

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Skelly, Chief Constable of Lincolnshire Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description EU International Food & Drink 2 Alfred Street	
Post town Boston	Post code (if known) PE21 6DN

Name of premises licence holder or club holding club premises certificate (if known) Talib Abdul KARIM
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Number of premises licence or club premises certificate (if known) 32UBB18009

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address CHIEF CONSTABLE LINCOLNSHIRE POLICE POLICE HEADQUARTERS NETTLEHAM PO BOX 999
Telephone number (if any) 101 Alcohol Licensing
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The premises operates as a general convenience store offering food, drink and groceries to the local community and has been granted a Premises Licence by Boston Borough Council authorising the sale of alcohol for consumption off the premises. Its hours of opening and licensable activity are 0500hrs to midnight each day, with 2300hrs to midnight each day for late night refreshment.

The Police have obtained evidence which indicates that the management of these premises have been operating another licenced premises in contravention of the Customs and Excise Management Act 1979 (fraudulent evasion of duty etc) and the Tobacco Products Duty Act 1979 and thereby intentionally undermining the licensing objectives for the prevention of crime and public safety.

The keeping of smuggled goods on licensed premises is an offence under Section 144 of the Licensing Act 2003.

Non compliance in relation to the conditions on the 2 Alfred Street premises licence (annex 2 and annex 3 - attached after a hearing) was found which is an offence under Section 136 Licensing Act 2003 - unauthorised licensable activity, thereby undermining the licensing objectives.

Relevant revised Guidance issued under Section 182 of the Licensing Act 2003

Section 11.24 - states that reviews do not have to be directly linked or connected with the licensable activities at any premise. In this case the offences are directly linked to the operation of the premises as a shop licensed to sell alcohol for consumption off

the premises and the staff are actively involved in these activities.

Section 11.26 states that it is the role of the Licensing Authority to take steps to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

Section 11.27 states there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:.....

for the sale or storage of smuggled goods.

for employing a person who is disqualified from that work by reason of their immigration status in the UK .

Section 11.28 states that where the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 20th May 2019 Lincolnshire Police received a premises licence application for 43 Wide Bargate, the applicant was Mr 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 application was withdrawn. Subsequent enquiries led Lincolnshire Police to believe that Mr Karim was acquiring a premises licence for another, who also didn't have the right to work, and therefore had no intention of having responsibility for the business.

On 30th April 2019 a visit to 7 Day Supermarket, 44 King Street, Thetford, by Norfolk Police, HMRC, Breckland Council Licensing, and Trading Standards occurred. A large quantity of illegal tobacco was found in a vehicle at the rear of the premises and in a storage container. The vehicle and container were linked to the store and the premises licence holder. A review of the premises licence was submitted and on 25th June 2019, the premises licence was revoked. During the hearing it became obvious that the designated premise supervisor (DPS) no longer had anything to do with the premises. He then formally withdrew from the position. As there is a 3 week appeal period, the premises could continue selling alcohol, if there was a DPS in place. On 5th July an application was received by Breckland Council putting Mr Karim as the DPS, enabling the premises to sell alcohol again. An appeal was then received, enabling the premises to continue selling alcohol. On 18th September 2019, Police and Breckland Council Licensing attended 44 King Street and located a bag of 10X cartons of foreign 200 Marlboro Gold cigarettes secreted behind the counter, these were seized. Mr Karim was not present at the time.

It is an offence under Section 144 of the Licensing Act 2003 to have smuggled goods on licensed premises. Mr Karim had been the DPS for 2.5 months and was the person in control of the day to day alcohol sales at the premises and the person who is on the ground, making sure the licensing objectives, namely the prevention of crime and disorder are actively promoted. If he was no longer DPS he should have formerly informed the council by submitting the correct paperwork.

Following the above information from Norfolk Police, Lincolnshire Police and Trading Standards officers carried out a test purchase at EU International, 2 Alfred St, Boston. The premises did not sell illegal cigarettes, but it did sell a 500ml single can of 7.6% ABV Perla lager for £1.25, contrary to the premise licence conditions of no ABV above 6.5% and no single can sales. The mandatory price for a can of 500ml of this % ABV is £1.13 - that is the price of the tax alone (duty plus VAT). That doesn't include the cost of the can, the product within it, the transport costs, production costs, profits and taxes on profits. The test purchaser also witnessed the selling of alcohol to a drunk, please see appendix A - statement by Trading Standards Officer Andy Wright.

