## **Public Document Pack**



## **Licensing Sub-Committee**

Date: Monday, 16 December 2024

**Time:** 10.00 am

Venue: County Hall, Dorchester Dorset DT1 1XJ

Members (Quorum: 3)

Derek Beer, Jill Haynes and Jack Jeanes

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224877 john.miles@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## **Agenda**

Item Pages

## 1. ELECTION OF CHAIR AND STATEMENT FOR THE PROCEDURE 3 - 6 OF THE MEETING

To elect a Chair for the meeting and the Chair to present and explain the procedure for the meeting.

## 2. APOLOGIES

To receive any apologies for absence.

## 3. DECLARATIONS OF INTEREST

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

## 4. APPLICATION TO REVIEW THE PREMISES LICENCE FOR WEYMOUTH TANDOORI, WEYMOUTH

An application has been made to review the premises licence for Weymouth Tandoori, 45-49 Maiden Street, Weymouth. The application has been out to public consultation. A Licensing Sub-Committee must consider the application and representations at a public hearing.

#### 5. URGENT ITEMS

To consider any items of business which the Chair has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

## 6. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.



## THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

## Rights of a Party

- 1. A party has the right to attend the hearing and may be represented by any person.
- 2. A party is entitled to give further information where the authority has asked for clarification.
- 3. A party can question another party, and/or address the authority, with consent of the authority.

## Failure to Attend

- 4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
- 5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
- 6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

## **Procedural Information**

- 7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
- 8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
- 9. The authority will allow the parties an equal maximum period of time in which to speak.
- 10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

## **FOOTNOTE:**

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

## LICENSING SUB-COMMITTEE PROCEDURE

- 1. At the start of the meeting the Chairman will introduce:
  - the members of the sub-committee
  - the council officers present
  - the parties and their representatives
- 2. The Chairman will then deal with any appropriate agenda items.
- 3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
- 4. The applicant or their representative is then invited to present their case.
- 5. Committee members will be invited to ask questions.
- Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
- 7. The Chairman may then allow an opportunity for questions.
- 8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
- 9. All parties will be given the opportunity to "sum up" their case.
- 10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.

## 11. The Chairman will:

- advise when the sub-committee's decision will be confirmed in writing.
- Inform those present of their right to appeal to the Magistrates' Court.

## NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the subcommittee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.



## Licensing and Gambling Acts Sub Committee

## **16 December 2024**

# Application to review the premises licence for Weymouth Tandoori, Weymouth

## For Decision

## **Cabinet Member and Portfolio:**

Cllr G Taylor, Health and Housing

## Local Councillor(s):

Cllr J Orrell

### **Executive Director:**

Jan Britton, Executive Lead for Place

Report Author: Kathryn Miller Job Title: Senior Licensing Officer

Tel: 01305 830828

Email: Kathryn.miller@dorsetcouncil.gov.uk

Report Status: Public

**Brief Summary:** An application has been made to review the premises licence for Weymouth Tandoori, 45-49 Maiden Street, Weymouth. The application has been out to public consultation. A Licensing Sub-Committee must consider the application and representations at a public hearing.

**Recommendation**: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives:

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

**Reason for Recommendation**: The Sub-Committee must consider all the written representations, the oral representations, and any information given at the hearing before reaching a decision.

## 1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.2 All applications and decisions are made with due regard to the <u>Licensing Act 2003</u> (the Act), the <u>Revised Guidance issued under Section 182 of the Licensing Act 2003</u> (the Guidance) and the <u>Dorset Council Statement of Licensing Policy</u> (the Policy).

## 2. Details of the review application

- 2.1 Dorset Police have applied for a review of the premises licence for Weymouth Tandoori, 45-49 Maiden Street, Weymouth, DT4 8AZ. The application form is attached at Appendix 1. The application was also supported by a statement from an Immigration Officer, however, this contains sensitive information and cannot be in the public domain. Members have received a copy of the statement.
- 2.2 The review is made under the licensing objective of the prevention of crime and disorder on the grounds that:

There is evidence that this premises is associated with employing illegal workers contrary to immigration legislation.

