

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

Date of hearing	16 December 2019
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Members of Sub-Committee	Councillor Tom Ashton Councillor Alison Austin Councillor Judith Skinner
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Premises Licence Holder	Talib Abdul Karim
Premises Address	EU International Food & Drink, 2 Alfred Street, Boston
Date Application Received	28 October 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 EU International Food & Drink, 2 Alfred Street, Boston on 28 October 2019. No representations in respect of the review were received. The Licence holder and Designated Premises Supervisor is Mr Talib Abdul Karim.

**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 the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm 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 has heard from the Licensing & Land Charges Manager, Lincolnshire Police, Mr Karim and Mr Karim's representative, Mr Khalil.

In reaching their decision the sub-committee has had due regard for all that they have read and heard, along with the Licensing Act 2003, s.182 statutory guidance, the licensing objectives and Boston Borough Council's Licensing Policy.

Lincolnshire Police provided information to the sub-committee regarding Mr Karim's involvement with other premises. This included being a DPS at 44 King Street from 5/7/19 to a time in September 2019. The sub-committee notes he was a DPS at this premises when 10 x cartons of 200 foreign Marlborough Gold cigarettes were found on 1<sup>st</sup> September 2019.

Mr Karim is a DPS, a premises licence holder and business owner of EU International Food, 2 Alfred Street. Mr Karim has been DPS at this premises since June 2018 and has been involved in the licensing trade since 2013.

The sub-committee has noted that at a visit on 25/9/19 there were various issues regarding fire safety at the shop including all of the fire extinguishers having a date of 2012. At this time there were several non-compliances with the licensing conditions including CCTV non-compliance, selling single cans and offering for sale beers/lagers over 6.5% ABV. Further items were not priced, being a legal requirement, and also food displayed past its sell-by date – in some instances 55 days.

Mr Khalil informed the sub-committee that in relation to 44 King Street Mr Karim believed that he was not DPS at the time of the visit on 18/9/19, further that the cigarettes were a gift to a shop worker from a member of their family. He advised that Mr Karim had rectified the issues at 2 Alfred Street and provided evidence to the sub-committee. He noted the issue with the price of a bottle of Perla which the police advised indicated smuggled goods and advised that the alcohol had been sold at the wrong price. In relation to the out of date food, Mr Karim advised he usually checked dates every day but there had been new staff. He also advised that he had put the food in the fridge. Mr Karim apologised for the mistakes.

Having considered all of the information put before them the sub-committee are satisfied that Mr Karim doesn't appear to understand the requirements of his licence, further he does not understand the roles and responsibilities of a

DPS. Mr Karim has not understood nor implemented the conditions on his licence correctly.

The sub-committee are of the view that placing further conditions on the licence would not be appropriate. As Mr Karim is DPS & PLH they do not consider that removing him as DPS would be appropriate. The sub-committee did not consider a suspension of the licence to be appropriate as Mr Karim has been involved in the licensing trade since 2013 and has been DPS since 2018 and would have undertaken his personal licence prior to undertaking the role. The sub-committee are therefore of the view considering Mr Karim's history and failure to comply with licensing conditions and other legislations that it is appropriate for the promotion of the licensing objectives to revoke the licence.

**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,

*Licensing Sub-Committee*  
16 December 2019

And make such order as to costs it thinks fit.

Signed:

Fiona White

Licensing & Land Charges Manager

On behalf of the Licensing sub-committee

17 December 2019