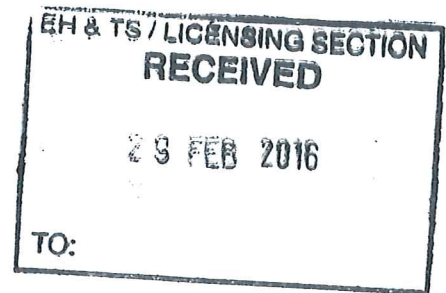


ANNEX B

West Mercia Police
Herefordshire Policing Area
Harm Reduction Unit
Bath Street
Hereford. HR1 2HT



CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious disorder~~¹.

*Premises*²:

Zabka
16 Eign Gate
Hereford HR4 0AB

Premises licence number (if known): PR01654

Name of premises supervisor (if known): Zardashit Karem SALH

I am a Superintendent Susan THOMAS³ in the West Mercia police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

This is a serious criminal matter and concerns the possession and sale of illegal tobacco.

The sale or storage of illegal/smuggled tobacco is identified by the Secretary of State as a matter that should be treated particularly seriously and that the review process should be used to deter such criminal activity.

Other procedures have been considered, but due to the seriousness of the incident are deemed not appropriate.

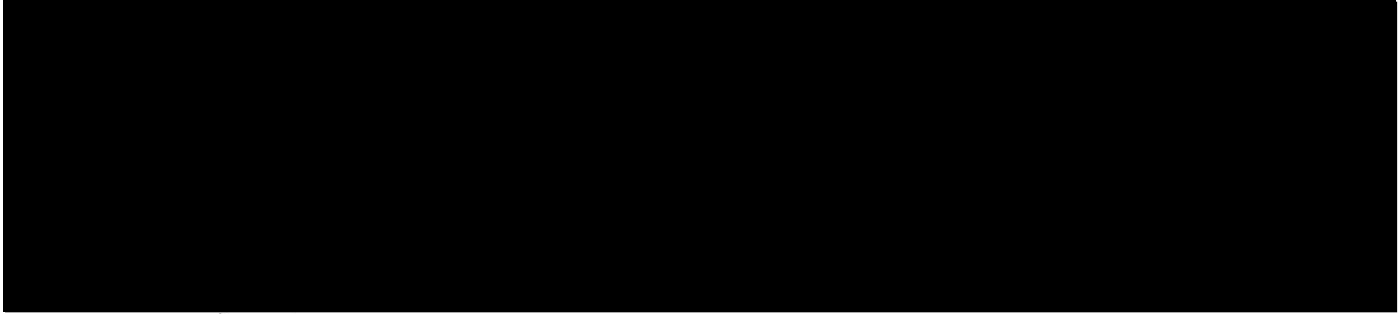
¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

THE UNIVERSITY OF CHICAGO
LIBRARY



FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Police Inspector 0795 SEMPER [on behalf of] the chief officer of police for the West Mercia police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Zabka
16 Eign Gate**

Post town: Hereford

Post code (if known): **HR4 0AB**

2. Premises licence details:

Name of premises licence holder (if known): Zardashit Karem SALH

Number of premises licence holder (if known): PRO1654

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Zabka is a small convenience store located in Eign Gate, Hereford.

The premises is owned and operated by Zardashit Karem SALH. He is the premises licence holder and designated premises supervisor.

The premises was granted a licence in March 2015

Prior to this date the premises was not licensed but had been subject to Herefordshire Council Trading Standards and police intervention with regards to the sale and supply of illegal or smuggled tobacco. Some of these interventions resulted in criminal prosecutions. None of this matters involved Mr SALH.

As a result of the previous - and recent - history, both the police and Herefordshire Council Trading Standards objected to the application as there was information that the applicant had connections with the previous operator and there was reasonable suspicion that he was involved in the sale/supply of illegal tobacco.

This was denied by Mr SALH and this committee granted the premises licence with conditions.

As a result of information received a joint police and Herefordshire Council Trading Standards magistrates warrant was executed at the shop on Thursday 25 February 2016. The operation was intelligence-led and its purpose was to look for illegal or smuggled tobacco.

At the time the warrant was executed Mr SALH was not present. Three members of staff were present, one being the partner/wife of Mr SALH

Illegal tobacco was found under the counter and also hidden in two freezers under the control of the premises.

290 packets of cigarettes were seized, these are believed to be illegally produced items. This makes a total of 5800 cigarettes.

This is now a live on-going joint criminal investigation.

All three members of staff were arrested and taken to the police station.

Later that day, Mr SALH came to the police station to enquiry about his partner. He was later interviewed about the items seized. He made no comment to all questions asked.

The other members of staff were also interviewed.

During these interviews one member of staff stated that tobacco has been sold under the counter ever since they had been employed at the store. They stated that packets of cigarettes are sold for £4 each - an amount well under the normal retail selling cost which is in the region of £8 a packet.

The sale of illegal or smuggled tobacco at licensed premises is serious criminal activity which the Secretary of State indicates should result in a licence review.

The potential sentence for this criminal activity can be imprisonment of 3 years or more. The actual maximum sentence for this criminal offence is 10 years imprisonment and/or unlimited fine

This illegal activity undermines the licensing objective of the prevention of crime and disorder.

The view of West Mercia Police is that the premises licence for this location should be suspended until a full review hearing takes place.

Signature of applicant:

Date: 29/02/16

Capacity: Police Inspector 0795 Nick SEMPER

Contact details for matters concerning this application:

Address:

**Hereford Police Station
Harm Reduction Unit
Bath Street
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: licensing.herefordshire@westmercia.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in

order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.