In consultation with partners from HM Immigration, Compliance and Enforcement Team (Home Office), Dorset Police no longer have confidence in the Designated Premises Supervisor or Premises Licence Holder to uphold the licensing objectives.

## 3. The Licence

- 3.1 The licence is currently held by Jamal Uddin.
- 3.2 Mr Uddin has held the licence since 2005, when the Licensing Act 2003 came into effect.
- 3.3 The licence allows for the following:

Sale of alcohol (on the premises)

Monday to Saturday 1000 hours to midnight Sunday, Christmas Day & Good Friday midday to 2330 hours

New Years Eve from end of permitted hours on New Years Eve to the start of permitted hours on the following day (or if no permitted hours on the following day midnight on 31 December).

Late night refreshment (indoors)

Monday to Saturday 2300 hours to midnight Sunday, Christmas Day & Good Friday 2300 hours to 2330 hours

New Years Eve from end of permitted hours on New Years Eve to the start of permitted hours on following day (or if no permitted hours on the following day midnight on 31 December).

A copy of the licence is at Appendix 2.

3.4 The agent for the licence holder has written to the Police to commence mediation, the correspondence between the two parties is attached at Appendix 3.

## 4 Responsible Authorities

- 4.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.
- 4.2 A representation in support of the review has been received from the Home Office Immigration Enforcement. However, their comments contain sensitive information and cannot be in the public domain. Members have received a copy of the representation. There were no other representations received from any of the Responsible Authorities.
- 4.3 A Councillor for Dorset Council and Weymouth Town Council has written in support of the review, his response can be found at Appendix 4.
- 4.4 The Ward Member for Melcombe Regis made comment on the application and his response can be found at Appendix 5.

## 5 Reviews

5.1 The Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (the S182 Guidance) contains a chapter on Reviews. This chapter is included in full under Background Papers of the report. Paragraphs 11.1 and 11.2 of the s182 Guidance states that:

The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

5.2 Section 13 of the Dorset Council Licensing Policy (the DC Policy) contains guidance on how the Licensing Authority will deal with enforcement and reviews. Paragraph 13.1 states; -

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night-time licensed economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

5.3 Paragraph 13.9 of the DC Policy states; -

The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

5.4 Section 13 of the DC Policy is attached in full at under Background Papers of the Report.

#### 6 Considerations

6.1 Paragraphs 11.16 to 11.17 and 11.19 to 11.23 of the s182 Guidance set out the powers available to the Licensing Authority:

The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management
- suspend the licence for a period not exceeding three months
- revoke the licence.

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## 7 Financial Implications

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

## 8 Environmental Implications

None.

## 9 Well-being and Health Implications

None.

## 10 Other Implications

None.

### 11 Risk Assessment

11.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: High Residual Risk: High

## 12 Equalities Impact Assessment

Not applicable

## 13 Appendices

Appendix 1 – Review application

Appendix 2 – Current licence

Appendix 3 – Correspondence from licence holders agent to Police

Appendix 4 – Comment from a Dorset Council & Weymouth Town Councillor

Appendix 5 – Comment from Ward Member

## 14 Background Papers

Licensing Act 2003

Home Office Guidance issued under Section 182 of the Licensing Act 2003

Dorset Council Statement of Licensing Policy 2021



## Dorset 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.

1 Sergeant Gareth Gosling on behalf of the Chief	f Officer of Dorset Police
(Insert name of applicant)	
apply for the review of a premises licence unde	er 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	ce survey map reference or description
Weymouth Tandoori 45-49 Maiden Street	
Post town Weymouth	Post code (if known) DT4 8AZ
Name of premises licence holder or club holding	ng club premises certificate (if known)
Jamal UDDIN	
Number of premises licence or club premises c	ertificate (if known)
WPPL0354	
Part 2 - Applicant details	
I am	
	Please tick ✓ yes
1) an individual, body or business which is not a authority (please read guidance note 1, and complor (B) below)	
2) a responsible authority (please complete (C) be	elow)
3) a member of the club to which this application	relates

