

South Holland District Council**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

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

Fantasia
2 Bourne Road

Post town Spalding

Post code PE11 1JW

Name of premises licence holder

Hemen AHMAD

Number of premises licence

PL0369

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

Please tick ✓ yes

I am 18 years old or over

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

Lincolnshire Police
Alcohol Licensing
Myle Cross Centre
Macaulay Drive
LN2 4EL

Telephone number (if any)

101 - Lincolnshire - 3298438

E-mail address (optional)

Countylicensinggroup@lincs.pnn.police.uk

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

- | | Please tick one or more boxes ✓ |
|---|---------------------------------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

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

This review application relates to the premises Fantasia, which is a convenience store which benefits from a premises licence authorising the sale of alcohol off the premises from 0700 hours to 2100 hours Monday to Sunday. Its opening hours are the same as its licensable hours.

Lincolnshire Police have obtained evidence which indicates that the management of these premises has been knowingly offering for sale medicine without English on the original packaging, thereby endangering consumers. Mr Ahmad has previously been warned in relation to the selling of and offering for sale foreign medicines in 2016.

Human Medicines Regulations 2012 has offences in relation to unlicensed/foreign medicine. Statement to follow from Controlled Drugs Officer, Lincolnshire Police.

Mr Ahmed also failed to comply with article 14(1) of EU regulation 178/2002 in that he place upon the market food which was not safe, namely 18 items of perishable food stuff after the "use by" date displayed on those items contrary to regulation 19(1) of the Food Safety and Hygiene Regulations 2013.

The Licensing Act 2003 is clearly intended to prevent crime and disorder from occurring in relation to licensed premises but also to keep to public safe and to prevent harm. The actions or lack thereof by the licence holder have intentionally undermined the licensing objectives for the prevention of crime, public safety and the protection of children from harm.

Revised Guidance issued under Section 182 of the Licensing Act 2003

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

2.7 Licence Holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

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 guilt or innocence of any individual but to ensure that promotion of the crime prevention objective.

11.26The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interest of the wider community and not those of the individual licence holder.

11.28 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

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

On 17th August 2016 Licensing Officers Pc 243 Evans (now retired) and Pc 642 McConville attended Fantasia, 2 Bourne Road, Spalding to carry out a compliance visit.

Foreign medicines were being displayed and offered for sale at the rear of the premises. These items were seized. There were 6 bags in total. Please see appendix A for a photograph of the items seized. It was explained to Mr Ahmad, who was premises licence holder and designated premises supervisor at the time that it is an offence to sell or offer for sale foreign medicine, as there has to be English on the original packaging. It was explained that interpreted over stickers in English were not sufficient, it has to be on the original packing and internal leaflet, and that only medicines that met with this would be licensed for sale in the UK.

Mr Ahmad was not accepting of this information and Pc 642 McConville brought up the legislation on Mr Ahmad's smart phone so he could read the legislation for himself.

On 23rd January 2020 Pc 642 McConville in company with Trading Standards officer Andy Wright and Rebecca Money attended Fantasia to carry out a compliance check. Again foreign medicines were being offered for sale at the rear of the premises, and again these medicines were seized. Please see appendix B for a photograph of the items seized.

The seized medicines have been sent for analysis by Lincolnshire Police's Medicines Officer David Williams. He will be able to confirm whether or not a like for like ingredient is licensed in the UK and if that product would fall into the prescription, pharmacy or general sale category.

Trading Standards Officers removed 18 out of date 'use by' dated products from the premises' fridges and issued a warning. Guidance was sent regarding the labelling of meat on the deli counter, as only one label was in English. Please see appendix C for a photograph of the food items seized.

The Police are unable to offer any suitable conditions which would prevent the recurrence of such activity. Conditions are meant to be over and above what's already in law. It is expected that premises licence holders are already abiding by relevant legislation as a starting point of compliance. Mr Ahmad knew he was not to offer foreign medicines for sale and the risk had been fully explained to him. His responsibility is to promote the licensing objectives, not deliberately undermine them by risking public safety. In light of this, and of Section 2.7 and 11.18 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

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

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, 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 28/01/20

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

Medicines seized 17/8/16



Appendix B



Appendix C

