

LINCOLNSHIRE POLICE

NOTICE OF OBJECTION TO THE APPLICATION TO VARY A LICENCE  
TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR  
SECTION 37(5) OF THE LICENSING ACT 2003

The Chief Officer of Lincolnshire Police, Bill Skelly, having been notified under Section 37(4) of the Licensing Act 2003, of the application to vary the Premises Licence for European Food, 43 Wide Bargate, Boston to specify Omid HATEMI as Premises Supervisor, and being satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, hereby gives notice of objection.

The grounds for the objection notice are as follows:

On 20th May 2019 Lincolnshire Police received a premises licence application for 43 Wide Bargate, the application came through licensing agent Mr Paul Byatt with the applicant being Talib Abdul KARIM.

Pc 642 McConville attended 43 Wide Bargate on 21st May 2019 unannounced and discovered the sole worker in the premises had no right to work and was therefore working illegally. The illegal worker was asked to call his boss, he called [REDACTED] and when asked who that was said 'Omid' (believed to be Omid HATEMI, husband of the premises licence holder due to the phone number). The illegal worker described Omid as his cousin, he confirmed that he gave him a lift to the shop that day and told him to serve for a few hours. It was noted that the worker knew how to work the till and knew the price for products that didn't have price stickers on them.

A short time later Mr Karim arrived. He received a call from [REDACTED] which was later confirmed as the phone number for Mr Shivan ABDULLA, born [REDACTED] who then turned up at the premises. Mr Abdulla stated the premises and business was his, that he'd had it for 3 months and he was selling it to Mr Karim, who wanted to know if he could get a premises licence first, prior to purchasing the business, so could provide no proof of business ownership. Mr Abdulla stated that Omed (as spelt) was his business partner. The application was subsequently withdrawn.

On discussing the application with Mr Byatt, it became clear that Omid was the main drive behind the application. Mr Byatt had met with him, unlike Mr Karim and was aware that he didn't have the right to work but that the correct paperwork was coming through soon. Mr Byatt's understanding was that Mr Karim and Omid were business partners, and once the correct paperwork with regards to residency and right to work came through for Omid then the premises licence would be transferred to him.

Checks on Police systems show that incident 87 of 18th March 2019 was a report of a broken window at two premises on the High Street in Boston. One of the premises was 28 High Street, Boston, which is a take-away style premises called NEWROZ. The details on the crime report for this premises recorded the losers details as Shivan

Abdulla, born [REDACTED], phone number [REDACTED], and the preferred method of contact being email address [REDACTED]. This was given in person to the officer in attendance. Companies House shows Shivan ABDULLA, born [REDACTED], as the sole director of [REDACTED], which has a correspondence address of 28 High Street, Boston.

Another application premises licence application was then received for 43 Wide Bargate, in Mr Hatemi's wife's name.

On discussing the premises licence application with Mr Hatemi over the phone, Mr Hatemi gave his contact phone number as [REDACTED] his email address as [REDACTED]. In regards to the previous application and the illegal worker Mr Hatemi stated he was not involved with the previous application and knew nothing of the illegal worker. He stated that he does not know the illegal worker. Mr Hatemi stated that he only knows Mr Abdulla from buying the business off him in early June and that he's had no business dealings with him before this. Mr Hatemi stated he has not worked in the UK previously, that he doesn't know Mr Karim, and is only aware of him and what happened through what he'd heard from Mr Abdulla. These statements were then emailed to Mr Hatemi who replied confirming that Lincolnshire Police's understanding of his stated position and involvement was correct. This was again confirmed by Mr Hatemi during the representation hearing, yet contradicted by Mr Byatt's information that he dealt with Mr Hatemi for the first application, at a time when Mr Hatemi had no right to work or have a business. Please see appendix A.

Home Office Immigration have confirmed that Mr Hatemi was granted a period of 30 months leave to remain in the UK on 17/07/2019, giving him the right to work and therefore have a business.

Lincolnshire Police made representation with the above information and the Licensing Sub-committee granted the premises licence.

