

## 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:

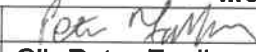
- 1) The legal test to be applied.
- 2) The licensing objectives under which this review was called and considered
- 3) The options available to the committee under section 52 Licensing Act 2003
- 4) Section 182 Guidance
- 5) Melton Borough Councils Statement of Licensing Policy

### 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		

