

## LICENSING SUB-COMMITTEE

### MINUTES OF MEETING HELD ON MONDAY 16 DECEMBER 2024

**Present:** Cllrs Derek Beer, Jill Haynes and Jack Jeanes

**Apologies:** Cllrs

**Officers present (for all or part of the meeting):**

Lara Atree (Senior Lawyer - Regulatory), John Miles (Democratic Services Officer), Kathryn Miller (Senior Licensing Officer), Aileen Powell (Licencing Team Leader) and Megan Rochester (Senior Democratic Services Officer).

**113. Election of Chair and Statement for the Procedure of the Meeting**

Proposed by Cllr Jill Haynes and seconded by Cllr Jack Jeanes.

**Decision: That Cllr Derek Beer be elected as Chair for the duration of the meeting**

**114. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

**115. Application to Review the Premises Licence for Weymouth Tandoori, Weymouth**

Kathryn Miller, the Senior Licensing Officer presented a report setting out the application for the review of a premises licence for "Weymouth Tandoori, Weymouth". The review had been made in connection with the licensing objective of the prevention of crime and disorder as the Licence Holder was associated with employing illegal workers which was contrary to Immigration Legislation. Therefore, members were advised that a hearing had to be held to determine the application. The Senior Licensing Officer referred to appendix 1 and 2 which detailed the current terms of the licence. In consultation with partners from HM Immigration, Compliance and Enforcement Team (Home Office), Dorset Police no longer had confidence in the Designated Premises Supervisor or Premises Licence Holder to uphold the licensing objectives.

Since the report was published, further emails and correspondence had passed between the two parties. A Councillor for Dorset Council and Weymouth Town Council wrote in support of the review and the Ward Member for Melcombe Regis

made comment on the application Further details were provided regarding the possible actions which could be undertaken by the Licensing Sub-Committee regarding adding additional conditions, the suspension or revocation of the licence.

There were no questions from members at this time.

Dorset Police, the applicant for the review, highlighted that they had included as much information in written form and would keep their representation brief. Sergeant G Gosling added that it had been recognised by Dorset Police that licensed premises were intended to provide social and economic value to communities. When objectives were undermined, it was essential to take any necessary action. He referred to the guidance which stated that revoking a licence should be a consideration. Sergeant G Gosling informed members that Dorset Police had engaged in mediation to try and identify possible agreed action in advance of the hearing, however, this had not been possible. Dorset Police were grateful for the support provided by the immigration team and on balance did not have confidence that licensing objectives would be upheld by the licence holder.

Cllr Derek Beer confirmed that members present had read all the information submitted in the report.

There were no questions from members at this time.

Mr Monroe referred to comments regarding mediation between the parties which members had seen sight off, however, it did not feel like mediation and other solutions should have been considered. The agent also felt that revoking of the licence was unnecessary, and it would be better to add conditions.

Sergeant G Gosling explained that a variety of reviews had been conducted. Engaging in mediation was one of the processes which was licence holder led. To ensure this, officers may visit premises and engage in additional communication to prevent a review taking place. However, whilst grateful for the measures put in place, hid concerns remained. Sergeant G Gosling felt that the only available outcome was a review. Dorset Police had tried to be as clear as they could and all the relevant information regarding the premises had been included within the paperwork.

The agent queried whether the police officer had personally met with the licence holder. Sergeant G Gosling explained that despite his best intentions he couldn't meet with everybody in his area.

The agent, Mr Monroe, provided background to the application. He did not feel as though Dorset Police had engaged in mediation nor had they met with the current licence holder. He referred to the Home Office, noting that they had not called for a review as it may not have met their criteria, therefore, it was highly unlikely that they would have been minded reviewing the licence. He felt that if the offence was severe, communication should have been sought between the local police authority and Home Office to investigate any alleged breaches. Mr Monroe reflected on the existing poor legislation which was a fault due to poor administration. The agent detailed the previous and current running of the business and that the

Licence Holder had never attracted the attention of the Police or Local Authority prior to the review.

Mr Monro detailed the situation regarding the illegal worker and explained that they had been processed like any other person. There was no attempt to deceive or exploit workers identified, this had been evidenced in the investigation which established that there was no exploitation taking place. To conclude, the agent noted that one town councillor had no objections whereas the other wanted the licence to be revoked. He did not feel that revoking the licence would solve the problem.

Mr Steadman also spoke on behalf of the licence holder. Members of the Licensing Sub-Committee were informed that he was previously a police officer. He noted that some of the previous running of the business had not been ideal, and he was working with the licence holder to aid in the appropriate running of the business. He did not feel as though revoking the licence was the most appropriate solution, but new conditions would prevent further mistakes. He reiterated that the licence holder had never been in trouble with the Police previously and conditions would allow him to run a successful business.

The licence holder was happy with the conditions put forward by the agent and was aware of the previous issues. If members were minded to add conditions, he would be happy to comply with them.

**Questions for the premises licence holder from other parties:**

- Cllr Haynes sought clarity regarding the setup of the business and the sole trader of the business.
- Sergeant G Gosling felt that it would have been a benefit to the members of Sub-Committee to have clarity regarding the conditions suggested by the licence holder and agent.
- Cllr Beer asked for clarity of the level of communication between the local Police and licence holder.
- Cllr Haynes noted that licence holders must be trusted and queried as to why the licence hadn't been taken over due to the administration being a problem.
- Kathryn Miller confirmed that the DPS was the same person as the licence holder and sought clarification as to which licensing authority issued the personal licence to which Mr Monro had previously referred. Sergeant G Gosling asked for clarity as to whether the nature of work or a reference to payslips had been submitted to the Sub-Committee in advance of the hearing.

The meeting was adjourned for the Sub-Committee to read through the suggested conditions put forward by Mr Munro.

Upon returning, Cllr Derek Beer confirmed that members had looked at the submitted document. It was agreed that members wouldn't take any further additional evidence.

All parties were given the opportunity to sum up and have their say.

**Decision:** That new conditions be added to the Premises Licence as follows:

1. A written policy must be in place to document the procedures to be followed to check that each employee has the right to work in the UK. The policy must include, but not be limited to, checking that the dates for the person's right to work in the UK are valid and have not expired, that the person has permission to do the type of work required (including any limit on the number of hours they can work) and that no conditions apply that would prevent that person doing the work required.
2. A written record must be kept for each employee to confirm that they have the right to work in the UK and undertake the specific work required. The written record must detail the checks made and the results received, include a photograph of the employee and be signed by the person carrying out those checks. The written record must be kept at the Premises and made available to any Responsible Authority and Licensing Officer at their request.

**116. Urgent items**

There were no urgent items.

**117. Exempt Business**

There was no exempt business.

**118. Supplementary Information for Weymouth Tandoori**

**Duration of meeting:** 10.00 - 11.22 am

**Chairman**

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