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## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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## Licensing Sub-Committee

Date 30<sup>th</sup> October 2019

Report of:

**Assistant Director for Strategic  
Planning and Regulatory  
Services**

### LICENSING ACT 2003: APPLICATION FOR REVIEW OF PREMISES LICENCE

**European Market Melton Limited, 36-42 THORPE END, MELTON MOWBRAY, LE13 1RB**

#### 1.0 **Summary:**

- 1.1 The purpose of this report is for members to consider this report and any evidence produced or representations made following receipt of an application to Review a Premises License in respect of the premises Licence held by the European Market Melton Limited and to determine the application by taking such of the steps set out below as the Sub-Committee considers it necessary for the promotion of the licensing objectives.

#### 2.0 **Recommendations**

- 2.1 **It is recommended that the Sub-Committee have regard to the application and any relevant representations and determine which of the following steps they consider appropriate for the promotion of the licensing objectives to:**

- a) **Take no action;**
- b) **Modify the conditions of the Premises Licence, by altering, omitting and or adding to them where relevant;**
- c) **Exclude a licensable activity from the scope of the Premises Licence;**
- d) **Remove the Designated Premises Supervisor;**
- e) **Suspend the Premises Licence for a period not exceeding three months;**
- f) **Revoke the Premises Licence.**

The application should be considered on its merits and any decision should be reasonable and proportionate.

### 3.0 **Report Detail**

3.1 The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities :

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The licensing objectives are:

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

Each objective is of equal importance.

There are no other statutory licensing objectives, so that 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 work.

3.2 Section 51 of the 2003 Act, allows interested persons, and responsible authorities, to make representations in favour or against the review of a premises licence. All review applications must be determined by a Licensing Committee or Sub-Committee Hearing.

### 3.3 Background:

European Supermarket with Premises licence number MMA0262 has held a Premises Licence since 2015.

The License Holder is permitted by the premises licence to provide the following:

Supply of Alcohol  
Daily 08:00am to 11:00pm

A copy of the current premises licence is attached at **Appendix A**.

A plan of the premises is attached at **Appendix B**.

### 3.4 Summary of the Application:

On 9 September 2019, the Licensing Authority received a second application from Trading Standards to review the Premises Licence for European Market Melton Limited following concerns about the business since 2016 in respect of underage

sales, smuggled, non-duty paid, foreign labelled tobacco (“illegal”) and smuggled, non duty paid foreign labelled alcohol.

In addition there are concerns about the failure to uphold the licensing objectives as follows:

- Public Safety; and
- The Prevention of Crime & Disorder

The application and supporting evidence is attached at **Appendix C**.

Trading Standards have identified a number of concerns and have seized smuggled alcohol from the premises on two occasions. Trading Standards contend that the information and evidence gained demonstrates there is a continuing issue with this premises and a disregard for the law and previous licence review.

A comprehensive timeline has been provided at pages 4-8 of the application at **Appendix B**.

On the same date the second application for a review was received, Monday 9<sup>th</sup> September 2019, Simon Greensmith Licensing & Compliance Officer for Melton Borough Council attended the premises to post blue notices as per Section 51 of the Licensing Act 2003. He spoke to the shop assistant who identified himself as Hama Ahmad Taha but he was unable to produce the refusals register and did not understand what a Personal Licence was as per the conditions attached at a previous licence review hearing. The premises licence holder, Mr Jasim Abdulla AMIN, was contacted on his mobile phone but advised Mr Greensmith that he was too busy to attend but would come to the Council Offices. Mr Amin failed to report to the Council offices. Whilst the Officer was present, alcohol was sold in the form of a can of lager, contravening the condition of a Personal Licence holder being present at all times whilst Licensable activities take place. A representation has been submitted by the Licensing Authority and is attached at Appendix D.

A further visit was made on the 11<sup>th</sup> September 2019 which confirmed the staff still had not displayed the blue notice in the shop. The shop worker Mr Taha was present again and called someone on his phone identified on the screen as Purza Bestun. This person stated that Mr Taha had been trained to sell alcohol in the shop, but he did not hold a Personal Licence. This identified a further breach.

### 3.5 Relevant Representations:

The application for review was advertised on the premises as required by legislation. The required consultation period commenced on Tuesday 10 September for 28 days ending on Tuesday 8 October 2019.

During the 28 day representation period, one representation was received from the Licensing Authority detailing their concerns as to how the licensing objectives are not being upheld by those responsible for the management of the premises. A copy of this representation is attached at Appendix D.

### 3.6 Previous Review Application:

Members should note that this is the second application for a review as the Licensing Authority were previously made aware of visits by Trading Standards in January 2016 following the sale of illegal tobacco during a failed test purchase.

At this time the original licence holder and Designated Premises Supervisor (DPS) Mr Masoud RASHID was listed on the premises licence. A few months later there was another complaint and another failed test purchase and the DPS (Mr RASHID) was given a warning letter about the sale and possession of illegal tobacco by trading standards.

The original review application followed a timeline of investigation and seizures at this premises culminating in a Premises Licence Review hearing on 21 August 2018. As a result of that review hearing by the Licensing Sub-Committee it was decided:

- 1) To remove the DPS namely Mr Mariwan ALI from the premises licence;
- 2) To modify the conditions on the premises licence as follows:
  - (a) That there be a Personal Licence holder present at all times when licensable activities are taking place.
  - (b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and Police and any other responsible body.

A copy of the decision notice is attached at **Appendix E**.

### 3.7 Other Licence Applications:

A number of applications have been received in relation to the licence, namely:

<b>Date</b>	<b>Event:</b>
30 <sup>th</sup> October 2015	Application received for Premises Licence by Masoud Rashid. He was also the DPS
17 <sup>th</sup> July 2017	Application received for Licence to be transferred and DPS changed to Mariwan Ali
5 <sup>th</sup> July 2018	First Premises Licence Review Application received from Trading Standards
9 <sup>th</sup> July 2018	Application received to transfer premises licence from Mariwan Ali to European Supermarket Melton Ltd. Companies house shows Ali and Rashid as directors
21 <sup>st</sup> August 2018	First Licence review hearing
28 <sup>th</sup> August 2018	Application to vary DPS to Mr Hazhar Omar Khudhur
23 <sup>rd</sup> October 2018	Application received to vary DPS to Mahmod Rezgar
3 <sup>rd</sup> December 2018	Application received to transfer licence to European Market Melton Ltd To the sole director on Companies house being Mr Jasim Abdulla Amin
21 <sup>st</sup> May 2019	Application received to vary DPS to Jasim Amin
9 <sup>th</sup> September 2019	Second Application to Review Premises Licence Application received from Trading Standards

10 <sup>th</sup> September 2019	Consultation until 08 <sup>th</sup> October 2019
30 <sup>th</sup> October 2019	Review hearing

3.8 Policy & Guidance Considerations:

Members must consider all evidence / representations offered at the Sub-Committee Hearing. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

The application should be considered on its merits and any decision should be reasonable and proportionate.

