



Licensing Sub-Committee DECISION NOTICE

DETERMINATION OF A PREMISES LICENCE

Meeting: LICENSING ACT 2003 SUB-COMMITTEE HEARING,
on Wednesday 13 October 2021

Applicant: European Baz Ltd

Address: European Supermarket, 36-42 Thorpe End, Melton
Mowbray, Leicestershire LE13 1RB

Summary of Decision:

The decision of the Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) was to grant the application for a premises licence with conditions pursuant to the Licensing Act 2003

Facts and Reasons:

In reaching its decision the sub-committee has had regard to the evidence and representations of the Applicant and Responsible Authorities, the Council's statement of Licensing Policy and Guidance issued under section 182 of the Licensing Act 2003.

In making their decision the four licensing objectives were given equal and paramount importance, i.e.

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

The Sub-Committee made the following findings of fact:

1. The application for the premises licence had been served, in accordance with the Licensing Act 2003 on all relevant Responsible Authorities – 2 responses being received, one from the Police and one from Licensing.
2. Protection of the public and promotion of the licensing objectives is paramount;
3. There is no evidence to suggest that the previous licence holder, Mr Amin, has any current role in the business.
4. No concerns have been raised regarding the premises since May 2020 by any of the Responsible Authorities.

The Sub-Committee gave the following reasons for their decision :

5. The sub-committee did not consider that the representations and evidence received from the Responsible Authorities could justify the refusal of the application on the grounds that granting the application would undermine the promotion of the licensing objectives.
6. The premises had demonstrated a commitment to promoting the licensing objectives.
7. The sub-committee were satisfied that, with the addition of various conditions the licence promotes the four licensing objectives.

In reaching this decision, the Sub-Committee took into consideration the following:-

- (i) The report presented by Mrs Sarah Flower, Licensing & Compliance Officer for Melton Borough Council;
- (ii) The Applicant's application and submissions;
- (iii) The Responsible Authority's (Police) representation and submissions;
- (iv) The Responsible Authority's (Licensing) representation and submissions;

- (v) The additional information shared by the applicant during the sub-committee with the agreement of all parties present, in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005
- (vi) The provisions of the Licensing Act 2003 and the four licensing objectives;
- (vii) The Human Rights Act 1998;
- (viii) Relevant case law;
- (ix) Melton Borough Council's Statement of Licensing Policy ["the Policy"]
- (x) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003 (April 2018)

Decision:

The Licensing Sub-Committee (in exercise of the powers delegated by Melton Borough Council as Licensing Authority) granted the application with conditions.

The premises licence is granted as applied for with the following additional conditions which the sub-committee considered necessary to promote the licensing objectives.

1. Mr Jasmin Abdulla AMIN will have nothing to do with the current business and is not to be involved with the running of the store in any capacity.
2. That a personal licence holder be on site at all times alcohol is sold.
3. All staff engaged in licensable activities at the premises will receive training and information from management on the following:
 - a) The Challenge 25 scheme in operation at the premises including acceptable forms of identification.
 - b) The hours and activities permitted by the premises licence.
 - c) How to complete and maintain the refusals register in operation at the premises.
 - d) Recognising the signs of drunkenness.

- e) The operating procedure for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - f) Action to be taken in the event of an emergency, including reporting an incident to the emergency services
4. That detailed records (see point 9) of regular staff training be kept and made available on request to a responsible authority.
 5. A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.
 6. An incident log shall be kept on the premises, and made available immediately on request to the Police or Licensing Officer, which will record the following:
 - (a) All crimes reported to the premises.
 - (b) All ejections of patrons.
 - (c) Any complaints received.
 - (d) Any incidents of disorder.
 - (e) All seizures of drugs or offensive weapons.
 - (f) Any faults in the CCTV system
 - (g) Any refusal of the sale of alcohol.
 - (h) Any visit by a responsible authority or emergency service.All incidents will be recorded by the end of the day the incident took place.
 7. The premises will operate a "Challenge 25" policy such that any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

8. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises, and shall include the point of sale and the area where the alcohol is displayed.
9. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than eight weeks (8 weeks). All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to officers of any responsible authority.
10. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to officers of any responsible authority.

Right to Appeal

There is a right of appeal in respect of this decision.

Any appeal of the Sub-Committee’s decision must be lodged at the Magistrates’ Court with 21 days of notification of the Licensing Authority’s decision.

Any other queries should be directed to:

Licensing Department
Melton Borough Council

Parkside, Station Approach
Burton Road
Melton Mowbray
LE13 1GH

Tel: 01664 502 502

Date: 13 October 2021

Signature: *...J. Douglas.....*

Cllr J Douglas

Chair of the Licensing Sub-Committee