

**3 REVIEW OF A PREMISES LICENCE - EUROPEAN FOOD 43 WIDE BARGATE**

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

Date of hearing	13 January 2020
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Members of Sub-Committee	Councillor Jonathan Noble Councillor Judith Skinner Councillor Stephen Woodliffe
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Premises Licence Holder	Nawal Ahmd
Premises Address	European Food, 43 Wide Bargate, Boston
Date Application Received	18 November 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 European Food, 43 Wide Bargate, Boston on 18 November 2019. No representations in respect of the review were received. The Licence holder and Designated Premises Supervisor is Mrs Nawal Ahmd.

**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 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 has heard from the Licensing & Land Charges Manager, Lincolnshire Police, Mrs Ahmd and Mr Hatemi.

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.

The sub-committee received information from Lincolnshire Police in relation to Mr Hatemi's relationship with Mr Abdullah and Mr Karim. The police provided details of Mr Hatemi's links with Mr Abdullah and Mr Karim who are suspected of having links with criminal activity. Mr Hatemi himself had previously been found to be working in a premises where illegal cigarettes were found. Mr

Hatemi was also working illegally at the premises at that time.

On 25<sup>th</sup> May 2019 the police attended 43 Wide Bargate where a person was working illegally. When asked to call his boss the worker contacted Mr Hatemi. Mr Karim and later Mr Abdullah attended the premises. Mrs Ahmd and Mr Hatemi subsequently bought the premises from Mr Abdullah.

Additionally in relation to an incident on 18<sup>th</sup> March 2019 the police provided evidence of 28 High Street which is owned by Mr Abdullah but contact details were given for Mr Hatemi. The sub-committee note that Mr Hatemi had previously stated he only knew Mr Abdullah through purchasing a business from him however he has subsequently confirmed he knows him by assisting him with translations and the setting up of a Facebook page and that he has known him since 2016. Mrs Ahmd also confirmed she had previously received help from Mr Abdullah. The sub-committee received information from Lincolnshire Police in confidential session, having decided it was in the public interest to exclude the press and public (including the premises licence holder) and have had regard for that information.

The sub-committee heard from Mrs Ahmd that Mr Abdullah had nothing to do with the premises and her and Mr Hatemi owned the business in 50/50 shares. Mrs Ahmd also advised that Mr Hatemi's past had gone and he had changed. She further informed the sub-committee that Mr Abdullah never came to the shop or her house. Mrs Ahmd confirmed that Mr Hatemi worked in the shop and would continue to work in the shop whilst she was on maternity leave. Mrs Ahmd also advised the sub-committee that Mr Hatemi purchased the stock for the premises. Having heard all of the information the

sub-committee are satisfied that Mr Hatemi has involvement in the premises and it is clear that Mrs Ahmd does not have total control over the business. Further the sub-committee are satisfied on the balance of probabilities that Mr Hatemi has links with individuals involved in criminal activity. The sub-committee considered the options available to them and determined there were no conditions appropriate to address their concerns, further to remove the licensable activity was the same as revoking the licence as the only licensable activity on the licence was the sale of alcohol. They did not consider it appropriate to remove the DPS as the licence holders would remain the same. The sub-committee therefore decided it was 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,
- And make such order as to costs it thinks fit.

Signed:

Licensing & Land Charges Manager  
On behalf of the Licensing Sub-Committee  
15 January 2020