In making any decision, Members must also have regard to the Council's own Statement of Licensing Policy and the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 both of which can be found online at:

Policy:

[http://www.melton.gov.uk/downloads/file/3903/statement\\_of\\_licensing\\_policy\\_-\\_licensing\\_act\\_2003](http://www.melton.gov.uk/downloads/file/3903/statement_of_licensing_policy_-_licensing_act_2003)

Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

3.9 Other Relevant Considerations:

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Melton Borough) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing. Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives. When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

### 3.10 Options available:

It is recommended that the Sub-Committee have regard to the application and any relevant representations and determine which of the following steps they consider appropriate for the promotion of the licensing objectives. On considering the merits of the application before them, the options available to the Sub-Committee are:

- g) Take no action;
- h) Modify the conditions of the Premises Licence, by altering, omitting and or adding to them where relevant;
- i) Exclude a licensable activity from the scope of the Premises Licence;
- j) Remove the Designated Premises Supervisor;
- k) Suspend the Premises Licence for a period not exceeding three months;
- l) Revoke the Premises Licence.

Where the Sub-Committee decide to take a step mentioned in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Otherwise the modification of conditions or the exclusion of a licensable activity will be permanent.

## 4.0 **Consultation and Feedback**

4.1 The consultation period commenced on Tuesday 10<sup>th</sup> September for 28 days ending on Tuesday 8<sup>th</sup> October 2019.

4.2 During this period, one further representation was made by the Licensing Authority itself (**Appendix D**).

## 5.0 **Next Steps**

5.1 Once a decision is made by the Sub-Committee, all parties will be notified of the decision within 5 working days.

5.2 The Sub-Committee should note that the applicant does have the right of appeal within 21 days of being notified of the decision

## 6.0 **Financial Implications**

6.1 There are no financial or other resource implications.

## 7.0 **Legal and Governance Implications:**

7.1 The Council is responsible for carrying out the licensing function under the Licensing Act 2003. The Act regulates the sale of alcohol, the provision of entertainment, the showing of film and late night refreshment

7.2 The Council has delegated its licensing function to its Licensing Committee, Sub Committees and Licensing Officers referred collectively to as the “Licensing Authority”.

7.3 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

7.4 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates’ Court within 21 days of being notified of the decision.

## 8.0 **Equality and Safeguarding Implications:**

8.1 There are no equality implications arising from this report.

8.2 The safeguarding implications are outlined in the body of this report.

## 9.0 **Community Safety Implications:**

9.1 The Community Safety implications are detailed in the body of the report and associated appendices.

## 10.0 **Other Implications**

10.1 The Statement of Licensing Policy was prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State under section 182 of the Act. The Council’s Policy was adopted by Council on the 12<sup>th</sup> December 2017. The Statement of the Licensing Policy is a live document, subject to review to meet the changing needs of the community, business circumstances and legislation.

11.0 Risk & Mitigation:

11.1

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>		1		
	<b>C</b>	<b>Significant</b>			2, 3, 4	
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	Local business who do pay correct tax affected by undercut pricing
<b>2</b>	Risk to public health if products are not produced under regulated conditions
<b>3</b>	Other licence conditions not being adhered to
<b>4</b>	It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.

**Background Papers:**

None

**Appendices**

Appendix A – Premises Licence Effective 12.05.2019

Appendix B – Plan of Premises

Appendix C – Trading Standard Application for Review of Premises Licence

Appendix Ci Trading Standards supporting evidence – schedule of alcohol seized

Appendix Cii – Trading Standards supporting evidence – photograph of some seized items

Appendix Ciii – Trading Standards supporting evidence – pre- assessment proposal for excise duty

Appendix Civ – Trading Standards supporting evidence – letter sent re unpaid excise duty

Appendix D – Licensing Authority Representation

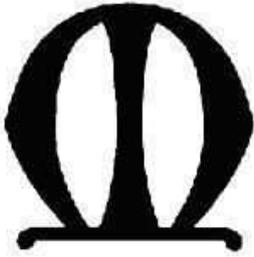
Appendix E – Sub-Committee Review Application Decision – 21.08.19

<b>Report Timeline:</b>	
<b>Director Approval :</b>	22.10.2019
<b>Legal Approval :</b>	21.10.19

<b>Date of Review to make public (Exempt Reports only)</b>	
N/A	

<b>Report Author &amp; Job Title</b>	
Sarah Flower – Licensing & Compliance Officer	
☎ : 01664 502502	

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Licensing Act 2003  
**Premises Licence**

European Supermarket

**MMA0262**

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**European Supermarket**

36-42 Thorpe End, Melton Mowbray, Leicestershire, LE13 1RB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
<b>J. Supply of alcohol for consumption OFF the premises only</b>	Daily	8:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Daily	8:00am	11:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

European Market Melton Ltd 36-42 Thorpe End, Melton Mowbray, Leicestershire, LE13 1RB.

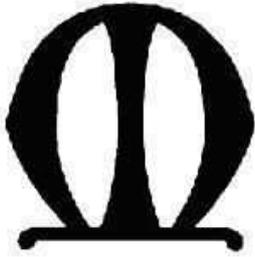
**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

European Market Melton Ltd 11650669

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jasim Abdulla AMIN 74 Humberstone Gate, Leicester, LE1 3PL.





Licensing Act 2003  
**Premises Licence**

European Supermarket

**MMA0262**

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR  
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

**Licence Number:** LEIPRS4250

**Name of issuing Local Authority:** Leicester

ANNEXES

**MANDATORY CONDITIONS APPLICABLE TO ALL PREMISES LICENCES & CLUB PREMISES CERTIFICATES  
UNDER THE LICENSING ACT 2003**

**Supply of Alcohol**

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Exhibition of Films**

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section "Children" - means persons aged under 18; and "Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Door Supervision**

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:
  - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
  - (b) Be entitled to carry out activity by virtue of section 4 of the Act.
8. But nothing in subsection (1) requires such a condition to be imposed:



Licensing Act 2003  
**Premises Licence**

European Supermarket  
**MMA0262**

ANNEXES continued ...