(A) DETAILS OF INDIVIDUAL APPLICANT	(fill in as applicable)
Please tick ✓ yes	
Mr Mrs Miss M	Other title (for example, Rev)
Surname	First names
I am 18 years old or over	Please tick ✓ yes
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
Drug & Alcohol Harm Reduction Team Poole Police Station Wimborne Road Poole Dorset
Telephone number (if any)
E-mail address (optional) licensing@dorset.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  2) public safety  3) the prevention of public nuisance  4) the protection of children from harm
Please state the ground(s) for review (please read guidance note 2)
The Prevention of Crime and Disorder
Dorset Police bring this premises licence before the members of the Licensing Sub-Committee for review on the basis that there is evidence that this premises is associated with employing illegal workers contrary to immigration legislation.
In consultation with partners from HM Immigration, Compliance and Enforcement Team (Home Office), Dorset Police no longer have confidence in the DPS or Premises Licence Holder to uphold the licensing objectives.

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

This application for a review of the premises licence for the premises known as *Weymouth Tandoori*, 45-49 Maiden Street, Weymouth, is being submitted by Dorset Police as we can demonstrate that this premises has undermined the licensing objective to Prevent Crime & Disorder.

It is and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

Partners from the South Central Immigration, Compliance and Enforcement Team within HM Immigration Service conducted a visit to Weymouth Tandoori on Tuesday 24<sup>th</sup> September 2024 following receipt of intelligence which indicated that Immigration offences were routinely being committed at that premises.

The lead officer in that operation has provided a statement of evidence (attached) highlighting key concerns and the impact that premises that are responsible for committing Immigration offences have on our communities. The Premises Licence Holder is directly associated with the offences.

Section 11.27 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 states that, "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are -... the use of the licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK;"

Section 11.28 continues, "It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence—even in the first instance—should be seriously considered."

The Guidance identifies that this activity is sufficiently serious to justify revocation of the premises in the first instance. Members of the Sub-Committee will note from the statement of the lead officer that individuals associated with this premises, including the Premises Licence Holder, have a history of non-compliance in this regard, further supporting the necessity to consider revocation of this premises licence.

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with other colleagues within Dorset Police and our external partners, support licensed premises to provide value to their communities and to do so compliantly and in promotion of the licensing objectives. This premises, having been under the control of the existing operator for some time, has been identified as not operating to the high standards that are expected by Dorset Police and our partners.

Weymouth enjoys a thriving night-time economy. Most of the valuable licensed premises contribute to a safe and compliant environment for their staff and customers. Dorset Police are committed to supporting our partners to relentlessly pursue those premises that cause harm to our communities, and in doing so, support compliant businesses adding social and economic value to the community.

Dorset Police invite the Sub-Committee to consider all the options available to them under the Licensing Act 2003 with consideration to be given to revocation of the Premises Licence if the members of the Sub-Committee cannot be reassured that the operator is able to deliver licensable activities compliantly and in promotion of the licensing objectives.

Have you made an application for review relating to premises before	o the
If yes please state the date of that application	Day Month Year
If you have made representations before relating and when you made them	to the premises please state what they were
yes	Please tick ✓
I have sent copies of this form and enclosur and the premises licence holder or club hold	•
<ul> <li>as appropriate</li> <li>I understand that if I do not comply with the application will be rejected</li> </ul>	e above requirements my
IT IS AN OFFENCE, UNDER SECTION 158 OF A FALSE STATEMENT IN OR IN CONNECTION WHO MAKE A FALSE STATEMENT MAY BE TO A FINE OF ANY AMOUNT.	ON WITH THIS APPLICATION. THOSE
Part 3 – Signatures (please read guidance note 4)	
Signature of applicant or applicant's solicitor or guidance note 5). If signing on behalf of the applications of the application of the applicatio	
Date 7 <sup>th</sup> November 2024	
Capacity Police Sergeant	
Contact name (where not previously given) and p with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	2
If you would prefer us to correspond with you us (optional)	ing an e-mail address your e-mail address

