

Boston Borough CouncilApplication 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

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

## Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description European Foods 43 Wide Bargate	
Post town Boston	Post code PE21 6SR
Name of premises licence holder Nawal AHMD	
Number of premises licence 32UBB19011	

## Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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 – Lincolnshire - [REDACTED]
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 type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

Please state the ground(s) for review (please read guidance note 2)

This review application relates to the premises European Foods, which is convenience store which benefits from a premises licence authorising the sale of alcohol off the premises from 0800 hours to 2300 hours Monday to Sunday. Its opening hours are the same as its licensable hours.

The premises licence was granted on 25<sup>th</sup> September 2019 at hearing, following a representation by Lincolnshire Police due to concerns with the applicants husband Mr Omid HATEMI. Please see appendix A for the representation, and appendix B for the decision notice.

Mr Hatemi, along with his wife are both directors of the Boston Food & Wine Ltd, which is registered at 43 Wide Bargate, and therefore both are responsible for and benefitting from the business that operates with a premises licence. Please see appendix B for Companies House paperwork. It was noted in the decision notice that 'it was the applicant and her husband's intention that they would run the premises together, and it was a family business'.

Since that hearing Lincolnshire Police have received further information from a partner agency that seriously concerns Lincolnshire Police and leads Lincolnshire Police to believe that the licensing objectives of crime and disorder and public safety will be undermined. Lincolnshire Police have objected to a designated premises supervisor variation from Mrs Ahmed to her husband Mr Hatemi at the same time this review has been submitted.

#### **Relevant Guidance, Policies and Legislation**

##### **Revised Guidance issued under Section 182 of the Licensing Act 2003**

*From Section 11.24. A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*

*From Section 11.26. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

*From Section 11.27. There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK and the sale or storage of smuggled tobacco and alcohol.*

*From Section 11.28. It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is 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.*

##### **Boston Borough Council's Statement of Licensing Policy**

*3.1 The Boston Borough Council aims to make the Boston area a safer place to live, work and visit by reducing crime and the fear of crime and reducing anti-social behaviour.*

*3.3 There are a number of wider issues which may need to be given due consideration when*

dealing with applications. The Licensing Committee may therefore receive and may act upon relevant reports concerning (amongst others)

- crime and disorder
- community safety issues
- any other reports considered appropriate to the licensing function

~~3.4 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. There are several key differences between licensing and planning control. Licensing is concerned with the fitness of the operator and detailed issues concerning the operation and management of the premises that are not addressed by the planning control process. Planning control relates to use of the premises. The grant of planning permission should not be a presumption that a premises licence will automatically follow and vice versa. Additionally, there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.~~

#### **Crime and Disorder Act 1998 Section 17**

*Duty to consider crime and disorder implications.*

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area, and

(c) re-offending in its area

(2) This section applies to each of the following—

.a local authority .....

Please provide as much information as possible to support the application (please read guidance note 3)

Please see appendix A for the representation and appendix B decision notice regarding Lincolnshire Police's previous concerns, which are relevant to this review.

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 at. The sole person present and working in the premises at the time was Omid HATEMI, of a Bristol address, who claimed to be currently staying with friends in Boston.

At this time Mr Hatemi did not have the right to work, and so was himself was 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.

Mr Hatemi is joint director of the company that benefits from the premises licence, and therefore is in a position of responsibility, which will include hiring staff, buying stock etc. His history shows that he has a disregard for the law, he has been found working in a premises when he has no right to work. That premises had a concealment containing illegal tobacco products. A previous premises licence application was made in another's name. Mr Hatemi confirmed via email and at the subsequent licensing hearing that he had nothing to do with that application (he didn't have the right to work at the time of that application), yet his licencing agent confirmed he'd dealt with Mr Hatemi during that application.

The Licensing Act 2003 is clearly intended to prevent crime and disorder 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.

The Police are unable to offer any suitable conditions which would prevent such criminality. In light of this, and of Section 11.28 of the Guidance to the Licensing Act 2003, Police request that serious consideration be given to revocation of the Premises Licence.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

1	1	1	1	1	1	1	1
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**If you have made representations before relating to the premises please state what they were and when you made them**

A representation was made to the original premises licence application – that representation can be seen at appendix A and the decision notice from the hearing can be seen at appendix B.