- (a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or
- (b) In respect of premises in relation to:
  - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

- (a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**Age Verification**

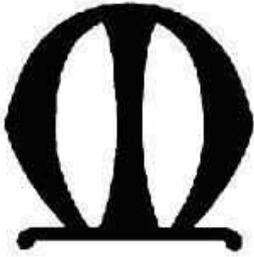
- 10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- 11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Permitted Price**

- 13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 14. For the purpose of this condition set out in paragraph 1:
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) "permitted price" is the price found by applying the formula-  
$$P = D + (D \times V)$$

Where:

    - (i) P is the permitted price,



Licensing Act 2003  
**Premises Licence**

European Supermarket

**MMA0262**

ANNEXES continued ...

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)**

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a



Licensing Act 2003  
**Premises Licence**

European Supermarket

**MMA0262**

ANNEXES continued ...

licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**Alcoholic Drink Measures**

20. The responsible person must ensure that:

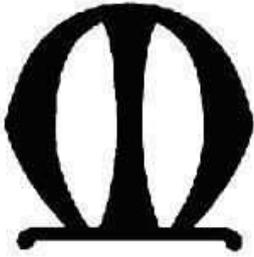
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

**Conditions imposed by the Licensing Panel on 21st August 2018**

- (a) That there be a personal licence holder present at all times when licensable activities are taking place
- (b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body

**Licensing objectives**

**General**



Licensing Act 2003  
**Premises Licence**

European Supermarket

**MMA0262**

ANNEXES continued ...

CCTV cameras will be installed in accordance with Leicestershire Constabulary requirements.

**The prevention of crime and disorder**

- CCTV
- No ID No Sale
- Refusal Register
- Training in responsible sales

**Public Safety**

Appropriate Health and Safety measures will be maintained

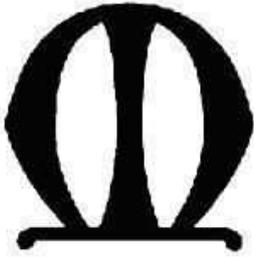
**The prevention of public nuisance**

Be mindful of customers being of local area.

**The protection of children from harm**

CCTV camera outside the front to monitor regarding proxy purchases.

Active training in suitable ID and Challenge 25 Policy



Licensing Act 2003

European Supermarket

**Premises Licence Summary MMA0262**

Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**European Supermarket**

36-42 Thorpe End, Melton Mowbray, Leicestershire, LE13 1RB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
<b>J. Supply of alcohol for consumption OFF the premises only</b>	Daily	8:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Daily	8:00am	11:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

European Market Melton Ltd 36-42 Thorpe End, Melton Mowbray, Leicestershire, LE13 1RB.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

European Market Melton Ltd 11650669

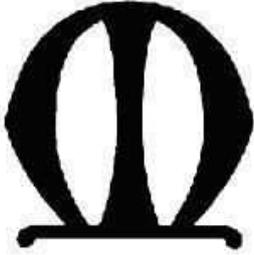
**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jasim Abdulla AMIN

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

Unaccompanied children under the age of 16 are prohibited from premises that are exclusively or primarily used for the supply and consumption of alcohol on the premises. In the case of any premises at which sales or supplies of





**Melton  
Borough  
Council**

THE LICENSING OFFICER  
Melton Borough Council  
Parkside, Station Approach  
Burton Street  
Melton Mowbray  
LE13 1GH  
Tel: 01664 502502  
E-Mail [licensing@melton.gov.uk](mailto:licensing@melton.gov.uk)  
[www.melton.gov.uk](http://www.melton.gov.uk)

Licensing Act 2003

European Supermarket

# Premises Licence Summary **MMA0262**

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED continued ...

alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult.

## IMPORTANT NOTES

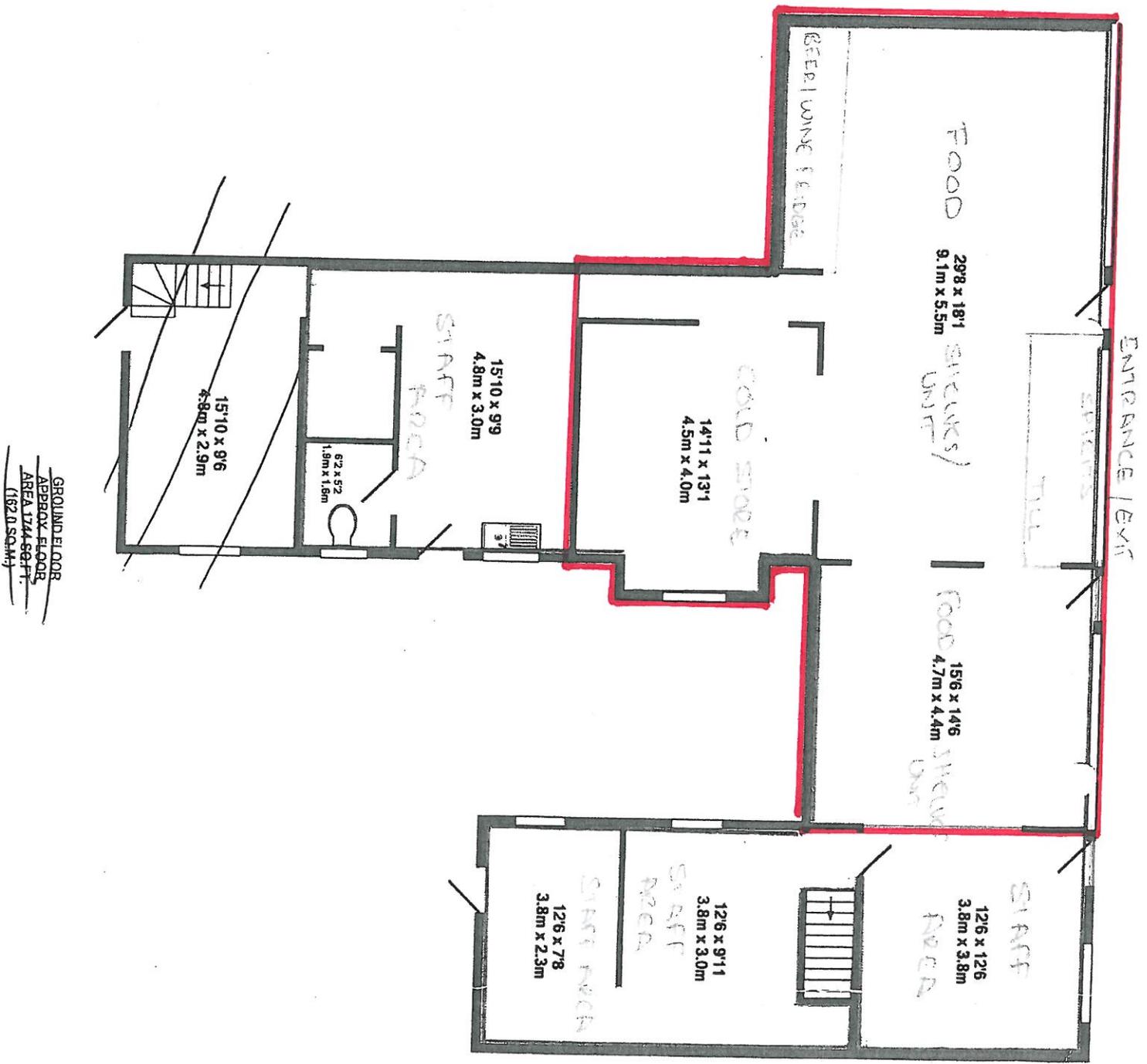
This licence has been produced under the Licensing Act 2003.  
The possession of this licence does not guarantee that this licence is in force.  
Its validity may be established by reference to the Council's Licensing Officer.

