
Consideration of an application for the Variation of a Premises in respect of Abbey Convenience Store

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Applicant: Hemalkumar Bhailalbhai Patel

Premises Name: Abbey Convenience Store

Premises Address: 10 Magdalene Street, Glastonbury, BA6 9EH

Introduction

- 1 The premises is located on the High Street in the centre of Glastonbury. It is predominantly a news agent supplying newspapers but also supplies confectionary, tobacco, alcohol, and convenience type goods.

The applicant has applied for a variation of the current licence to increase the times that they are able to sell alcohol and the hours the premises can be open.

A copy of the application is at **APPENDIX A**

The premises already holds a premises licence, a copy of this can be seen at **APPENDIX B**.

The applicant is requesting that the conditions contained within Annex 2 are removed and replaced with appropriate, up to date, conditions.

The suggested new conditions proposed by the applicant contained within the application at Section M (the Operating Schedule) can be found in **APPENDIX C**.

The applicant has also provided an updated plan of the premises. A copy of this plan can be found at **APPENDIX D**

Licensable Activities

The applicant has requested a variation to the times they are able to supply alcohol and open to the public. A comparison between the current licence and the proposed variation can be seen below.

Current Licence Timings			
Licensable Activity	Days	Start Time	Finish Time
Supply of Alcohol	Monday to Sunday	06:30	21:00
Opening Hours	Monday to Sunday	06:30	21:00
Proposed Variation Timings			
Licensable Activity	Days	Start Time	Finish Time
Supply of Alcohol	Monday to Sunday	05:00	23:00
Opening Hours	Monday to Sunday	05:00	23:00

Reason for referral to Licensing Sub-Committee

- 2 A representation was received from the Area Licensing Practitioner for Avon and Somerset Constabulary, objecting to the variation under all four licensing objectives, recommending additional and expanding on conditions proposed by the applicant.

The representation can be view in full at **APPENDIX E** and the proposed Police Conditions at **APPENDIX F**.

Relevant Observations

- 3 No other representations have been received from Other Persons or Relevant Authorities in relation to this application.

A map showing the location of the premises is at **APPENDIX G**.

Legal Implications

- 4 The Live Music Act 2013 and the Legislative Reform (entertainment licensing) order 2014 Live and Recorded Music is deregulated between 08:00 and 23:00 on premises authorised to sale alcohol on the premises, subject to a maximum audience of 500 persons.

The Licensing Authority has the power to remove the exemptions but only if and when it carries out a formal Review of the Premises Licence.

Decision Making Process

- 5 The Sub-Committee must consider this application on its own merits and from the information contained within the application and this report.

Members are reminded that the duty of the Licensing Authority is to take steps necessary to promote the licensing objectives in the interests of the wider community, the Licensing Objectives, as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In its decision-making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy. The policy is available on request and from the Somerset Council website [Licensing Policies and Policy Consultations \(somerset.gov.uk\)](http://somerset.gov.uk)

The options available to the committee are as follows: -

- Grant the application with no modifications, and only attach conditions as required by the 2003 Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
- Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
- Refuse the application, giving reasons for its decision.

Should the Committee be mindful to attach conditions to the licence, they must only do so if they are:

- Appropriate, necessary, and proportionate
- Precise, clear, and unambiguous
- Practical, realistic, and enforceable
- Non-duplicative of existing statutory requirements or offences
- Modern and fit for purpose.
- Consideration must also be given the number of conditions being attached.

The Licensing Authority recognises that most Licence Holders seek to follow the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly firm action will be taken.

Right of Appeal

- 6** All relevant parties to the decision of the Licensing Authority have the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

Appendices

- 7** Appendix A Application to vary a premises licence under the Licensing Act 2003

Appendix B Copy of Current Premises Licence

Appendix C Proposed Conditions by the applicant from Section M (the Operating Schedule) of the Variation Application Form

Appendix D Updated Plan of the premises

Appendix E Representation by Avon and Somerset Constabulary

Appendix F Recommended Conditions Proposed by Avon and Somerset Constabulary

Appendix G Map of Premises location

END OF REPORT