### **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



Licensing Act 2003
Premises Licence

**WPPL0354** 

Part 1 - Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

## WEYMOUTH TANDOORI

45-49 MAIDEN STREET, WEYMOUTH, DORSET, DT4 8AZ.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

THE TIMES	THE LICENCE AUTHOR	ISES THE CARRYING	OUT OF LICENSABLE	F ACTIVITIES
TITE LIMIES	THE EIGENGE AGHION	IDED THE CANTILLING	OUT OF LICENSABLE	LACITATIF

Activity (and Area if applicable)	Description	Time From	Time To	
I. Late night refreshment (Indoors)				
-	Monday to Saturday	11:00pm	Midnight	
	Sunday	11:00pm	11:30pm	
	Christmas Day	11:00pm	11:30pm	
	Good Friday	11:00pm	11:30pm	
	Non Standard Timings:	·	•	
	On New Year's Eve from the er hours on the following day (or, i December)			
J. Supply of alcohol for consumption	on ON the premises only			
	Monday to Saturday	10:00am	Midnight	
	Sunday	Noon	11:30pm	
	Christmas Day	Noon	11:30pm	
	Good Friday	Noon	11:30pm	
	Non Standard Timings:		•	
	On New Year's Eve from the er	d of permitted hours on	New Year's Eve to the	start of permitted

## THE OPENING HOURS OF THE PREMISES

Description Time From Time To

hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st

Not applicable

December)

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jamal UDDIN

WEYMOUTH TANDOORI, 45-49 MAIDEN STREET, WEYMOUTH DORSET, DT4 8AZ.





## Licensing Act 2003 Premises Licence

**WPPL0354** 

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jamal UDDIN

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. WPBC/05/0194 Issued by Weymouth and Portland

#### **ANNEXES**

#### **ANNEX 1 - MANDATORY CONDITIONS**

#### Sale of Alcohol

- 1) No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence; or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).





## Licensing Act 2003 Premises Licence

**WPPL0354** 

#### ANNEXES continued ...

- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7) The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
    - (i) beer or cider ½ pint;
    - (ii) gin, rum, vodka or whisky 25ml or 35ml;
    - (iii) still wine in a glass 125ml; and
  - (b) customers are made aware of the availability of these measures.

#### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Restrictions (para 6(8) Schedule 8 Licensing Act 2003)

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00am to 12 midnight.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11.30pm.
- (3) On Christmas Day: 12 noon to 11.30pm.
- (4) On New Year's Eve, except on a Sunday, 10.00am to 12 midnight.
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30pm.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel:
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises.

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his/her meal.

## ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable - no hearing held.





# Licensing Act 2003 Premises Licence

**WPPL0354** 

ANNEXES continued ...

#### **ANNEX 4 - PLANS**

Refer to plan dated September 1998 (No. TBD/078/01A) prepared/drawn by Turner Building Design for Mr J Uddin (submitted as part of an application to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 dated 8th June 2005) which forms part of this licence and should be read in conjunction with it.



**Business Licensing** 



# **Premises Licence Summary**

**WPPL0354** 

**Premises Details** 

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

## **WEYMOUTH TANDOORI**

45-49 MAIDEN STREET, WEYMOUTH, DORSET, DT4 8AZ.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENS	ADIE ACTIVITIES	3

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)			
,	Monday to Saturday	11:00pm	Midnight
	Sunday	11:00pm	11:30pm
	Christmas Day	11:00pm	11:30pm
	Good Friday	11:00pm	11:30pm
	Non Standard Timings:	•	•
			New Year's Eve to the start of permitted hours on the following day, midnight on 3
J. Supply of alcohol for consumptio	n ON the premises only		
,	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Day	Noon	11:30pm
	Good Friday	Noon	11:30pm

Non Standard Timings:

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)

#### THE OPENING HOURS OF THE PREMISES

Description Time From Time To

Not applicable

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jamal UDDIN

WEYMOUTH TANDOORI, 45-49 MAIDEN STREET, WEYMOUTH DORSET, DT4 8AZ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)





# Licensing Act 2003 Premises Licence Summary

**WPPL0354** 

NAME OF DESIGNATED PREMISES SUPERVISOR OR MANAGEMENT COMMITTEE WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jamal UDDIN

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None



## Kathryn Miller

Subject:

FW: Mediate re

From: GOSLING Gareth 2551
Sent: 04 December 2024 09:11

To:

Cc: Kathryn Miller

Subject: RE: Mediate re

Thank you for the below.