Date Licence Granted 30/11/2015

.....  
**Jim Worley**

**Assistant Director for Strategic Planning  
and Regulatory Services**

Date: 21/05/2019



GROUND FLOOR  
 APPROX. FLOOR  
 AREA 1744 SQ. FT.  
 (162.0 SQ. M.)

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**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I Helen Donegan

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> European Market Melton Limited , 36-42 Thorpe End	
<b>Post town</b> Melton Mowbray	<b>Post code (if known)</b> LE13 1RB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> European Market Melton Limited (director - Jasim Abdulla AMIN)
---

<b>Number of premises licence or club premises certificate (if known)</b> MMA0262
--

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)



3) a member of the club to which this application relates  
(please complete (A) below)



**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Helen Donegan Trading Standards Officer Leicestershire County Council Trading Standards Service County Hall Glenfield Leicestershire LE3 8RA
Telephone number (if any) 0116 305 6168
E-mail address (optional) Helen.Donegan@leics.gov.uk

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

There have been concerns about this business since 2016 relating to: underage sales; smuggled, non-duty paid, foreign labelled tobacco ('illegal'), and smuggled, non-duty paid, foreign labelled alcohol.

Trading Standards have seized illegal tobacco from the premises previously.

Following a Licence Review brought by Trading Standards Service, during a visit to the premises, 2 of the conditions added to the licence following the review were breached.

The previous Licence Review related to smuggled alcohol being seized from the premises, since then further smuggled alcohol has been seized by Her Majesty's Revenue and Customs (HMRC).

This new information and evidence gained from the recent visit / seizures demonstrates there is a continuing issue with this premises, a disregard for the law and the previous licence review.

Please provide as much information as possible to support the application (please read guidance note 3)

Date	Events and actions carried out by Leicestershire County Council, Trading Standards Service and HMRC.
11 <sup>th</sup> January 2016	A packet of illegal cigarettes was sold from the premises to a test purchaser.
14 <sup>th</sup> January 2016	A visit was made to the shop, 9 packets of illegal cigarettes were seized.
3 <sup>rd</sup> March 2016	A complaint was received stating that the premises was selling illegal tobacco. Marlboro Gold for £5 and that the male got the cigarettes from his pocket.
14 <sup>th</sup> June 2016	A test purchase operation was carried out, a packet of L&M cigarettes was sold for £4.50 (manufactured for a foreign market).
5 <sup>th</sup> July 2016	A warning letter was issued to Mr Masoud RASHID who was the Premises Licence holder and the Designated Premises Supervisor, regarding the offences of sale and possession of illegal tobacco.
19 <sup>th</sup> May 2017	A further test purchase operation was carried out and a packet of NZ Gold cigarettes were sold for £3 (smuggled cigarettes).
5 <sup>th</sup> July 2017	A warrant was executed at the premises. 61 packets of illegal cigarettes were seized during Mr RASHID'S ownership. Empty boxes of illegal cigarettes were also found in Mr RASHID'S car but were not seized.
17 <sup>th</sup> July 2017	New Premises Licence Holder and Designated Premises Supervisor – Mr Mariwan ALI.
13 <sup>th</sup> November 2017	A complaint was received that a 15 year old and his friend were able to buy vodka for £8 a bottle.
29 <sup>th</sup> November 2017	Trading Standards Officers visited this premises to discuss underage sales and an advice letter was sent to Mr RASHID. A subsequent test purchase for alcohol using a 15 year old volunteer was carried out. The sale was refused.

13 <sup>th</sup> February 2018	A test purchase for 'cheap' cigarettes was carried out, no sale was made. No illegal tobacco was found when the premises was searched. A large amount of foreign labelled alcohol was in the premises and was blocking the fire exits.
9 <sup>th</sup> May 2018	HMRC reported to Trading Standards that they had been able to purchase a bottle of foreign labelled alcohol from this premises last year.
17 <sup>th</sup> May 2018	Mr RASHID told a Trading Standards Officer that he no longer had any involvement with the premises.
5 <sup>th</sup> June 2018	<p>A joint visit by HMRC and Trading Standards was carried out at the premises. HMRC seized a large amount of alcohol, 59 cases of beer (24 x 50cl cans) and 36 bottles of vodka. These were foreign labelled alcohol and no duty had been paid.</p> <p>No illegal tobacco was found on the premises however there was suspicion this was still an activity on the premises due to the volume of customers entering the shop and leaving without purchasing anything or leaving after a conversation with the staff in Polish.</p> <p>The staff in the shop that day did not know the Premises Licence Holder and DPS, Mr Mariwan ALI.</p> <p>HMRC dealt with the VAT and alcohol seized from the premises.</p>
8 <sup>th</sup> June 2018	Mr Rashid met with Trading Standards Food Officers regarding foreign labelled food. A query arose regarding ownership and Mr Rashid informed the officer he was Mr Mariwan ALI.
19 <sup>th</sup> June 2018	Trading Standards Food Officers met Mr ALI and checked his ID.
14 <sup>th</sup> June 2018	Court hearing for the seizure of illegal tobacco on 5 <sup>th</sup> July 2017. The employee's solicitor indicated that cigarettes were only sold to people that were known to the shop and said that Mr Rashid had nothing to do with the shop. Mr RASHID failed to attend court and a warrant was issued for his arrest.
19 <sup>th</sup> July 2018	Mr RASHID pleaded guilty to four offences relating to possession with intent to supply counterfeit tobacco products, possessing, and supply, packets of cigarettes without the statutory combined health warning and cigarettes that did not comply with safety regulations. He was ordered to pay a £1000 fine and £3000 in costs.
21 <sup>st</sup> August 2018	On the 21 <sup>st</sup> August 2018, Leicestershire County Council Trading Standards Service, brought a Licence Review resulted in the following conditions imposed on the licence:

