

Sayful Alom

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Sent: 08 November 2012 17:09
To: Sayful Alom
Cc: [REDACTED]
Subject: Malthurst Bromsgrove 28715/68

Sayful

Thank you for sending copies of the representations.

Please note that the application is amended to reduce the hours sought for the sale of alcohol to 6am to 12 midnight. I very much hope that this deals with the concerns of the residents.

You have provided a copy of the representation from the licensing officer. Unfortunately no email address is given.

The officer states that the evidence within the application suggests that the premises may fall within s.176 of the 2003 Act. There is no such evidence in the application.

The question of primary use is difficult and the law a little blurred. The way that we have dealt with this with other similar applications is to agree that a condition be imposed on the licence as follows:

The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to S.176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be available on request to the police and the licensing authority.

This store will be a new build. The premises cannot be said to be excluded premises in advance of their being built. The Act provides that a licence does not have effect if the primary use is that of a garage. This applies to all petrol forecourt stores that are licensed to sell alcohol.

I have taken leading counsel's advice on this point and it is perfectly legitimate to proceed in this manner. I am happy to discuss further with you or the acting licensing officer.

Thanks

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