I acknowledge the below points and I can understand the perspective of your client in seeking a warning and additional conditions as a remedy to this Review process.

It will ultimately be for the sub-committee members to decide upon the final outcome and given the clear guidance around the employment of illegal workers, it is not for me to undermine the Home Office Guidance in this regard.

It is not relevant to compare the requirements for objecting to a new premises licence as you have done below as there are clear guidelines for both and licensees are afforded the 'benefit of the doubt' when applying for a new licence and the guidance reflects such an approach. In cases where a licensee's conduct falls below the standards that are expected, there is a different culpability standard applied on the basis that there is an implied responsibility that is associated with holding a premises licence which requires that the licensing objectives are consistently upheld.

should result in an individual taking all necessary steps to avoid the same issues recurring in the future. It is clear that your client has failed to apply appropriate judgment in employing his employees and this has been identified during the most recent Immigration visit. It will be for your client to persuade the members of the sub-committee that they should be trusted to deliver the business despite having come to the attention of the authorities on two occasions for the same concerns.

If you have any further proposals, please let me know as soon as possible in advance of the hearing.

Regards, Gareth



**Gareth Gosling 2551** 

**Police Sergeant** 

## **Drug & Alcohol Harm Reduction Team**

Bournemouth Divisional Headquarters, 5 Madeira Road, Bournemouth, Dorset, BH1 1QQ

From:

Sent: Tuesday, December 3, 2024 8:44 PM

**To:** GOSLING Gareth 2551

**Subject:** Re: Mediate re

Good Day Sgt Gosling
Thank you for your reply re the Review Application
for Weymouth Tandoori.
I can confirm that the conditions that you have kindly
framed in useable and unambiguous form express
the frame work to prevent a repeat of the recent failings, as identified
in the review application.
The conditions will clarify the processes required to unequivocally

The conditions will clarify the processes required to unequivocally prove the right to work status and will eliminate entirely the possibility of of a further offence.

did undertake a flawed process to satisfy himself of the legality of the individuals work status, realizes the shortcomings and now has all the information and support to ensure the "right to work" status,

is committed to ensure that no person is employed unless they have proven permission to do so.

is, and has been fully aware of the consequences of employing those without rights to work, 9 years is testament to that, In context if this was a new application it would not hit the Home triage for objection, if it was the CPS considering a prosecution, the offence would not be considered in making that decision.

The Home Office, (general instructions) for taking a premises to review, alludes to 3 contraventions in three years and that the interventions by the ICE team had been unsuccessful.

The ICE team acting on intelligence, found no evidence supporting the intelligence

information that they were investigating, that the premises was not being used to further crimes or promote criminal activity.

did make errors in his "checks"

He checked an immigration card of a person permitted to work, as a skilled worker such a person is permitted to work for more than one employer, as a skilled worker,

one of the listed skilled work categories is Chef/Cook not unreasonably thought that he had permission to work, training and auditing will eliminate that type of error.

The flawed checking and the 9 years, processes the second of poor administration rather than criminal intent.

operation of the premises has not otherwise caused concern to any of the responsible authorities, it is a small bussines that has survived the pressures of the previous few years of Inflation, fuel cost and the pandemic, the revocation of the premises would place the business in an untenable position, facing closure, causing financial hardship to the owner, also loss of the 5 current employees jobs.

I would suggest the proportionate route would be the imposition of conditions, as suggested and a warning as to future conduct from the licensing committee.

The Licensing committee are guided

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18

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

into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- o modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- o exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption) 10;
- o remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- o suspend the licence for a period not exceeding three months;

- revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern .
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives.

In seeking a proportionate and effective review outcome that supports the licensing objectives and eliminates the cause of this review, I trust you may support my suggestion of conditions and a warning.