On 25th September 2019 Lincolnshire Police and Trading Standards attended 2 Alfred St, Boston and carried out a compliance visit. Mr Karim was present. It was noted that he knew nothing about a fire risk assessment (as required by law) all his fire extinguishers were out of date as of 2012, 2 of which had stock stacked in front of them, 1 of which was set off by the applicant in an attempt to manoeuvre it as the pin was removed. There was no first aid kit on the premises. Failures with both the fire extinguishers and first aid kit are breaches of Annex 2 premises licence conditions – Fire Safety has been informed. Section 2.7 of the 182 Guidance states Licence Holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

It was noted that the foreign beers weren't price marked, which is an offence under the Price Marking Order, yet the more standard beers and lagers were priced.

When Mr Karim was asked the price of the same type of Perla purchased by the test purchaser, as it wasn't priced, he stated it was £1.79 when on offer and £1.89 when not on offer. Mr Karim produced an invoice which showed he bought the same lager for £1.65 including VAT. Lincolnshire Police **are** concerned that the price of £1.25 is so low and close to mandatory price that the beer could be smuggled regardless of the invoice. It has been seen elsewhere that invoices are used for provenance for the small amount of beer on the shelf and in stock. Yet larger volumes of beer are sold from the premises over the invoice period than the invoice accounts for. Meaning that a small amount of beer is legitimate and a larger amount suspected smuggled, which explains the price sold being a great deal less than the price bought on the invoice. A 40p loss per can, for the amount the invoice contained would amount to a £57.60 loss from that order alone, and that doesn't include paying for any overheads including delivery. This type of Perla was the largest amount of lager on the invoice, so it likely a best seller. When asked about the pricing discrepancy between the price sold by staff and the price stated by Mr Karim, he stated his staff must have made a mistake.

There is a mandatory condition in regards to irresponsible promotions. The 2014 Order states that the responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotion (as listed in the legislation but generally drinking games, provision of alcohol for free, fixed or discounted price, rewards for alcohol consumption and involves significant risk to the licensing objectives), where that promotion is carried on for the purpose of encouraging the sale of alcohol ON the premises.

Lincolnshire Police would argue that although this condition is specific to on sales (so not a breach in this case) it provides the Government's stance in regards to discounting and encouraging alcohol consumption, which gives rise to significant risk to the licensing objectives.

Lincolnshire Police would argue that due to the specific street drinking and alcohol related anti-social behaviour issues that are a prominent, prevalent and persistent factor within Boston then the extremely low pricing of beer and lager should be considered as being irresponsible, and would give rise to a significant risk of breaching the prevention of crime and disorder and the prevention of public nuisance.

Under Annex 3 of the premises licence – conditions placed on the licence following a hearing on 5/6/19 (hearing regarding initial application) Mr Karim was non-compliant with the following –

- Offering for sale and selling beers/lagers over 6.5% ABV. Lincolnshire Police seized these items.
- Selling single cans – selling less than multiples of 4 cans
- CCTV non-compliance – not recording for 31 days – only recorded for 23 days. The time was 16 minutes out. No letter of compliance/12 months maintenance check.
- No litter bin outside
- No notice asking customers to leave quietly
- No staff training record

A breach of licence conditions is an offence under Section 136 Licensing Act – unauthorised Licensable activities.

On 4th September Mr Karim applied for a premises licence at 36 Red Lion Street. This is a premises with much history regarding non-compliance and illegal cigarettes. Mr Karim's application is the third premises licence application that Lincolnshire Police has received since the premises licence was revoked in December 2018 and then appealed.

The first application (not by Mr Karim) was refused at hearing due to links to illegal cigarettes elsewhere. The second application (not by Mr Karim) was not accepted due to errors on the form however the applicant was the shop worker who was present when the illegal cigarettes were found that led to the original review. She has since applied for a premises licence elsewhere and has been found selling illegal cigarettes there. During the consultation period for Mr Karim's application he was asked to provide evidence of business ownership and control for 36 Red Lion Street. He provided 4 pages of a lease which failed to show which premises it referred to, when it was for or who was involved. Lincolnshire Police has made representation to his application.