Lincolnshire Police objected to the Mr Hatemi becoming designated premises supervisor, it can be seen at appendix D. As of the date of this review submission there had not been a hearing for the objection.

Please tick ✓ yes

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

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date 18/11/19

Capacity Pc 642 McConville – Alcohol Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Appendix A

## Licensing Act 2003

### Representation by a Responsible Authority

**Note:** Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Panel hearings.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	Pc 642 McConville
Address:	Lincolnshire Police Licensing, Myle Cross Centre Macaulay Drive Lincoln LN2 4EL
Telephone Number:	[REDACTED]
E-mail:	[REDACTED]

Please provide details of the application to which your representation refers:

Name:	Boston Food & Wine
Address:	43 Wide Bargate Boston PE21 6SR
Application Details:	Premises Licence Application
Date Application Received:	5 <sup>th</sup> August 2019

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- **The Prevention of Crime and Disorder** X
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection of Children from Harm**

In relation to this application, the following Guidance issued under Section 182 of the Licensing Act 2003 has been considered –

*From Section 9.12....Each responsible authority will be an expert in their own field....for example the police have a key role in managing the night-time economy.....However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent.*

*From Section 11.24, which is in relation to reviews but deemed relevant to this representation.....A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*

*From Section 11.26, which is in relation to reviews but deemed relevant....The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.*

*From Section 11.27, which is in relation to reviews but deemed relevant....there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK.*

*From Section 11.28, which again is in relation to reviews, but deemed relevant.....It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is 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.*

43 Wide Bargate is a shop style premises which has run as a convenience store/off licence for the last few years. It did have a premises licence but it was reviewed after the premises failed 2 under 25 (challenge 25) test purchases and one under 18 test purchase, as it was appropriate for the promotion of the licensing objectives of prevention of crime and disorder and the protection of children from harm. The premises licence was revoked in February 2018, there was a subsequent appeal and the decision was upheld.

On 20<sup>th</sup> May 2019 Lincolnshire Police received a premise licence application for 43 Wide Bargate, the application came through licensing agent Mr Paul Byatt with the applicant being [REDACTED]

Pc 642 McConville attended 43 Wide Bargate on 21<sup>st</sup> 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 [REDACTED] (believed to be [REDACTED], husband of the current applicant due to the phone number). The illegal worker described [REDACTED] 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 [REDACTED] arrived. He received a call from [REDACTED] which was later confirmed as the phone number for Mr [REDACTED] born [REDACTED] who then turned up at the premises. Mr [REDACTED] stated the premises and business was his, that he'd had it for 3 months and he was selling it to Mr [REDACTED] 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 [REDACTED] stated that [REDACTED] was his business partner. Both Mr [REDACTED] and Mr [REDACTED] were informed that Lincolnshire Police would be making representation to the premise licence application and to any future applications from either individual due to what had been discovered. The application was subsequently withdrawn.

On discussing the application with Mr Byatt, it became clear that [REDACTED] was the main drive behind the application. Mr Byatt had met with him, unlike Mr [REDACTED] 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 [REDACTED] and [REDACTED] were business partners, and once the correct paperwork with regards to residency and right to work came through for [REDACTED] then the premises licence would be transferred to him.

Checks on Police systems show that incident 87 of 18<sup>th</sup> March 2019 was a report of a broken window at 2 premises on the High Street in Boston. One on the premises was [REDACTED], [REDACTED] which is a take-away style premises called [REDACTED]. The details on the crime report for this premises record the loser's details as [REDACTED], 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 show [REDACTED] born [REDACTED] is the sole director of [REDACTED] which has a correspondence address of [REDACTED]

A short time later another enquiry came via Mr Byatt in regards to [REDACTED] applying for a premises licence at another premise within Boston. Mr Byatt was informed that should such an application be received Lincolnshire Police would make representation due to the discovery of an illegal worker at a business Mr [REDACTED] stated he had ownership of.

