

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The premises are a well-established convenience store located in Margate town centre. This application is to remove some of the conditions that were applied to the licence as part of a minor variation on 12th April 2018 due to the reasons that are submitted to the licensing authority under separate cover.

Conditions to be removed from the licence:

1. No beer, cider or any alcoholic drink that is not wine or spirit shall be above 7%.
2. All spirits shall be placed behind the counter
3. Intoxicated street drinkers not to be served and dealt with robustly
4. No beer, cider or any alcohol drink that is not wine or spirit shall be sold in single units.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes

☒ No

continued from previous page...

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

continued from previous page...

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

TUESDAY

Start
Start

End
End

WEDNESDAY

Start
Start

End
End

THURSDAY

Start
Start

End
End

Continued from previous page...

FRIDAY

Start 06:00

End 23:00

Start

End

SATURDAY

Start 06:00

End 23:00

Start

End

SUNDAY

Start 06:00

End 23:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Continued from previous page...

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As existing

b) The prevention of crime and disorder

As existing

c) Public safety

As existing

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

C & S News variation - Additional Information

This premises licence was subjected to a licence review that took place on the 13th June 2019 at which, after hearing the evidence, the committee took no action against the licence holder.

During the review concerns were raised by Counsel for the licence holder about how certain conditions had been placed on the licence by way of a Minor Variation application on 12th April 2018. A total of 7 conditions were placed on the licence on an apparently 'voluntary' basis. In being advised to make the application the licence holder had been told that all other stores were doing the same and understood that there would be the same restrictions on all off licences in the area and it was on that basis alone that he agreed to make the application. It transpired that other stores had not made an application and he had been misled. In addition, rather than an understanding existing that the application was of a voluntary nature, the licence holder felt pressured into making it under the direction of the authorities.

Had the licence holder realised he was fully entitled to refuse to apply the conditions he would never have agreed to apply them and consequently they should not be on this premises licence.

Therefore, the licence holder, under legal advice, is applying to have the following conditions (applied as part of the minor variation) removed from the licence due to them being unnecessary, unduly onerous and applied due to misleading information supplied to him.

The conditions are:

1. No beer, cider or any alcoholic drink that is not wine or spirit shall be above 7%.
2. All spirits shall be placed behind the counter
3. Intoxicated street drinkers not to be served and dealt with robustly
4. No beer, cider or any alcohol drink that is not wine or spirit shall be sold in single units.

The conditions relating to Challenge 25, refusals register and invoices to remain.