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 applicant and/or any representative acting on behalf of or connected to the premises.

Lincolnshire Police have no confidence in the applicant upholding the licensing objectives. He has failed to demonstrate he is capable of running a licenced premises lawfully; both here and in Norfolk. Mr Karim is linked to serious criminality in Norfolk and is being investigated there. In Boston he has shown a complete disregard for the premises licence conditions, some of which were on his initial application and others that were placed upon the licence at hearing as the Licensing Sub-committee deemed them suitable. The breaches of some of these licence conditions are likely to have contributed to the street drinking and anti-social behaviour issues of Boston, which was the very reason certain conditions were placed upon the licence. He has put his staff and customers at risk as he's failed to maintain his fire extinguishers and has not carried out a fire risk assessment. Mr Karim has also attempted to obtain a premises licence for 43 Wide Bargate under suspicious circumstances and there are concerns surrounding his 36 Red Lion Street premise licence application.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Lincolnshire Police made representation to the original premises licence application, a hearing was held in June 2018, and the premises licence was granted subject to conditions.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 28/10/2019.

.....

Capacity for and on behalf of the Chief Constable.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

LEGAL SERVICES
LINCOLNSHIRE POLICE HEADQUARTERS
PO BOX 999

Post town
LINCOLN

Post Code
LN5 7PH

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix A

STATEMENT OF WITNESS

(Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT: Andrew Wright
AGE OF WITNESS: Over 21
OCCUPATION OF WITNESS: Principal Trading Standards Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 26 day of SEPTEMBER 20 19.

(Signed) [Redacted Signature]

(being unable to read the above statement, I read it to him before he signed it)

Dated the day of 20

(Signed)

I am employed by Lincolnshire County Council Trading Standards Service as a Principal Trading Standards Officer. As part of my duties I am authorised to enforce all criminal legislation for which Lincolnshire Trading Standards has responsibility. In particular I have the power to conduct test purchases at business premises whilst posing as a member of the public.

On 17th September 2019 I visited the shop premises situated at 2 Alfred Street, Boston. As I approached the shop from the bridge I saw a man coming out of the shop and crossing the road. The man appeared to have purchased a can of lager that he had in a black carrier bag. I stopped and watched as he crossed the road as I was concerned for his safety. The man was heavily intoxicated and took some time to get across the road. Once I had seen him safely get to the other side I went into the shop. I selected a single can of PERLA lager from the fridge display. There was no price associated with the can. I took it to the counter and was served by a woman with dark hair. She charged me £1.25 and placed the can in a black carrier bag. I paid and left the shop. I entrusted the can of lager to PC Gina McConville who was waiting in a car nearby.

On 25th September 2019 I again visited 2 Alfred Street, Boston. I had with me my colleague Kirsty Herbertson (KEH), Pc Gina McConville and PS Kim Enderby. I introduced myself to the man in the shop and showed him a copy of my identification. The man later identified himself as the shop owner Talid Abdul KERIM. My colleague and I inspected the shop. There were a number of items that were not marked with a price. Price marking is a legal requirement of the Price Marking Order. Further there were a number of items found that were displayed for sale past their corresponding USE BY date. It is an offence to display items of food past this date as foods so marked pose an imminent risk to health once that date is reached. I issued Incident Notice 1001048 detailing these findings, I explained the Notice to Mr KERIM. Later I followed up that Notice with a letter containing

(Signed) [Redacted Signature]

Statement taken by:

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

STATEMENT OF WITNESS

(Criminal Procedure Rules r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

CONTINUING STATEMENT OF:

A. WRIGHT

further advice. I produce the Notice and letter in evidence as Exhibits 1001048 (1 page) & APW/1 (3 pages) respectively. Attached to the letter is a spread sheet detailing the foods found past their use by date.



(Signed) ...



