

West Mercia Police
Herefordshire Territorial Policing 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:

Supersam
141-143 Eign Street
Hereford. HR4 0AJ

Premises licence number (if known): PR01661

Name of premises supervisor (if known): Heman JAMAL

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:

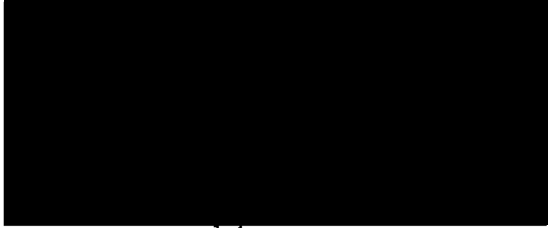
This is viewed as serious criminal activity.
It concerns the sale and storage of smuggled tobacco and alcohol
It further concerns the employment of a person who unlawfully in the UK
All other procedures have been considered and are deemed inappropriate

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.



(Superintendent)

(Date)

22/11/16.

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 Police Sergeant 3456 Duncan Reynolds [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:

**Supersam
141-143 Eign Street
Hereford.**

Post town: Hereford

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

2. Premises licence details:

Name of premises licence holder (if known):
Heman JAMAL

Number of premises licence holder (if known): PR01661

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 which is licensed to sell alcohol. It is located close to the city centre and is in a prominent position.

This is a Police expedited review application.

This premises was subject to a Police licensing review in 2012 with regards to the sale, supply and storage of illegal alcohol and additionally the employment of a person with no right to be in the country and to be employed in the UK. This review resulted in the premises licence being revoked.

It is right to point out that current premises licence holder Heman JAMAL, was not the premises licence holder at the time of this review.

The premises has been re-licensed since early 2015. Initially the Police objected to the application as they had concerns regarding potential illegal criminal activity. However this objection was later withdrawn and the premises licence was granted by this committee with significant conditions.

On Tuesday 22 November 2016, a joint Police and Herefordshire Council Trading Standards operation took place under the name of Operation Trivium.

This operation was intelligence led and concerned information that various licensed shop premises were involved in the sale and supply of non duty paid alcohol and tobacco.

Supersam shop was of particular concern with significant information that non duty paid or illegal items were being sold at the shop and were being stored in the flat above the premises. Trading Standards obtained a magistrates court warrant for the premises which was executed on the 22 November 2016.

Prior to obtaining the warrant, Trading Standards undertook a number of undercover test purchase visit to the premises. They were sold tobacco items at a price significantly below what they would normally be sold. These items purchased are believed to have been illegally brought into the country for resale and have not been subject to UK custom and excise control or duty paid.

On executing the warrant at the premises, officers found a CCTV system linking the flat with the shop, and when the flat was searched a large quantity of vodka was found along with a large quantity of tobacco in bin bags and a holdall.

Paper work was also found in the flat linking it to the shop. In addition two receipts were found for the hire of two shipping container units near to Mortimer Road, Hereford.

As a consequence, a further warrant was obtained by Trading Standards to search these units. The containers when searched were found to contain a large amount of foreign brand tobacco products - in the region of 240,000 cigarettes, the vast majority of which were hidden in boxes containing BBQ units.

The premises licence holder for this shop is Heman JAMAL, he is also the designated premises supervisor. He was not present when both warrants were executed. He has however since been arrested, with others found at the shop, and is on police bail for conspiracy and other offences.

From initial enquiries, the view of both the Police and Trading Standards is that there is a clear link between Supersam Convenience shop, the items found in the flat above the shop and the shipping containers linking them all to the premises licence holder JAMAL.

Additionally there is a similar link indicating criminal activity at a shop called Mila Convenience shop, Belmont Road, Hereford, which is licensed in the name of JAMAL.

The Secretary of State has indicated that certain criminal activity has to be viewed and treated as particularly serious. This includes the sale or storage of smuggled tobacco and alcohol.

These issues are viewed as particularly serious and does give rise to suspect that the shop - and therefore the licensed premises and the premises licence holder are involved in serious criminal activity. The sale of these items does result in substantial financial gain.

As you know, only the Police can launch an expedited review based on serious crime or serious disorder. The authority to launch this review is in the certificate signed by Police Superintendent Susan THOMAS.

The sale or storage of illegal tobacco and alcohol is viewed as serious crime and can attract a custodial prison sentence of 3 years or more on conviction.

The police view - and that of Trading Standards - is that clearly the premises licence holder has no regard to the promotion of the licensing objectives and upholding the law.

The view of the police is that in order to promote the licensing objectives as an interim step you are requested to suspend the premises licence for Supersam Convenience shop pending a full review hearing.

Date: 24 November 2016

Capacity: Police Sergeant 3456 Duncan REYNOLDS

Contact details for matters concerning this application:

Address:

**Hereford Police Station
Bath Street
Hereford. HR1 2HT**

Telephone number(s): 01432 347102

Email: licensing.hereford@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.