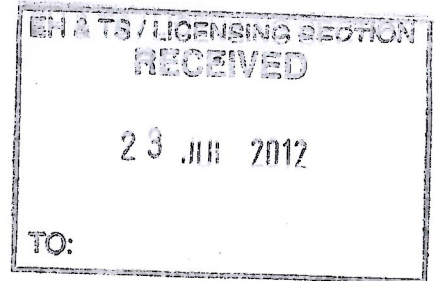


ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Herefordshire Council Licensing Authority  
PO Box 233  
Hereford. HR1 2ZF



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 James Mooney [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:  
European Fresh Foods  
141-143 Eign Street  
  
Post town: Hereford  
  
Post code (if known): HR4 0AJ

2. Premises licence details:

Name of premises licence holder (if known): Bakhtyar Khedin Mohammed  
  
Number of premises licence holder (if known): PRO1525

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]

The premises is a small convenience store near to Hereford city centre. It is a new store and has been open for less than 6 months. As such the premises has new conditions attached to it which are appropriate and necessary for the premises and are both achievable and enforceable.

At about 1830hrs on Saturday 21 July 2012, the premises were visited by officers from Herefordshire Council Trading Standards and West Mercia Police as part of a joint operation to 'test' the age verification procedures that were in place with regards to the sale of age restricted goods.

A sale of 4 cans of lager was made to two young people aged 14 and 15. No relevant checks were made at the time to establish their age.

Whilst at the premises, the nationality and employment status was made with regards to the member of staff who made the sale. On his own admission he stated he was an illegal immigrant. Using relevant powers, a search was made of the premises and 3 boxes of vodka and in the region of 3000 cans of lager were found. It is believed that all these items have not been subject to UK taxes and duty payment. The alcohol sold was the same brand as the items seized.

The employment of illegal immigrants and the sale of smuggled alcohol is viewed by the Secretary of State as particularly serious criminal activity.

It is the view of West Mercia Police that these matters are serious crime issues and therefore the premises are connected with serious criminal activity.

Signature of applicant   
Date: 23/7/12  
Capacity: Police Licensing Officer

**Contact details for matters concerning this application:**

Address:  
Hereford Police Station  
Bath Street  
Hereford. HR1 1HT

Telephone number(s): 01432 347102

Email: james.mooney@westmercia.pnn.police.uk

**Notes for guidance:**

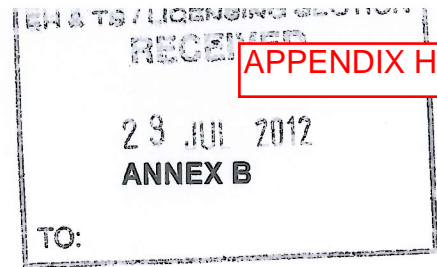
1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder 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.



West Mercia Police  
Herefordshire Territorial Policing Unit  
Bath Street  
Hereford

### **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<sup>1</sup>.

*Premises*<sup>2</sup>:  
European Fresh Foods  
141-143 Eign Street  
Hereford. HR4 0AJ

Premises licence number (if known): PRO1525

Name of premises supervisor (if known): Bakhtyar Khedir Mohammed

I am a Superintendent Charles HILL<sup>3</sup> 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, because<sup>4</sup>:

The premises are a small convenience store near to the main shopping area of Hereford. On Saturday 21 July 2012, a joint Herefordshire Trading Standards and West Mercia Police 'test purchase' operation took place. This premises were visited and a sale of alcohol was made to two young people aged 14 and 15.

Whilst at the premises the employment and nationality status of the staff member who made the sale was undertaken was checked. He stated he was an illegal immigrant and had no employment status to work in this country. He was detained by the police. Additionally a search was made of the premises and

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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.

3 boxes of vodka and in the region of 3000 cans of lager were seized as suspected of being non UK duty paid. This was further supported by invoices that had the delivery company details removed.

The sale of non duty paid goods and the employment of illegal immigrants is viewed by the Secretary of State as serious issues and as such the standard review process is not appropriate in these circumstances.

[Redacted signature]

23<sup>rd</sup> / 12

(Signed)

(Date)