Statement taken by:

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

Talid Abdul Kerim
2 Alfred St
Boston
Lincs
PE21 6DN

Trading Standards Service
Unit 1
Gilbert Drive
Endeavour Park
Boston PE21 7TQ
Tel: (01522) 552490
Fax: (01522) 554558
Email: tradingstandards@lincolnshire.gov.uk

Our ref: APW/1
Your ref:

26 September 2019

Dear Sir

**PRICE MARKING ORDER
FOOD SAFETY ACT 1990**

I write following my visit to your premises yesterday. At the time I issued you with Incident Notice 1001048 and explained the Notice to you.

To ensure clarity I make the following points:-

PRICE MARKING: Not all items were price marked. In particular strong lagers and beers were not price marked at all. It is important that all items bear an indication of price so that a customer can determine the price before making contact with any member of staff. The price may be displayed on the item itself or on a shelf edge marker in close proximity to the product. I am reliably informed that you are not permitted under the terms of your alcohol licence to sell cans of alcohol in quantities of less than 4. As this is the case any price marking needs to show the price for a four pack of such alcohol. Further, there would seem little point in separating cans of lager that were originally packed in packs of four into single cans. I would suggest you display and price them in packs of four.

USE BY DATES: Please find a spread sheet attached detailing the products found offered for sale on the premises. You will note that many of the products are significantly past their corresponding use by dates. Use by dates are placed on products which constitute a high risk from a microbiological point of view. In simple terms these products are likely to make customers who consume them

Exhibit EU11 - 16 x items past use by date

Name of Food	Pack Size	Use by Date	Date of inspection	days past Use By	Additional issues
Marinated herring (Rafa, Koreczki pirackie)	230g	04/09/2019	25/09/2019	21	Labelling incorrect, it is a use by not best before, weight on original label is 230g, 250g on oversticker.
Marinated herring (Rafa, Koreczki deliaktosowe)	250g	11/08/2019	25/09/2019	45	Labelling incorrect, it is a use by not best before.
Marinated herring (Rafa, Koreczki bankietowe)	230g	02/09/2019	25/09/2019	23	Labelling incorrect, it is a use by not best before, weight on original label is 230g, 250g on oversticker.
Marinated herring (Rafa, Koreczki bankietowe)	230g	12/08/2019	25/09/2019	44	Labelling incorrect, it is a use by not best before, weight on original label is 230g, 250g on oversticker.
Grill Smoked Sausage	572g	22/09/2019	25/09/2019	3	
Grill Smoked Sausage	552g	22/09/2019	25/09/2019	3	
Barbecue Silesian Sausage	550g	23/09/2019	25/09/2019	2	
Grill Smoked Sausage	579g	22/09/2019	25/09/2019	3	
Cabanos sausages	300g	17/09/2019	25/09/2019	8	
Unknown dried sausage product (Cyrillic text)	?	01/09/2019	25/09/2019	24	No English Labelling "Aida Foods £5.19" sticker on pack
Monte Drink	200ml	01/08/2019	25/09/2019	55	
Monte Drink	200ml	01/08/2019	25/09/2019	55	
Monte Drink	200ml	01/08/2019	25/09/2019	55	
Monte Drink	200ml	01/08/2019	25/09/2019	55	
Monte Drink	200ml	01/08/2019	25/09/2019	55	

451 Total days past the use by date

Trading Standards Report

Date: 25/9/19

Name: TALIB KARIM EN INTERNATIONAL
Address: 2 ALFRED ST, BOSTON
Postcode: PE21 6DN
Telephone No: Email:

During the course of my inspection, I examined the following:

1. PRICE MARKING: Goods offered for sale are not price marked.
2. USE BY DATES: 16 items displayed for sale past their corresponding use by date. EMI/1 56160

The following may constitute an offence under the legislation named:

1. PRICE MARKING ORDER
2. FOOD SAFETY ACT 1990

I require/recommend that you take the following action:

1. Ensure all goods offered for sale are price marked.
2. Food seized/taken as sample. Ensure goods are not offered for sale past their corresponding use by date.

WARNING: Failure to comply with the law may result in formal action including prosecution.

Officer's Name: A. WRIGHT Officer's Signature: [Redacted]

Notice Received by: Talib Karim (Print) Position: (Print)
Notice Received by: [Redacted] (Signature)