Another application was then received for 43 Wide Bargate, and it is this application that this representation relates to. The applicant has confirmed that her husband is [REDACTED]. Home Office Immigration have confirmed that he 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.

On discussing the application with Mrs AHMD over the phone, a male could be heard in the background supplying Mrs [REDACTED] with the answers to the questions posed. Mrs [REDACTED] then passed the phone onto Mr [REDACTED] her husband, as his English was better than his wife's and he seemed to know more details about the business. Mr [REDACTED] confirmed a number of things. The couple bought the business in early June from Mr [REDACTED] and they are in the process of registering with Companies House, where they will both be directors. Please see appendix A for an email forwarded from [REDACTED] where he had attempted to register with Companies House, but has been refused. Lincolnshire Police asked for documentation to show business ownership, for example a lease, bank account, business rates. Mr [REDACTED] gave his contact phone number as [REDACTED] and his email address as [REDACTED]. In regards to the previous application and the illegal worker Mr [REDACTED] stated he was not involved with the previous application and knew nothing of the illegal worker. He stated that he does not know him. Mr [REDACTED] stated that he only knows Mr [REDACTED] from buying the business off him in early June and that he's had no business dealings with him before this. Mr [REDACTED] stated he has not worked in the UK previously, that he doesn't know [REDACTED] and is only aware of him and what happened through what he's heard from [REDACTED]. These statements were then emailed to Mr [REDACTED] who replied confirming that Lincolnshire Police's understanding of his stated position and involvement was correct. Please see appendix B for the emails.

Lincolnshire Police are concerned that the applicants husband, who appears to be the driving force behind the business, will be in a position of responsibility at the business (proposes to be a director on Companies House) and who will therefore benefit from this premise licence if granted has been involved in the premises for some time, when he himself didn't have the right to work. The phone number given by the applicant's husband is the same phone number the illegal worker rang when Police arrived and discovered he was illegally working. The illegal worker confirmed that [REDACTED] gave him a lift to the shop and told him to work.

A male who was noted as the loser at a criminal damage at [REDACTED] in March 2019 gave the same phone number at Mr [REDACTED] and the email address [REDACTED] the same as given by the applicants husband Mr [REDACTED]. The person gave Mr [REDACTED] name but gave an incorrect date of birth, leading to the suspicion that the officer was dealing with Mr [REDACTED] and not Mr [REDACTED]. Mr [REDACTED] is the sole director for this premise on Companies House, showing there is a link between Mr [REDACTED] and Mr [REDACTED] prior to the purchase of the business at 43 Wide Bargate in early June 2019, and therefore a level of dishonesty in answering Lincolnshire Police's

questions.

Mr Byatt's evidence from the first application, and his confirmation that [REDACTED] was the main person behind the application, with [REDACTED] and Mr [REDACTED] being business partners also shows prior involvement at the time the illegal worker was found and a level of dishonesty in answering Lincolnshire Police's questions.

There is a criminal offence of employing an illegal worker under section 21 of the Immigration, Asylum and Nationality Act 2006, as amended by section 35 of the Immigration Act 2016, if the employer knows or has reasonable cause to believe that they are employing an illegal worker. Working includes by payment or otherwise or voluntary work.

Where an employer pays wages to illegal workers off record with no tax or national insurance deductions which are then deliberately omitted from an employers End of Tax Year P35 returns to HMRC, the employer may be dealt with by means of the Fraud Act 2006. Similarly, HMRC may take action as a civil proceedings case and raise a tax debt against the business.

Illegal workers are more than likely poorly paid for the hours they are required to work and are not subject to the benefit of a minimum wage or restricted hours as prescribed in law. Nor are they afforded the benefit of the protections offered by UK employment legislation and are therefore often exploited.

Based on

- The applicant's husband's links to an illegal worker found working in the premises in May 2019
- The fact that Mr [REDACTED] likely worked himself when he was legally not allowed in that he was party in attempting to get a premise licence when he was in business partnership with Mr [REDACTED].
- The evidence suggesting Mr [REDACTED] has not been truthful with Lincolnshire Police in regards to this application and his previous involvement with Mr [REDACTED] and Mr [REDACTED]
- The Government's recent changes to the Licensing Act 2003 and Section 182 Guidance reflect show seriously it sees the issue of illegal working.

