

**Boston Borough Council
Licensing Act 2003
Review of a Premises Licence
Decision Notice**

Date of hearing	6 August 2019
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Members of Sub-Committee	Councillor Frank Pickett, Councillor Colin Woodcock Councillor Stephen Woodliffe
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Premises Licence Holder	Boston European Supermarket Ltd
Premises Address	Boston Supermarket, 8 George Street, Boston
Date Application Received	29 April 2019
Details of Application	Review of a premises licence in accordance with the Licensing Act 2003 – submitted by The Chief Constable of Lincolnshire Police.

The Parties:

Lincolnshire Police requested a review of the Premises Licence for Boston Supermarket, 8 George Street, Boston, on 29 April 2019. No representations in respect of the review were received. The Licence holder is Boston European Supermarket Ltd. The Designated Premises Supervisor for Boston Supermarket is Salar Ali KARIM who is also the sole director of Boston European Supermarket Ltd.

Policy and Guidance:

In reaching its decision the Sub-Committee has considered the statutory guidance issued under section 182 of Licensing Act 2003 and Boston Borough Council's Statement of Licensing Policy.

Licensing Objectives: The Sub-Committee has found that the licensing objectives of prevention of crime and disorder and public safety are relevant to this application.

Decision and Reasons:

The Sub-Committee has read and heard all of the information before them.

The Sub Committee is aware of and has taken into account any implications that may arise from the Human Rights Act 1998.

The Sub-Committee in reaching its decision has had due regard for its public sector equality duty under section 149 of the Equality Act 2010 and consider that in reaching their decision today, that they have had due regard for the duty placed upon them by s.149.

The Sub-Committee heard from the Licensing & Land Charges Manager, Lincolnshire Police and Ms Cartmell on behalf of the premises licence holder.

The sub-committee has noted the offence of abstraction of electricity that occurred during 2018/2019. It notes that the majority of money has now been paid back to the utility company. The sub-committee has noted that during the time of the abstraction Mr Karim was the DPS at the property. Mr Karim's representative has advised the sub-committee that whilst he was in control during the time of the abstraction due to a back problem he had passed more control to his son. Mr Karim advised the committee that he was unaware of the abstraction and this was undertaken by his son. Mr Karim states he has since sacked his son and he no longer works at the premises

The sub-committee note that there have been some minor issues in respect of

licence compliance but there had been no major concerns.

The sub-committee has grave concerns regarding Mr Karim's ability to undertake the role of DPS given the offence happened whilst acting in that role. With this in mind the sub-committee has decided it is proportionate to remove Mr Karim as DPS.

In addition the sub-committee has heard that following the abstraction changes were made to the monitoring of the electricity supply and a maintenance contract had been entered into with an electrician. The sub-committee has therefore decided it is proportionate to include the following conditions on the licence:

- A maintenance contract will be entered into and at all times be valid with a qualified electrician. This contract should be made available to the police and licensing authority on request.
- In so far as it complies with access requirements by the utility company, the cupboard where the electricity supply is kept will be locked and 2 keys supplied. One key will be retained by the electrician named in the maintenance contract. The other key to be retained by a named responsible person. The names of the key holders to be made available to responsible authorities upon request.

Further the sub-committee has decided to issue a strict warning as to future conduct.

Appeal:

The Premises Licence Holder and Lincolnshire Police have a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003.

The appeal must be commenced by notice of appeal to the Justices' Chief Executive for the Magistrates Court within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed against.

Any appeal should be sent to: Lincoln Magistrates Court, 358 High St, Lincoln LN5 7QA

This decision does not take effect until the end of the appeal period or if the decision is appealed, when the appeal is disposed of.

Upon hearing an appeal the Magistrates' Court may

- a) Dismiss the appeal,
- b) Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- c) Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court,

And make such order as to costs it thinks fit.

Signed:

Fiona White
Licensing & Land Charges Manager
On behalf of the Licensing Sub-Committee
7 August 2019