions and functions may be taken or carried out by the Licensing Committee, or delegated to Sub-Committees or in appropriate cases by one or more officers of the Council.

Many of the licensing procedures will be purely administrative in nature. These will be dealt with by authorised licensing officers. However, where representations or reviews have been requested these will be dealt with by the Licensing Sub-Committee. Full details of the delegation of functions are set out below.

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Applications for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made



Application to vary premises licence / club premises certificate by way of a minor variation	-	All cases
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	All cases.
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence / club premises certificate	All cases	-
Decision on whether a complaint is irrelevant, frivolous or vexatious	All cases	-
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	-
Determination of a police objection to a temporary event notice	All cases	-
Determination of film classification	All cases	-