Lincolnshire Police have no confidence that the applicant intends to carry on a law-abiding business with the assistance of a premises licence. The evidence strongly suggests that on the balance of probabilities the likelihood of Mr [REDACTED] and therefore his wife Mrs Ahmd undermining the licensing objective of the prevention of crime and disorder is far too great to allow this premise licence to be granted.



# Appendix B

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

Date of hearing	1000hrs – 25 September 2019
Members of Sub-Committee	Councillor Jonathan Noble Councillor Frank Pickett Councillor Stephen Woodliffe
Applicant(s) Name	Mrs Nawal Ahmd
Premises Address	European Food, 43 Wide Bargate, Boston
Represented by	Mr Byatt
Date Application Received	5 August 2019
Details of Application	Application for a premises Licence under the Licensing Act 2003.

**The Parties:**

Mr Byatt, on behalf of the applicant, Mrs Ahmd, has submitted an application for a premises licence for European Foods at 43 Wide Bargate, Boston.

The application submitted is for the sale of alcohol for consumption off the premises between the hours of 0800hrs and 2300 hours every day. The opening hours being the same.

Representation has been received from the Chief Officer of Police.

**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 the licensing objective of the prevention of crime and disorder is relevant to this application.

**Decision:**

The sub-committee has decided to grant the premises licence subject to such conditions as are consistent with the operating schedule accompanying the application, having modified the conditions to such extent as the authority considers appropriate for the promotion of the licensing objectives.

**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 grant 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 herself, and her husband Mr Hatemi, 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 how the application has been submitted in the name of Mrs Ahmd (the applicant) only, but it was the applicant and her husband's intention that they would run the premises together, and it was a family business. The applicant and her family live above the premises.

The sub-committee heard that neither the applicant nor her husband had yet completed the personal licence course, but they intended to if the licence were to be granted. It was confirmed to the sub-committee that the applicant had no prior experience of running a licenced premises, but that she had assisted her father in running a supermarket previously. It was stressed to the sub-committee that the applicant is very conscious that should any criminality be encountered at the premises, that she risked losing her home above the premises, and how without a licence allowing off-sales of alcohol that the business is currently not making money and they may have to give up the business.

The sub-committee heard how the previous incidents that led to the revocation of the premises licence in 2018 were not related to the applicant.

Lincolnshire Police informed the sub-committee how their concerns primarily relate to Mr Hatemi's connections with other individuals, and their encounters with him allegedly being dishonest when dealing with the police. The sub-committee heard how an application was submitted in May 2019, and how a visit to the premises the next day had encountered an illegal worker working alone at the premises. The police went on to detail how the worker had contacted Mr Hatemi instead of the then owner of the premises, or the then applicant. The police also gave details of connections between Mr Hatemi and the other individuals, the extent of which Mr Hatemi denied, and explained whilst they are known to him, he has had no business dealings with them. There was some confusion as the applicant's agent has previously confirmed that he had assisted Mr Hatemi and Mr Karim with the May 2019 application which was subsequently withdrawn.

The police stressed their concerns are that Mr Hatemi's connections/associations with the other individuals, and the criminality encountered at the premises when it was under the other individual's control, mean there is a real risk that the licensing objectives will be undermined should this application be granted.

The sub-committee had due regard for all of the evidence put before them especially the information submitted on behalf of the police.

In reaching their decision however, the sub-committee heard from the applicant herself how she would deal with certain scenarios that could be encountered, and of her commitment to ensure that the premises would be run lawfully and in compliance with any premises licence conditions.

The sub-committee note the police's concerns regarding Mr Hatemi's connections with other individuals, but also note that the application has been submitted in Mrs Ahmd's name, and the sub-committee felt based on the submissions made that it would ultimately be her in control of the premises.