	<p>a) That there be a personal licence holder present at all times when licensable activities are taking place</p> <p>(b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body</p>
28 <sup>th</sup> August 2018	DPS changed to Hazhar Omar KHUDHUR.
9 <sup>th</sup> November 2018	DPS changed to Mahmod Rasol REZGAR
13 <sup>th</sup> February 2019	Transfer of licence from European Supermarket Melton Ltd to European Market Melton Ltd ( <b>Jasim Abdulla AMIN as Director</b> )
25 <sup>th</sup> February 2019	A complaint was received stating that the premises was selling illegal tobacco and alcohol, which had come from Poland.
7 <sup>th</sup> March 2019	A complaint was received stating that the premises was selling a variety of illegal cigarettes.
29 <sup>th</sup> May 2019	<p>Joint visit with HMRC and Leicestershire Trading Standards officers resulting in HMRC seizing a large amount of alcohol, that the person in charge of the shop could not provide invoices for.</p> <p>See attached <b>Appendix A</b> - the schedule of the amount of alcohol seized and produced by a HMRC officer.</p> <p>See attached <b>Appendix B</b> – a photograph taken by a Trading Standards officer of some of the products seized.</p> <p>A search was carried out by Trading Standards Officers for illegal Tobacco but no illegal tobacco was found.</p> <p>Individuals present in the shop: Marwan MAMGURI and Ewa Helena BARTKAWICZ.</p> <p>Designated Premises Supervisor listed on alcohol licence: Mr Mahmod Rasa REZGAR.</p> <p>No ownership details were displayed as required by law.</p> <p>Licence conditions were checked during the visit.</p> <p><b><u>Licence conditions</u></b></p> <p><b>That there is a personal licence holder present at all times when licensable activities are taking place.</b></p> <ul style="list-style-type: none"> <li>• No personal licence holder was on the premises.</li> </ul> <p><b>That there is a refusal register kept at the premises and be</b></p>

	<p><b>produced on demand to licensing officers and the police and any other responsible body.</b></p> <ul style="list-style-type: none"> <li>Although there was a refusals log there were no recent entries (last entry September 2018)</li> </ul> <p><b>Training in responsible sales</b> No training records were available for the 2 people in the shop.</p> <p><b>CCTV</b> Neither of the staff could use the CCTV system and Ms BARTKAWICZ stated that the CCTV is live but didn't record.</p> <p>The total amount seized by HMRC was: 70 cases of 24 500ml bottles or cans of beer, 1 case of 24 beers, 5 cases of 20 500ml bottled beers and 30 bottles of mixed wine; in total 1834 items were seized.</p>
12 <sup>th</sup> June 2019	DPS changed to <b>Jasim Abdulla AMIN</b> (Current DPS)
3 <sup>rd</sup> July 2019	A pre-assessment notification sent to European Market Melton Ltd from HMRC, informing the tenant of the retail unit of the intended proposal to raise the assessment for the total excise duty of £1353 for the goods seized under section 139 of the Customs & Excise Management Act 1979 – see attached <b>Appendix C</b> .
2 <sup>nd</sup> September 2019	An Officer's Assessment/ Civil Penalty Excise letter sent to European Market Melton Ltd from HMRC, requesting the amount of £1353 is paid for the UK duty - – see attached <b>Appendix D</b> .

### **Premises Licence**

#### **Ownership**

Since 13<sup>th</sup> February 2019 the licence transferred from European Supermarket Melton Ltd to European Market Melton Ltd, of which, **Jasim Abdulla AMIN** is the Director.

On the 12<sup>th</sup> June 2019 **Jasim Abdulla AMIN** became the Premise Licence Holder and the Designated Premise Supervisor.

#### **Licensing Objectives**

##### **The prevention of crime and disorder**

#### **Tobacco**

Complaints have been received by this Service that the premises is selling illegal tobacco, however, none was found on the 29<sup>th</sup> May 2019. Retailers are increasingly using sophisticated hidden concealments operated by electromagnets. Previously the

tobacco products seized failed to meet the legal requirements regarding health warnings in English, the colour and shape of the packaging and a number were fake/counterfeit.

### **Alcohol**

The total amount seized by HMRC was: 70 cases of 24 500ml bottles or cans of beer, 1 case of 24 beers, 5 cases of 20 500ml bottled beers and 30 bottles of mixed wine; in total 1834 items were seized.

Diversion/ duty fraud is a serious issue for the local retailers. Sellers of alcohol and tobacco that avoid paying UK duty have a significant competitive advantage. They can sell alcohol/tobacco cheaper or can operate with higher margins.

Local retailers will lose money through the loss of sales. This can result in job losses and even local shops closing down.

The loss in revenue to the Government is estimated at £1.8 billion for tobacco and £0.9 billion for alcohol (excluding wine), this severely affects our schools, hospitals and public services.

### **Public Safety**

When alcohol and/or tobacco is smuggled into the UK there is a possibility that the goods are counterfeit and/or produced under less controlled circumstances, the exact contents of the products are unknown and untraceable. There must be statutory health warnings for tobacco and allergen warnings for alcohol must be in English.

The paper used in illegal cigarettes is not 'safety paper' meaning it will continue to burn if left unattended, thus posing a greater fire risk.

### **GUIDANCE**

In considering this matter I have given consideration to Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Paragraph 11.27 specifically refers to criminality activity that may arise in connection with licensed premises which should be treated particularly seriously.

- The sale or storage of smuggled tobacco and alcohol.

11.28 Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the premises, even in the first instance should be seriously considered.

Paragraph 11.25 recognises reviews are part of the regulatory process and are not part of criminal law and procedure. There is no pending criminal prosecution.

Whilst not wishing to restrict the decision of the committee this Service is of the opinion that the premises licence should be revoked.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
2	1	0 8 0 1 8

**If you have made representations before relating to the premises please state what they were and when you made them**

On the 21<sup>st</sup> August 2018, Karen Retallic, on behalf of Leicestershire County Council Trading Standards Service, brought a Licence Review. The Committee decided to add the following conditions on the licence.

a) That there be a personal licence holder present at all times when licensable activities are taking place,

(b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body.

