

Boston Borough Council
Licensing Act 2003
Application for a Premises Licence
Decision Notice

Date of hearing	1000hrs – 29 October 2019
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Members of Sub-Committee	Councillor Jonathan Noble Councillor Tom Ashton Councillor Stephen Woodliffe
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Applicant(s) Name	Mr Talib Abdul Karim
Premises Address	Europe Wine, 36 Red Lion Street, Boston
Represented by	Mr Byatt
Date Application Received	4 September 2019
Details of Application	Application for a premises Licence under the Licensing Act 2003.

<p>The Parties:</p> <p>Mr Byatt has, on behalf of the applicant Mr Karim, submitted an application for a premises licence for Europe Wine, 36 Red Lion Street, Boston.</p> <p>The application submitted is for the sale of alcohol for consumption off the premises between the hours of 0600hrs and 2300 hours every day. The opening hours being the same.</p> <p>Representation has been received from the Chief Officer of Police.</p>

Policy and Guidance:

In reaching its decision, the sub-committee has considered the statutory guidance issued under S182 of the Licensing Act 2003 and Boston Borough Council's Statement of Licensing Policy.

Licensing Objectives:

The sub-committee has found that all four of the licensing objectives are relevant to this application.

Decision:

The sub-committee has decided to refuse the application.

Reasons:

The reasons for the sub-committee reaching this decision are as follows:

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 to refuse the premises licence that they have fulfilled their duty under the Act.

In reaching their decision, the sub-committee has read all of the papers before them, and in addition heard from Fiona White, Licensing & Land Charges Manager and Mr Byatt on

behalf of the applicant, the applicant himself, and considered the representation received from the Chief Officer of Lincolnshire Police. Sgt Enderby attended the hearing to represent the police.

The sub-committee heard from Mr Byatt on behalf of Mr Karim. Mr Byatt advised that Mr Karim had a history of manning shops and involvement in the licensing industry since 2013. He acknowledged that Mr Karim's previous managerial experience had been lax but he had since had input from Mr Byatt and he was confident that Mr Karim now understood his roles and responsibilities and understood the requirements of his licence. Mr Byatt advised the sub-committee that Mr Karim had previous history of working with authorities.

Lincolnshire Police addressed the sub-committee regarding Mr Karim's involvement with other premises. In particular they noted Mr Karim was Designated Premises Supervisor (DPS) at 44 King Street, Thetford when illegal cigarettes were seized on 18 September 2019. Further Mr Karim is the Premises Licence holder and DPS for 2 Alfred Street, Boston. Two separate visits to this premises showed a failure to comply with several licence conditions. Lincolnshire Police also provided information that Mr Karim made an application for a licence at 43 Wide Bargate on 20 May 2019 and on 21 May 2019 during a visit to 43 Wide Bargate an illegal worker was working at the premises alone. It is noted the application by Mr Karim was subsequently withdrawn.

Having considered Mr Karim's history with licensed premises the sub-committee are satisfied that this shows that Mr Karim has a history of undermining the licensing objectives.

The sub-committee have not heard anything that has demonstrated Mr Karim fully understands the roles and responsibility of a licence holder or DPS. Having considered all of the information the sub-committee has decided on the balance of probabilities that Mr Karim will not uphold or promote the 4 licensing objectives.

The sub-committee did not consider there were any conditions suitable to address their concerns. The sub-committee has therefore decided, bearing in mind there is only one licensable activity applied for, that it is appropriate for the promotion of the licensing objectives to refuse the application.

Appeal Provisions

The sub-committee would like to remind the parties that there is a right of appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003. The circumstances in which parties may appeal are detailed in Schedule 5 to the Licensing Act 2003.

The appeal must be commenced by notice of appeal to the Justice's Chief Executive for the Magistrates Court within the period of 21 days beginning with day on which the party was notified by the Licensing Authority of the decision being appealed against (i.e. the date of this decision notice).

Appeal should be made to Lincoln Magistrates' court at 358 High St, Lincoln, LN5 7QA

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
30 October 2019