R	е	a	a	r	d	S

Sent from my iPhone

On Nov 28, 2024, at 12:39 PM, GOSLING Gareth 2551 wrote:

Good Afternoon

Thanks for this, and yes, I think that the proposal would potentially be a good start towards ensuring that there are appropriate safeguards in place if the members of the Sub-Committee are inclined to allow the premises to retain its licence.

Your client should be mindful that the Section 182 Guidance on this activity is clear at 11.27 where it states that "there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for employing a person who is disqualified from that work by reason of their immigration status in the UK" amongst other serious offences.

Your client should also be aware that the statutory guidance states at 11.28 that "it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that **revocation of the licence** – **even in the first instance** – **should be seriously considered**."

One of the most significant challenges that we have in this matter is that this is not the first occasion that has become concerned in Immigration offences. This negates the suggestion that was unaware of what he was doing, however, I accept that the Review process has perhaps enhanced his concern that his business may be significantly impacted by this determination.

My understanding of your proposal, in clear and unambiguous terms is as follows and I would be grateful if you could confirm that my understanding is correct –

- 1. has taken steps towards 'tightening' his existing 'Right to Work' checks
- 2. Policy being created for training and auditing for matters relating to immigration and this will be managed by an external contractor.
- 3. Document all personal details relating to employees which will be available to authorities upon request.
- 4. External contractor to oversee the appointment of non-UK employees and to maintain oversight during employment.
- 5. Acceptance of the impact that employing those with no right to work has on the local economy.

The outcomes available to members of the Sub-Committee are as follows –

- 1. Do Nothing
- 2. Suspend the Licence (up to 6 months)
- 3. Add / Amend conditions
- 4. Alter operating hours
- 5. Remove / Change the DPS
- 6. Remove licensable activity
- 7. Revoke the licence

When considering the proposal that you have put forward, the contents of your proposal sits mostly within the option to add/amend conditions, albeit that I'm not certain how those conditions would be able to link sufficiently with the provision by retail of alcohol, which is the licensable activity that currently offers.

Alternatively, the members of the Sub-Committee may be inclined to 'do nothing' on the basis that has implemented or is soon to implement your proposal. My contention against the 'do nothing' option is that the Guidance (highlighted above) is clear and 'expects' the members to consider revocation of the premises licence, even in the first instance. We know that this is not the first instance that has been concerned in this activity and I suspect that revocation is a credible option.

My view at this stage is that whilst mediation will also be welcomed, I believe that will need to re-visit the proposal and consider additional measures/changes that might deflect the members from taking the option that is 'expected' of them. I do not believe that a change of the DPS would be sufficient due to nature of the concern.

I will be happy to provide my view of those proposals and, where appropriate, support them if we consider that they will sufficiently address the concerns.

Regards, Gareth

**Gareth Gosling 2551** 

Police Sergeant

<image001.png>

## **Drug & Alcohol Harm Reduction Team**

Bournemouth Divisional Headquarters, 5 Madeira Road, Bournemouth, Dorset, BH1 1QQ

com: Sent: Wednesday, November 27, 2024 11:30 AM co: GOSLING Gareth 2551 Sent Sent Sent Sent Sent Sent Sent Sent
lorning Sgt Gosling ave you had a moment to consider my email of the 23rd re mediation, I fully understand the eekend is a busy time for licensing enforcement, just concerned you may not have received my ote.  Indicate the provided service of the
ent from my iPhone
egin forwarded message:
From: Date: November 23, 2024 at 1:08:35 PM GMT To: GOSLING Gareth 2551 Subject: Mediate re
Good Morning Sgt Gosling Thank you for offering to engage in meditation re. license Review application lodged by Dorset Police.
My thought is that we may persue the process, involving Dorset Police (yourself) and (myself) alone or alternatively, the Licensing Authority might be requested to guide the mediation. May I leave that to you to decide?
has already taken steps to "tighten" his existing "right to work" checks and is formulating a policy specifically for his business, the construction, training and auditing will be done by an Immigration employment specialist or other appropriate sub contractor.  It is the intention that all employees employment status, identification records, and addresses are kept in one document, that will be, instantly, available to the Police,
licensing authority and immigration officers on request.  The sub contracted auditor with work, prior to the start of employment and at intervals appropriate to the permissions given to each employee.
understands that the employment of those with no " right to work" undermines the Prevention of Crime and Disorder objective, in that it potentially exposes the local community to criminal activity, is not fair trading, deprives the government of taxes, the employee their statutory employment rights and safeguarding.