Please tick ✓

yes

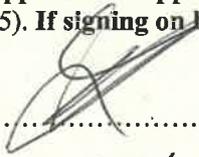
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

6/9/19

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Appendix A**

Product	Product Type	Cases	Qty	Size	Litres	ABV	Duty Rate	Total duty
Grolsch (24 x 500ml)	Beer - General Beer Duty	1	24	0.5	12.00	5	£19.08	£11.45
Holsten Pils (24 x 500ml)	Beer - General Beer Duty	3	24	0.5	36.00	5	£19.08	£34.34
Special Brew	Beer - High Strength (Exceeding 7.5%)	1	24	0.5	12.00	8	£24.77	£23.78
Skol Super (24 x 500ml)	Beer - High Strength (Exceeding 7.5%)	2	24	0.5	24.00	9	£24.77	£53.50
Tyskie - Cans - (24 x 500ml) - 5.5%	Beer - General Beer Duty	1	24	0.5	12.00	5.5	£19.08	£12.59
Zywiec - Bottles (20 x 500ml)	Beer - General Beer Duty	3	20	0.5	30.00	5.6	£19.08	£32.05
Perla Chmielowa Bottles (20 x 500ml)	Beer - General Beer Duty	2	20	0.5	20.00	6	£19.08	£22.90
Lech Premium - (24 x 500ml)	Beer - General Beer Duty	11	24	0.5	132.00	5.2	£19.08	£130.97
Karpackie Super 9% (24 x 500ml)	Beer - High Strength (Exceeding 7.5%)	7	24	0.5	84.00	9	£24.77	£187.26
Warka JP - Can - (24 x 500ml) 5.5%	Beer - General Beer Duty	11	24	0.5	132.00	5.5	£19.08	£138.52
Perla Miodowa - (24 x 500ml)	Beer - General Beer Duty	2	24	0.5	24.00	6	£19.08	£27.48
Warka Strong - Can - (24 x 500ml) 6.5%	Beer - General Beer Duty	5	24	0.5	60.00	6.5	£19.08	£74.41
Debowe Mocne - Can (24 x 500ml)	Beer - General Beer Duty	9	24	0.5	108.00	7	£19.08	£144.24
Perla Mocna Cans (24 x 500ml)	Beer - High Strength (Exceeding 7.5%)	16	24	0.5	192.00	7.6	£24.77	£361.44
Tatra Mocne Polish Lager (24 x 500ml) 7%	Beer - General Beer Duty	2	24	0.5	24.00	7	£19.08	£32.05
Capital Blanc	Still wine and made-wine: Exceeding 5.5% - not exceeding 15% abv	2	6	0.75	9.00	11.5	£297.57	£26.78
Capital Merlot	Still wine and made-wine: Exceeding 5.5% - not exceeding 15% abv	1	6	0.75	4.50	12	£297.57	£13.39
Capital Pinot Grigio	Still wine and made-wine: Exceeding 5.5% - not exceeding 15% abv	2	6	0.75	9.00	11.5	£297.57	£26.78

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**HM Revenue  
& Customs**

European Market Melton Ltd  
36-42 Thorpe End  
Melton Mowbray  
LE13 1RB

**Indv and Small Business Compliance  
CITEX Written Enquiry Team  
S0563  
NEWCASTLE  
NE98 1ZZ**

**Phone** 03000 514998

**Web** [www.gov.uk](http://www.gov.uk)

**Date** 03 July 2019  
**Our Ref** CFS-1665700

Dear Sir / Madam

**Excise duty pre-assessment notification**

Further to my visit on 29<sup>th</sup> May 2019, where goods seized from European Market Melton Ltd, 36-42 Thorpe End Melton Mowbray LE13 1RB. As you are the tenant of the retail unit and as explained to your staff on the day, the goods were seized as liable to forfeiture.

The goods have been seized under section 139 of the Customs and Excise Management Act 1979.

**CEMA 79 S139**

Pursuant to Section 139(6) of the Customs and Excise Management Act 1979 and paragraph 1 of Schedule 3 there to, you are hereby given notice that, by virtue of the powers contained in the Act, Excise goods have been seized at European Market Melton Ltd 36-42 Thorpe End Melton Mowbray LE13 1RB on 5 June 2018.

As there is no evidence of duty status provided and the duty status of the goods could not be established.

The assessment would be raised for the unpaid Excise Duty under;

- Excise Goods (Holding, Movement and Duty Point) Regulations 2010, under section 10 (1)

The person liable to pay the duty when excise goods are released for consumption by virtue of regulation 6(1)(b) (holding of excise goods outside a duty suspension arrangement) is the person holding the excise goods at that time. (2) Any other person involved in the holding of

Information is available in large print, audio and Braille formats.  
Text Relay service prefix number – 18001



the excise goods is jointly and severally liable to pay the duty with the person specified in paragraph (1).

I propose to raise the assessment for the total excise duty of **£1353** under The Finance Act 1994 S12 (1A). Please see attached duty calculation sheet explaining how this has been calculated. I would invite you to make any representations or provide any further documentation you see fit by **3<sup>rd</sup> August 2019**. If you do not provide any further information you will be sent the appropriate paperwork informing you of the assessment and your right of appeal or how to ask for a review.

I would further add that the issues set out in this letter are of a serious nature and as Excise irregularities have arisen these may be liable to wrongdoing penalties which will be dealt with under separate cover.

At this stage I would like to point out Article 6 of the European Convention on Human Rights (HRA) gives you certain rights when we are considering whether to charge certain types of penalties.

I have included factsheet CC/FS9-The Human Rights Act and penalties for your information. I have also included factsheet CC/FS12-Penalties for VAT and Excise Wrongdoing that were also issued to your employee on the day.

The contents of this letter and the associated schedules in no way prejudice any future action which may be taken by HMRC.

In the meanwhile if you require any further assistance in this matter please do not hesitate to contact me.

If you write to us please address your correspondence to Individuals and Small Business Compliance at the address above. If you don't use the correct address details we may not receive your letter.

Yours sincerely

**S Gadhvi**  
Officer

To find out what you can expect from us and what we expect from you go to [www.gov.uk/hmrc/your-charter](http://www.gov.uk/hmrc/your-charter) and have a look at 'Your Charter'.

European Market Melton Ltd  
36-42 Thorpe End  
MELTON MOWBRAY  
LE13 1RB

Issuing/Authorising officer's address

Indv and Small Business  
Compliance  
CITEX Written Enquiry  
Team  
S0563  
NEWCASTLE  
NE98 1ZZ

Date of issue 2 September 2019

Assessment reference number EXA/00450/19

The Commissioners of HM Revenue & Customs (HMRC) hereby assess the amount(s) of excise duty, together with any liability to a civil penalty, due from you. Payment of any assessment is due under Section 116 of the Customs & Excise Management Act 1979. You must not enter the amount(s) onto any duty Return. Payment should be made in accordance with the instructions on the enclosed remittance advice.

