

Title of Report	APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003	
Presented by	Andy Cooper, Licensing Team Leader	
Background Papers	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Licensing Act 2003 (legislation.gov.uk) Statement of Licensing Policy – Issue 7	Public Report: Yes
Purpose of Report	<p>To determine an application for the review of a premises licence in respect of the premises European Supermarket, 14-16 Jackson Street, Coalville, Leicestershire, LE67 3LT.</p> <p>This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority’s Licensing Policy.</p>	
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.	

1.0 Background

1.1 The European Supermarket is the holder of a current premises licence under the Licensing Act 2003. An application for the grant of a new premises licence was received on 10 October 2013. The application was granted on 25 November 2013 following an agreement between the applicant and a trading standards officer to include additional conditions under Annex 2 of the premises licence. These additional conditions were added to promote the licensing objective relating to the protection of children from harm. The application form and written agreement is attached as **Appendix 1**.

- 1.2 A minor variation application was submitted on 4 June 2020 following a joint visit by Leicestershire County Council Trading Standards and HMRC where illicit alcohol was seized. The premises licence holder agreed to adding additional conditions to the premises licence to promote the licensing objectives relating to the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The application form is attached as **Appendix 2**.
- 1.3 An aerial view of the site is attached as **Appendix 3**. A map of the site is attached as **Appendix 4**.
- 1.4 The current premises licence is attached as **Appendix 5**.
- 1.4 Under the current premises licence, European Supermarket has the following timings in which licensable activities can occur.

Licensable activity	Timings	
Supply by retail of alcohol	Monday to Saturday	08:00hrs - 23:00hrs
	Sunday	08:00hrs – 21:00hrs

- 1.5 On 9 May 2023, Leicestershire County Council Trading Standards submitted an application to review the European Supermarket premises licence on the grounds that the licensing objectives of Prevention of Crime and Disorder and Public Safety are being undermined. The application is attached as **Appendix 6**.

The application states that European Supermarket has a history of selling illegal tobacco dating back as early as 2015. Numerous visits have been made throughout the years by Trading Standards, HMRC, Licensing Authority, Environmental Health and Police. The history of the premises and details of these visits can be found within the application.

2.0 Representations

- 2.1 Each of the responsible authorities have been served a copy of the application, namely; the Police, Fire Authorities, Home Office, Health Authority, Licensing Authority and the District Council's Health and Safety and Planning Sections. We have received one representation from the Licensing Authority on the grounds that the licensing objective of Prevention of Crime and Disorder is being undermined. The representation is attached as **Appendix 7**.
- 2.2 The Licensing Authority must advertise the review application and invite representations from other responsible authorities and any other person. The review application was displayed on the Council's website. The notices were displayed outside the European Supermarket premises on two lamp posts

and on the outside of the premises. Licensing visited the premises on 10 May, 11 May, 16 May and 31 May and observed that the notices remained in place. Therefore, officers are satisfied that the premises licence review was advertised as required.

3.0 Statutory Guidance

3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.5, 1.13, 2.1 to 2.6, 2.7 to 2.9, 3.1 to 3.2, 8.7 to 8.8, 8.80, 9.31 to 9.44, 10.1 to 10.10, 11.1 to 11.15, 11.16 to 11.23, 11.24 to 11.28, 14.1 to 14.3 may have a bearing upon the application.

4.0 Statement of Licensing Policy

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 1.5, 2.1 to 2.3, 2.5, 4.1 to 4.4, 5.1 to 5.4, 16.0, 22.0, and 26.0 may have a bearing upon the application.

5.0 Observations

5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

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

5.2 The Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

5.3 An appeal may be made to the Magistrates' Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the applicant (Leicestershire County Council Trading Standards) and/or any other persons who have made relevant representations.

5.4 The decision of the Licensing Authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

Policies and other considerations, as appropriate	
Council Priorities:	Business and Jobs, Homes and Communities
Policy Considerations:	Statement of Licensing Policy – Issue 7
Safeguarding:	To determine the application in accordance with the Licensing Act 2003 objectives
Equalities/Diversity:	No Equality/Diversity issues raised, though this will be kept under review.
Customer Impact:	Not applicable
Economic and Social Impact:	Customers may be impacted by any decision made.
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Leicestershire Police, Leicestershire Fire and Rescue Service, The Home Office, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Risks:	The risk of incurring costs arising from an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
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