Sent from my iPhone

Regards

I hope this might give us a starting point in the mediation process.

## Sent from my iPhone

\*

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\*

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## Licensing

Subject:

FW: Open Licence Applications

From: Cllr. Alex Fuhrmann

**Sent:** 20 November 2024 19:21

To: Aileen Powell

Subject: Re: Open Licence Applications

Thank you Aileen,

#### Comment:

I am a Weymouth DC Ward Cllr and Weymouth Town Councillor, and note the business is well known across the town. In light of the review, I wish to fully support the recommendation for the licence to be revoked. My concerns (and support of the recommendation by DP) in regards to crime C disorder highlighted in the report. I also raise concerns with the effect on public safety in the risk to food preparation/service to the public.

Kind Regards,

Cllr Alex Fuhrmann Weymouth Town C Dorset Council Ward - Westham #LoveWeymouth

From: Aileen Powell

Sent: 20 November 2024 9:25 AM

To: Cllr. Alex Fuhrmann

Subject: Re: Open Licence Applications

Hi Cllr Fuhrmann

It would be very helpful to have a Cllr view on this one. Making a "representation" is just a straightforward matter of emailing us, either directly to the team, <a href="mailto:licensing@dorsetcouncil.gov.uk">licensing@dorsetcouncil.gov.uk</a> or via myself. That is the easy bit. The Licensing Act is very restrictive in what we can take into consideration with these applications. This all centres around the four "Licensing Objectives" of: -

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

Any representations (comments etc) that relate to one of these objectives will be accepted as a valid representation, anything that is not will not. This means in practice we do not take into account things like traffic or parking as these fall outside our remit and under planning. Representations can be in support of the premises or in support of the review. The review will go before a Licensing Sub-Committee who will hold a hearing where the folks who have made reps can attend and speak if they wish. The Committee will then decide what to do.

Hopefully that is enough to start with, but if you want any further help you are welcome to ask me anytime - or there is the Statutory Guidance that the Home Office produce that is really good at <a href="Revised Guidance issued under section 182">Revised Guidance issued under section 182 of the Licensing Act 2003</a>

Kind regards Aileen

Aileen Powell
Licensing Team Leader
Community & Public Protection
Dorset Council



dorsetcouncil.gov.uk







From: Cllr. Alex Fuhrmann <

Sent: 19 November 2024 19:34

To: Aileen Powell

Subject: Re: Open Licence Applications

Hi Aileen,

RE: Weymouth Tandoori Licence Review

Could you advise how cllrs (not on licencing committee) should make comments on an application please? Apologies, I've not done this before.

Kind Regards,

Cllr Alex Fuhrmann Weymouth Town C Dorset Council Ward - Westham #LoveWeymouth



## Licensing

**Subject:** 

FW: Review - Weymouth Tandoori

From: Cllr. Jon Orrell

Sent: 03 December 2024 12:30

To: Aileen Powell

**Subject:** RE: Review - Weymouth Tandoori

Hi

Perhaps shorten to:

I have had no evidence from residents that the business is causing any nuisance, noise, harm to children or anti-social behaviour.

Thanks Jon

From: Aileen Powell

Sent: 03 December 2024 12:05

To: Cllr. Jon Orrell

Subject: Review - Weymouth Tandoori

Dear Cllr Orrell

We are just preparing the report for the Weymouth Tandoori and I wanted to know whether you would like your comments included as a representation, given that the Statutory Guidance instructs us to be particularly robust with immigration breaches.

Kind regards Aileen

Aileen Powell
Licensing Team Leader
Community & Public Protection
Dorset Council











