

Kathryn Miller

Subject: FW: Mediate re [REDACTED]

From: GOSLING Gareth 2551 [REDACTED]
Sent: 05 December 2024 07:54
To: [REDACTED]
Cc: Kathryn Miller [REDACTED]
Subject: RE: Mediate re [REDACTED]

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Thank you for the below [REDACTED],

I suspect that we have reached an impasse of sorts. I note that you will bring the attention of the Sub-Committee to the requirement within the Guidance for engagement, warnings etc. where concerns are identified, however, I will be asserting that this is superseded by the exerts of the Guidance that I highlighted previously which highlights concerns that must demand greater attention and action.

It may be that your client will be able to retain their premises licence if they can reassure the members of the Sub-Committee that they have adequate controls in place moving forward, however, I will be asking why these measures were not in place sooner, and certainly following the previous encounters and issues experienced with the Immigration team.

I would suggest that you approach the 'knowingly employing' point with caution given the previous interactions that [REDACTED] has had with the Immigration team, as I will be quick to suggest that [REDACTED] would have been aware, having previously been subject of a penalty, that there are strict requirements and due diligence that is expected when employing anyone who may have moved to live in the UK.

It is of course for you to determine the most appropriate route for your client, however, it would be my suggestion that you do not undertake to defend the actions of your client and instead seek to reassure the members of the Sub-Committee that the problems will no longer occur due to substantial and sustainable changes to the oversight of the recruitment and employment aspect business.

If you have any further queries, please do get in touch. If we don't speak before, I will see in Dorchester on the 16th December.

Regards,
Gareth



**DORSET
POLICE**

Gareth Gosling 2551
Police Sergeant
[REDACTED]

Drug & Alcohol Harm Reduction Team

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

From: [REDACTED] >
Sent: Wednesday, December 4, 2024 3:38 PM
To: GOSLING Gareth 2551 [REDACTED]
Subject: Re: Mediate re [REDACTED]

Morning Sgt Gosling

Again thanks for your prompt answer.

You are absolutely correct that it is the Licensing Committee that will ultimately decide what steps need to be taken to ensure the promotion of the Licensing objectives.

The proposal of conditions and warning were submitted to yourself as a reasonable way of permanently resolving the identified issue without the loss of jobs and financial hardship that revocation will bring.

A proportional response to this breach of regulations, is of major concern and considered steps to assist the Licence holder to avoid further breaches are essential. The Home office guidance to their officers regarding applications for review, advise considering a review after 3 breaches in a 3 year period, Weymouth Tandoori has not reached that threshold.

The guidance gives advice as to the interventions that may be employed prior to a review applicant being made.

I have had long conversations with [REDACTED] and his immigration policy advisors we are focused on resolving permanently the breaches of the licensing regulations.

As you mentioned in an earlier reply, that DPS replacement would not be appropriate, conditions targeted at the issues alleged in the review commentary, are the way to demonstrate commitment to upholding the Licencing Objectives.

Upholding the licensing objectives is a job for all those involved in the licensing process, Licensing authority, responsible authority and licence holders.

Weymouth Tandorri has had, for 9 years operated without any causes for concern, a demonstration of [REDACTED] determination to run his business safely and properly.

[REDACTED], administration of right to work authorities is clearly open to criticism, however does not meet the threshold of prosecution, as the referral for civil fine for breach of regulations confirms.

[REDACTED] did check the right to work on both persons found on the premises.

Those checks were inadequate, failing to check at all or inappropriately is not a criminal offence, " knowingly employing " is the criminal offence.

The licensing committee will be considering the method by which they can prevent, any issues that have arisen to undermine the licensing objectives by [REDACTED] poor administration. Whatever is decided, it will not be a punishment for any alleged offences or breaches of immigration regulations.

[REDACTED] is subject to full force of the law should commit a criminal offence, the Licencing Committee will not be considering [REDACTED] guilt or Innocence.

It is difficult to think of any additional meaningful proportionate conditions that we can offer, to further enhance to " checking process"

you have suggested in previous replies that you might support our view by the additional conditions, we would be open to any and all conditions that you view need to be included, this could include a short period of suspension, weekend, to undertake trading and implement the conditions to your satisfaction.

■■■■■ is very aware of the possible consequences of his poor management and extremely concerned as to the future of his business, the review process has caused him to reflect of his current administration of employees right to work permissions, the conditions offered, he believes will eliminate entirely the issues identified in this review application.

We would appreciate your support for a resolve short of revocation, in the knowledge that the conditions applied and enacted will eliminate any and all concerns raised in the review. ■■■■■ is fully aware that the licensing committee will hear the review and make their own decision.

To demonstration that joint working between Licensee and the responsible authorities to uphold the licensing objectives is a positive message demonstrating the effectiveness of Dorsets licensing partnerships. Further encouraging licensee engagement with the responsible authorities. Cultural differences in the perception of authority, is a major issue with communication, understanding and compliance, demonstration of the positive side of joint working with authority will sent a very positive message.

■■■■■ is fully aware that the licensing commuter will hear the review and make their own decision.

Kind Regards

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