Accordingly, the sub-committee has decided that it is reasonable and proportionate to the safeguarding and promotion of the licensing objectives to grant the premises licence. The licence is granted subject to the following conditions:-

- All mandatory conditions
- All of the conditions submitted by Lincolnshire Police (appended to this decision notice)
- The following conditions taken from the application form:
  - Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off-licence sales only.
  - An operational daily log report must be maintained, endorsed by signature, indicating the CCTV system has been checked and is compliant, in the event of any failings actions taken are to be recorded
  - Persons shall be discouraged from congregating outside of the premises
  - No alcohol purchases to be consumed within the curtilage of the premises.

Additionally, the sub-committee is aware that the applicant is not yet capable of being the designated premises supervisor as indicated on the application. Therefore, whilst they grant the premises licence, it remains inoperable until such time as an application to appoint a DPS has been submitted and granted by the Licensing Authority.

The sub-committee heard how Mr Hatemi now has the right to work in the UK, and how the business is now registered at Companies House with both the applicant and Mr

Hatemi listed as the directors.

During the hearing, the applicant (via her agent) confirmed that she wished to amend her application to also include the conditions submitted by the police prior to the hearing.

In reaching their decision, the sub-committee had due regard for all that they had read and heard, the Licensing Act 2003, the S182 Guidance and the Council's licensing policy.

### **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  
Date 26 September 2019  
Recommended Conditions

Steps Taken To Promote the Licensing Objectives

b) The prevention of crime and disorder

A CCTV system shall be installed, recording and maintained in working order and operated at the premises to the satisfaction of Lincolnshire Police, specifically:

a) There shall be a minimum of one high resolution colour camera, fitted in a weatherproof housing, for external coverage of the entrance.

b) There shall be a minimum of one high-resolution colour camera fitted to each public entrance/exit. To provide a quality head and shoulder image for facial recognition/identification purposes of all persons entering the premises.

c) There shall be sufficient cameras able to cope with the normal operating illumination to reasonably cover all licensed public areas.

d) Recordings must be kept for a minimum of 31 days and endorsed with the accurate, correct time/date (BST/GMT adjusted).

e) Police and/or Authorised Licensing Officers shall be able on attendance to view immediate playback of any incident without the necessity for download.

f) Recordings of incidents at the premises must be provided to the police following lawful request.

g) A member of management shall be on the premises at all times they are open to the public who is capable of operating the CCTV system and providing recordings on request. When this is not possible recordings shall be provided within 24 hours of the original request.

h) Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.

i) In the event of a system malfunction, the Designated Premises Supervisor or the Premises Licence Holder must immediately notify Lincolnshire Police Licensing Department tel 101, ask for Lincolnshire, ask for the alcohol licensing or email [countylicensinggroup@lincs.pnn.police.uk](mailto:countylicensinggroup@lincs.pnn.police.uk). Details of this malfunction must be recorded in the premises refusals/incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.

There shall be no sale of loose cans of beers, lagers or ciders in packs of less than 4, nor a sale of any single bottles of beers, lagers or ciders under 700ml.

No beers, lagers or ciders (including perries) of 6.5% ABV or above shall be sold at the premises.

c) Public safety

An incident/refusals book shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. The incident/refusals book shall contain the following details;

- \* Time, date and location of incident/refusals.
- \* Nature of the incident/refusal.
- \* Names, addresses and contact details of persons involved.
- \* Result of the incident/refusals.
- \* Action taken to prevent such incidents.
- \* Each entry signed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and
- \* Retained for a period of no less than 12 months and made available to Lincolnshire Police for inspection upon request.

d) The prevention of public nuisance

1 litter bin will be provided outside the property, it will be emptied daily when the premises closes.

The outside area of the premises will be checked daily for litter, any found will be disposed of in an appropriate manner.

Signage will be displayed outside the premises asking people not to congregate in the immediate area.

Signage will be displayed at the exit asking customers to consider nearby residents and to please leave the area quietly.

e) The protection of children from harm

The premises shall operate the "Challenge 25" Proof of Age Policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy shall require any person who appears to be under the age of 25 years to produce one of the following forms of identification:

- \* A recognised proof of age card credited under the British Retail Consortiums Proof of Age Standards Scheme (PASS);
- \* Photo driving licence;
- \* Passport.