**Payment of any outstanding amount is due immediately**

Period/Default dates		Assessment/Penalty		A †	Assessment codet		Penalty codet		Account codet	
From	To	Duty/Penalty due to HMRC £	Duty due from HMRC £		R	M	P	%/D	S	T
1	29/05/2019	29/05/2019	1353	A	10	3			33	407
2										
3										
4										
5										
6										
7										
8										
<b>Total</b>			£1353.00							

† See form EX603

**Net amount due** including any continuation sheets

Net amount due to HM Revenue & Customs **£1353.00**

You must ensure that you are issued with an official receipt on form C&E 52 if you pay in cash.

Name of issuing officer

Date

Signature of issuing officer

Grade Second signature

Grade

*Issuing/Authorising officer's address*

 European Market Melton Ltd  
 36-42 Thorpe End  
 MELTON MOWBRAY  
 LE13 1RB

**Indv and Small Business  
 Compliance  
 CITEX Written Enquiry  
 Team  
 S0563  
 NEWCASTLE  
 NE98 1ZZ**
**Date of issue** 2 September 2019

**Assessment  
 reference number** EXA/00450/19

**Remittance advice**

You must forward payment of the amount shown, together with this remittance copy of the assessment/penalty notice, to the Accounting Centre indicated below. You should keep the top copy for your own records. **Payment is due immediately. No reminder will be sent.** Payment can be made by bankers draft, cheque or postal order. Please write your assessment reference number, shown above, on the reverse. These should be made payable to HM Revenue & Customs. Do not send bank notes or coins through the post. Send your payment to the address below:

 HMRC Banking  
 St Mungo's Road  
 Cumbernauld  
 Glasgow  
 G67 1YZ

**Cash payments**

C&amp;E 52 receipt number

Payer's signature

Initials


**Net amount due** *including any continuation sheets*
**Net amount due to HM Revenue & Customs** £1353.00

You must ensure that you are issued with an official receipt on form C&amp;E 52 if you pay in cash.

Name of issuing officer

Date

Signature of issuing officer

Grade

Second signature

Grade




Page 42

*Issuing/Authorising officer's address*

 Indv and Small Business  
 Compliance  
 CITEX Written Enquiry  
 Team  
 S0563  
 NEWCASTLE  
 NE98 1ZZ

 European Market Melton Ltd  
 36-42 Thorpe End  
 MELTON MOWBRAY  
 LE13 1RB

**Date of issue** 2 September 2019

**Assessment  
reference number** EXA/00450/19

The Commissioners of HM Revenue & Customs (HMRC) hereby assess the amount(s) of excise duty, together with any liability to a civil penalty, due from you. Payment of any assessment is due under Section 116 of the Customs & Excise Management Act 1979. You must not enter the amount(s) onto any duty Return. Payment should be made in accordance with the instructions on the enclosed remittance advice.

**Payment of any outstanding amount is due immediately**

Period/Default dates		Assessment/Penalty		A †	Assessment codet		Penalty codet		Account codet	
From	To	Duty/Penalty due to HMRC £	Duty due from HMRC £		R	M	P	%/D	S	T
1	29/05/2019	29/05/2019	1353	A	10	3			33	407
2										
3										
4										
5										
6										
7										
8										
<b>Total</b>			£1353.00							

† See form EX603

**Net amount due** *including any continuation sheets*
**Net amount due to HM Revenue & Customs** £1353.00

You must ensure that you are issued with an official receipt on form C&amp;E 52 if you pay in cash.

Name of issuing officer

Date

Signature of issuing officer

Grade

Second signature

Grade

*Issuing/Authorising officer's address*

 European Market Melton Ltd  
 36-42 Thorpe End  
 MELTON MOWBRAY  
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<b>Total</b>			£1353.00							£

† See form EX603

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**Net amount due to HM Revenue & Customs** £1353.00

You must ensure that you are issued with an official receipt on form C&amp;E 52 if you pay in cash.

**Name of issuing officer**
**Date**

Signature of issuing officer

Grade

Second signature

Grade

**Licensing Act 2003  
REPRESENTATION FORM**

<b>Your name/organisation name/ name of body you represent</b>	Melton Borough Council - Licensing
<b>Address</b>	Melton Borough Council - Licensing, Parkside, Melton Mowbray LE13 1G
<b>Email address:</b>	<a href="mailto:sgreensmith@melton.gov.uk">sgreensmith@melton.gov.uk</a>
<b>Contact Telephone number:</b>	01664 502384

<b>Name of the premises you are making a representation about</b>	European Supermarket
<b>Address of the premises you are making a representation about.</b>	36 - 42 Thorpe End Melton Mowbray LE13 1RB

**Your representation must relate to one of the four Licensing Objectives**

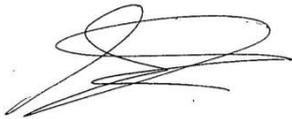
(See note 2)

<b>Licensing Objective</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	Y	<p>On Monday 9th September I attended the premises to post the Blue Notices on or near the premises to advertise that a review had been requested.</p> <p>I spoke to the only assistant Taha who was not a personal Licence holder and could not provide me with an incident / refusals log.</p> <p>I also asked to see the Premises licence, the assistant could not help me and looked bemused.</p> <p>After searching the shop floor I spotted just one sheet of the licence which was fixed with sticky tape to an RSJ just below the ceiling of the shop, I was unable to read it without a ladder.</p> <p>The Licensing act 2003 clearly states that</p> <p><i>'The Premises Licence summary (or a certified copy) must be prominently displayed at or on the premises</i></p>

