



European Supermarket new licence application

Corporate Priority:	Connected with and led by our community
Relevant Ward Member(s):	Craven Ward – Councillors Rob Bindloss and Jeanne Douglas
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1 A new premises licence application has been received for the European Supermarket, Thorpe End, Melton from European Baz Limited. The previous licence for this premises was revoked in October 2019 by the Licensing Sub-Committee and subsequently an appeal lodged. At court in July 2020 the appeal was withdrawn and there has been no premises licence in place since then.
- 1.2 The director for the new company applying for the premises licence is Mr Sarbaz Razaie, who previously worked at European Supermarket when the licence was revoked. Concerns have been raised about suitability, due to Mr Razaie's previous involvement in the running of the business.
- 1.3 The application is attached as **Appendix A**. Members will be required to consider the information presented and determine the application by taking such steps it considers necessary for the promotion for the Licensing Objectives.

2 Recommendations

- 2.1 It is recommended that the Sub-Committee have regard to the application, all relevant representations, to the Melton Borough Council's Licensing Policy, all relevant statutory provisions and the options available as set out in this report in making a reasonable and proportionate determination which will promote the Licensing Objectives.

3 Key Factors

3.1 Reason for Committee Determination

The Licensing Act 2003 came in to force in November 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.

3.2 The promotion of the four objectives is the paramount consideration at all times.

3.3 The Licensing Act 2003, allows interested persons, and responsible authorities to make representations about any new application or any application to vary an existing licence. Where representations are received (and are valid representations), the application is determined by the Sub-Committee.

4 Report Details

4.1 The European Supermarket previously held a Premises Licence from 2015-2019.

4.2 This licence was reviewed by the Licensing Sub-Committee on 21st August 2018 due to concerns from Trading Standards about the sale and possession of illegal tobacco. At this time, conditions were placed on the licence to:

- 1) Remove the current DPS
- 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.

4.3 The licence was then revoked in October 2019 by the Licensing Sub-Committee due to further concerns, this time regarding seized smuggled alcohol and there being no DPS present as per the previously imposed conditions. The licence holder appealed the decision but at court on the 23rd July 2020 the appeal was withdrawn and there has been no premises licence in place since.

5 Summary of the Application:

5.1 A new premises licence application (**Appendix A**) was received by Melton Borough Council on 24th August 2021 for the European Supermarket, from a company called European Baz Limited. The Director of European Supermarket is Sarbaz Razaie as

documented on Companies House (**Appendix B**). He has also applied to be the DPS (**Appendix C**)

- 5.2 At the time of the last review of the European Supermarket's licence, Mr Razaie was an employee, concerns have therefore been raised about his connection to the previous running of the business when there were serious concerns

6 Relevant Policies

- 6.1 This application must be considered in accordance with the Melton Borough Council's 'Licensing Act 2003, Statement of Licensing Policy 2017'.

7 Representations

7.1 Police representation

On Monday 13th September 2021 a representation was received from David Braithwaite from Leicestershire Police (**Appendix D**) on the grounds of; the prevention of crime and disorder and public safety. This related to a local Police Officer PC Davey Rawlings also identifying the Sarbaz Razaie had connections to the previous company – he provided bodycam footage to support his statement.

7.2 Licensing representation

On Wednesday 15th September 2021 a representation was received from Simon Greensmith – Licensing & Compliance Officer at Melton Borough Council (**Appendix E**) on the grounds of; the prevention of crime and disorder, public safety, and the protection of children from harm. This raised concerns that Sarbaz Razaie had connections to the previous company who held the licence before it was revoked.

8 Policy & Guidance Considerations

- 8.1 Members must consider all evidence / representations offered at the Sub-Committee. 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.
- 8.2 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.
- 8.3 The application should be considered on its merits and any decision should be reasonable and proportionate.
- 8.4 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:

<https://www.melton.gov.uk/media/hbjawxhz/statement-of-licensing-policy-final-2017.pdf>

Guidance:

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

9 Other Relevant Considerations:

- 9.1 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.

9.2 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.

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

10 Options available:

10.1 Members are required to 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:

- Grant the application as applied for
- Grant the application subject to such conditions as considered necessary to promote the licensing objectives
- Reject the application

11 Consultation & Feedback

11.1 The 28 days consultation period ran from 25th August 2021 – 21st September 2021. During this time, two representations were received from responsible authorities.

12 Next Steps

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

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

13 Financial Implications

13.1 There are no financial or other resource implications.

**Financial Implications reviewed by: David Scott, Corporate Services Manager
Deputy 151 officer**

14 Legal and Governance Implications

14.1 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

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

- 14.3 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

14.4 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.

Legal Implications reviewed by: Louise Arnold – Snr Solicitor, 30.9.21

15 Equality and Safeguarding Implications:

15.1 There are no equality implications arising from this report.

15.2 There are no safeguarding implications arising from this report

16 Community Safety Implications:

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

17 Other Implications

17.1 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 12th 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.

18 Background Papers

18.1 None

19 Appendices

Appendix A – Application for premises licence

Appendix B – Companies House record

Appendix C – DPS application

Appendix D – Police's representation

Appendix E – Licensing Officer's representation

Appendix F – Response documents – European Market BAZ LTD

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