Notices shall be prominently displayed advising customers of the Challenge 25 policy

All point of sale staff shall undergo twelve monthly training in the challenge 25 proof of age scheme and all other relevant policies with a record kept of the date of training, signed by the member of staff being training and the trainer. Each entry shall be retained for a period of 12 months from date of completion. This record shall be made available for inspection by Lincolnshire Police Officers or other relevant authority.

# Appendix C

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

BOSTON FOOD & WINE LTD

Company number **12161794**

Registered office address

43 Wide Bargate, Boston, Lincolnshire, England, PE21 6SR

Company status

Active

Company type

Private limited Company

Incorporated on

19 August 2019

## Accounts

First accounts made up to **31 August 2020**  
due by **19 May 2021**

## Confirmation statement

First statement date **18 August 2020**  
due by **1 September 2020**

## Nature of business (SIC)

- 47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is  
there anything wrong with this page?(link opens a new window)  
(<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/12161794>)

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

BOSTON FOOD & WINE LTD

Company number **12161794**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/12161794/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/12161794/persons-with-significant-control)

## Filter officers

<input type="checkbox"/>	Current officers
<input type="button" value="Apply filter"/>	

## 2 officers / 0 resignations

---

### AHMD, Nawal

Correspondence address **43 Wide Bargate, Boston, Lincolnshire, England, PE21 6SR**

Role Active **Director**

Date of birth [REDACTED]

Appointed on **19 August 2019**

Nationality [REDACTED]

Country of residence **United Kingdom**

Occupation **Director**

---

### HATEMI, Omid

Correspondence address **43 Wide Bargate, Boston, Lincolnshire, England, PE21 6SR**

Role Active **Director**

Date of birth [REDACTED]

Appointed on **19 August 2019**

Nationality [REDACTED]

Country of residence **United Kingdom**

Occupation Director

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window)

([https://beta.companieshouse.gov.uk/help/feedback?](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/12161794/officers)

sourceurl=https://beta.companieshouse.gov.uk/company/12161794/officers)

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

BOSTON FOOD & WINE LTD

Company number **12161794**

- [Officers \(https://beta.companieshouse.gov.uk/company/12161794/officers\)](https://beta.companieshouse.gov.uk/company/12161794/officers)
- [Persons with significant control](#)

2 active persons with significant control / 0 active statements

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### Mrs Nawal Ahmd Active

Correspondence address **43 Wide Bargate, Boston, Lincolnshire, England, PE21 6SR**

Notified on **19 August 2019**

Date of birth **[REDACTED]**

Nationality **[REDACTED]**

Nature of control **Ownership of shares – More than 25% but not more than 50%**

Country of residence **United Kingdom**

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### Mr Omid Hatemi Active

Correspondence address **43 Wide Bargate, Boston, Lincolnshire, England, PE21 6SR**

Notified on **19 August 2019**

Date of birth **[REDACTED]**

Nationality **[REDACTED]**

Nature of control **Ownership of shares – More than 25% but not more than 50%**

Country of residence **United Kingdom**

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[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [is there anything wrong with this page?\(link opens a new window\)](#)

(<https://beta.companieshouse.gov.uk/help/feedback?>)

sourceurl=<https://beta.companieshouse.gov.uk/company/12161794/persons-with-significant-control>)

# Appendix D

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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 [REDACTED]

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 [REDACTED] arrived. He received a call from [REDACTED] which was later confirmed as the phone number for Mr [REDACTED] born [REDACTED] who then turned up at the premises. Mr [REDACTED] stated the premises and business was his, that he'd had it for 3 months and he was selling it to Mr [REDACTED] 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 [REDACTED] stated that Omid (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 [REDACTED] 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 [REDACTED] 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 [REDACTED] Boston, which is a take-away style premises called [REDACTED]. The details on the crime report for this premises recorded the losers details as [REDACTED]

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 [REDACTED] born [REDACTED] as the sole director of [REDACTED] which has a correspondence address of [REDACTED].

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] and 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 [REDACTED] and is only aware of him and what happened through what he'd heard from Mr [REDACTED]. 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 Bristol 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.

.....

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:** [REDACTED]  
**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 your 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

---

**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