	<p><i>concerned - every page should be displayed.'</i></p> <p>The assistant when asked about the Incident &amp; Refusals book said 'Ask the Manager' I said 'Where is the manager?' he then got a male on the phone who said he was the DPS Mr Jasim Amin who said he was too busy to come and speak with me but he would contact the council tomorrow.</p> <p>I gave a copy of the blue notice to Taha and instructed him to place it in the window.</p> <p>A further notice was attached to a post outside.</p> <p>The manager Amin did not attend the council offices.</p> <p>On 11<sup>th</sup> September 2019 the premises was again visited, the blue notice was not fixed to the window as requested and the assistant Taha got another person, Purza Bestun on the phone, he claimed to be the owner but was unaware of the conditions of the licence, he tried to translate to the assistant Taha, but couldn't make him understand either.</p> <p>This time the blue notice was fixed to the glass door by the Licensing &amp; Compliance officer.</p> <p>On 12<sup>th</sup> September 2019 the premises was again visited, the notices were still present and correct.</p> <p>I spoke to a different assistant Ahmadi who stated he did have a Personal licence with Leicester city council. He was unable to produce one to me, but later emailed me a copy of his personal licence LEIPRS3482</p> <p>He was still unable to produce a copy of the Incident / refusals log and stated that Mr Amin had instructed a solicitor who would be making contact with Licensing.</p> <p>On Tuesday 21<sup>st</sup> August 2018 a hearing of the Melton Mowbray Licensing sub committee to modify the conditions on the premises licence MMA0000:</p> <ol style="list-style-type: none"><li>1) To remove the DPS namely Mr Mariwan Ali</li><li>2) To modify the conditions on the premises licence as follows:<ol style="list-style-type: none"><li>a) That there be a Personal Licence holder present at all times when licensable</li></ol></li></ol>
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		<p>activities are taking place.</p> <p>b) That there be a refusals register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body.</p> <p>The fact is on three separate visits these conditions were not met shows total disregard for the licensing regime and objectives.</p>
<b>Public safety</b>	Y	<p>On Monday 9th September I witnessed the assistant Taha sell a can of alcoholic lager to a male customer.</p> <p>This shows that the business will sell alcohol in breach of the conditions on their licence.</p>
<b>To prevent public nuisance</b>	N	
<b>To protect children from harm</b>	Y	<p>Three visits have been made to the premises since an official review was requested by Trading Standards, no Incident or refusals log was able to be produced showing if they have been complying with the conditions set by the Licensing sub-committee as a result of the last review in 2018</p>

<p><b>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account (see note 2).</b></p>	
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<p>Signed:</p> 	<p>Date: 2<sup>nd</sup> October 2019</p>	<p>Name: Simon Greensmith Melton Borough Council Licensing &amp; Compliance officer</p>
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**Please see notes overleaf:**

## NOTES

1. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises of the date given in the public notice in a local newspaper or other local publication.
2. These can only relate to the four licensing objectives.
3. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made.
4. Please return this form when completed to:

The Licensing Officer  
Melton Borough Council  
Parkside  
Station Approach  
Melton Mowbray  
LE13 1GH

Tel: 01664 502502

Email: [licensing@melton.gov.uk](mailto:licensing@melton.gov.uk)



## LICENSING PANEL

### Members' Notes & Record of decision

**RE: Application for a Review of premises licence for European Supermarket, 36-42 Thorpe End, Melton Mowbray Leicester. LE13 1RB**

<b>CONSTITUTION OF THE BOARD:</b>	CLLR PAT CUMBERS CLLR ALISON FREER-JONES CLLR PETER FAULKNER
<b>CHAIRMAN:</b>	CLLR PETER FAULKNER
<b>Legal Advisor:</b>	Mehboob Kassam
<b>Panel Administrator:</b> <i>(if different)</i>	Layla Thorn
<b>Licensing Officer:</b>	Sarah Flower
<b>Licence Holder / Licence holders representative:</b>	
<ul style="list-style-type: none"><li>• Mariwan Ali</li><li>• Ibrahim Kadri – Bond Adams LLP</li><li>• Hashim Waka – Bond Adams LLP</li></ul>	
<b>Relevant Authority Officers:</b> <i>(Environmental Health, Police, Fire, etc.)</i>	
<ul style="list-style-type: none"><li>• Karen Retallic – Leicestershire Trading Standards</li></ul>	
<b>Interested Parties:</b> <i>(Objectors)</i>	
<ul style="list-style-type: none"><li>•</li></ul>	
<b>Documentation:</b>	
<ul style="list-style-type: none"><li>• Licensing and Compliance Officer report with appendices as circulated to the parties</li></ul>	

**1. Findings of Fact:** *(i.e. the relevant facts accepted from the evidence available)*

- 1) There has been a history of illicit tobacco and non-duty paid alcohol at the premises
- 2) The conviction of Mr Rashid for illicit tobacco linked to the Premises
- 3) The outcome of the raid by HMRC and Trading Standards on 5 June 2018
- 4) That Mr Mariwan Ali was the DPS and Premises Licence Holder when the HMRC and Trading Standards raid took place on 5 June 2018
- 5) That the Premises lacked appropriate management

**2. Full text of unanimous decision on the application:**

Thank you for attending the Licensing Committee to consider the Review of the premises licence for European Supermarket Melton Ltd, 36-42 Thorpe End, Melton Mowbray, LE13 1RB.

The review was called by a Responsible Authority namely Leicestershire Trading Standards under the licensing objectives of prevention of crime and disorder and public safety in connection to illicit tobacco and non-duty paid alcohol.

The committee considered the representations from Trading Standards, The Premises Licence Holders Director, The legal representative for the Premises Licence Holder, the written representations of Public Health in connection to illicit tobacco and its impact.

The committee have decided unanimously that the current operation of the premises is not promoting the licensing objectives of the prevention of crime and disorder / public safety.

Therefore the committee have decided unanimously, that the following is appropriate and proportionate under section 52 Licensing Act 2003:

- 1) To remove the DPS namely Mr Mariwan Ali from the Premises Licence
- 2) To modify the conditions on the premises licence as follows:
  - (a) That there be a personal licence holder present at all times when licensable activities are taking place
  - (b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body

The committee received legal advice in terms of the following:

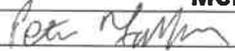
- 1) The legal test to be applied.
- 2) The licensing objectives under which this review was called and considered
- 3) The options available to the committee under section 52 Licensing Act 2003
- 4) Section 182 Guidance
- 5) Melton Borough Councils Statement of Licensing Policy

**3. Reasons for decision:** *(an explanation of why)*

The reasons for the decision are:

- 1) There has been a history of illicit tobacco / non duty paid alcohol at the premises since it opened for trading in 2015
- 2) In accordance with the Section 182 guidance, namely para 11.27 and 11.28 the illegal activities at the Premises have been considered to be particularly serious by the committee and these activities have not been promoting the licensing objective of prevention of crime and disorder and public safety
- 3) The removal of the DPS from the premises licence, namely Mr Mariwan Ali, is considered to be appropriate and proportionate, bearing in mind that the historical incidences of crime and disorder / public safety (i.e. non-duty paid alcohol sold on 9 May 2018 to HMRC and subsequent raid by trading standards and HMRC on 5 June 2018, which uncovered non duty paid alcohol) These incidences occurred whilst Mr Ali was the Designated Premises Supervisor.
- 4) The Committee were of the view that the premises needs stronger management to promote the licensing objective of prevention of crime and disorder and public safety
- 5) The conditions added to the licence will on balance promote the licensing objectives

**Melton Borough Council**

Signature:		Date:	22 <sup>nd</sup> August 2018
Chairman:	Cllr Peter Faulkner		
Date of Hearing:	21 <sup>st</sup> August 2018		