Since that time Lincolnshire Police have been informed of the following by Trading Standards. On 27/09/2016 Trading Standards and HM Revenue and Customs officers attended Central Food and Wine, 20 West Street, Boston, 400 foreign labelled Winston cigarettes and 236 x 50g packs of Soex Herbal Shisha were found in concealment behind the counter. The sole person present and working in the premises at the time was Omid HATEMI, of a [REDACTED] address, who claimed to be currently staying with friends in Boston.

At this time Mr Hatemi didn't have the right to work, and so was himself an illegal worker. It is an offence under Section 24B of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who do employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Lincolnshire Police has intelligence that it intends to show to the Licensing Sub-Committee on the day of the hearing. Under Regulation 14 of the Licensing Act 2003 (Hearings) Regulation 2005 Lincolnshire Police request that this intelligence is not shown or disclosed to the public, and that this includes the premise licence holder and/or any representative acting on behalf of or connected to the premises.

Lincolnshire Police believe that due to well documented issues within Boston concerning illegal working and the selling and storage of counterfeit, illicit and smuggled cigarettes and due to Mr Hatemi's previous history as evidenced above and in material yet to be disclosed that the exceptional circumstances of this case are such that granting the application would undermine the crime prevention objective. The Licensing Act 2003 is clearly intended to prevent crime from occurring in relation to licensed premises but also to deter and prevent criminals from operating a premise under the auspices of a Premises Licence granted by the local authority. Accordingly, it is submitted the Authority should reject the application as it is necessary for the promotion of the crime prevention objective.

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For and on behalf of Chief Constable B. Skelly

# Appendix A

McConville, Gina

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**From:** McConville, Gina  
**Sent:** 08 August 2019 16:53  
**To:** 'Omid Hatemi'  
**Subject:** RE: 43 wide Bargate

Unfortunately I have just moved buildings and as yet we don't have phone lines fitted, so I'm sorry but I can't give you one. As and when we do get phones, which I'm told will be soon, I'll email you the number. Feel free to email as much as you want in the meantime and I'll do my best to answer your questions as soon as possible.

I just want to go over the phone conversation we had, for clarification. If you can please say yes or no to each statement and expand on your answer if you reply goes against the statement made.

- The applicant is your wife
- You have just been granted the right to work in the UK.
- You have not worked in the UK previously
- You and your wife took possession of the premises in question in early June
- Your wife and you both intend to start a business which will involve the premises in question
- The business will be registered on companies house with both of you as directors.

Regarding the previous premises licence applicant/application.....

- You had nothing to do with the previous application in May 2019 (which was later withdrawn)
- You were not involved with the premises at the time of the previous application
- You don't know the previous applicant other than what you've heard since purchasing the business and from Mr Shwan Abdullah
- You only know Mr Shwan Abdullah through purchasing this business
- You had no business dealings and anyway what so ever with Mr Shwan Abdullah before the purchase
- But you were aware of him due to the close community in Boston
- You had nothing to do with the illegal worker found working in the premises in May 2019
- You don't know the illegal worker found working in the premise in May 2019
- And just to be clear, in summary - You had nothing to do with the premises before June 2018 and therefore had nothing to do with the previous application and the illegal worker found.

Regards

Gina

McConville, Gina

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From: [REDACTED]  
Sent: 08 August 2019 18:09  
To: McConville, Gina  
Subject: Re: 43 wide Bargate

Hi

The applicant is your wife  
YES

- You have just been granted the right to work in the UK.  
YES

- You have not worked in the UK previously YES

- You and your wife took possession of the premises in question in early June YES

- Your wife and you both intend to start a business which will involve the premises in question YES

- The business will be registered on companies house with both of you as directors.  
YES

Regarding the previous premises licence applicant/application.....

- You had nothing to do with the previous application in May 2019 (which was later withdrawn) YES.

- You were not involved with the premises at the time of the previous application YES

- You don't know the previous applicant other than what you've heard since purchasing the business and from Mr Shwan Abdullah YES

- You only know Mr Shwan Abdullah through purchasing this business YES

- You had no business dealings and anyway what so ever with Mr Shwan Abdullah before the purchase YES

- But you were aware of him due to the close community in Boston YES

- You had nothing to do with the illegal worker found working in the premises in May 2019 YES

- You don't know the illegal worker found working in the premise in May 2019 YES