

# Licensing and Gambling Acts Sub Committee

20 January 2025

## Application to review the premises licence for Clock House, Sturminster Newton

### For Decision

**Cabinet Member and Portfolio:**

Cllr G Taylor, Health and Housing

**Local Councillor(s):**

Cllr C Jones

**Executive Director:**

Jan Britton, Executive Lead for Place

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**Report Status:** Public

**Brief Summary:** An application has been made to review the premises licence for Clock House, Bridge Street, Sturminster Newton, Dorset. 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 states 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 [Licensing Act 2003](#) (the Act), the [Revised Guidance issued under Section 182 of the Licensing Act 2003](#) (the Guidance) and the [Dorset Council Statement of Licensing Policy](#) (the Policy).

## **2. Details of the review application**

- 2.1 Dorset Police has applied for a review of the premises licence for Clock House, Bridge Street, Sturminster Newton, Dorset, DT10 1AW. The application form is attached at Appendix 1. The application was also supported by a statement from an Immigration Officer, these documents were served at the premises by Dorset Police. As the Immigration Statement contains sensitive information it 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 Mustafa Gilgil.
- 3.2 Mr Gilgil has held the licence since 2011.

3.3 The licence allows for the following:

Late night refreshment (indoors)	
Sunday to Thursday	2300 hours to midnight
Friday and Saturday	2300 hours to 0100 hours

A copy of the licence is at Appendix 2.

3.4 The Licensing Authority has attempted to contact Mr Gilgil both by e-mail and post but at the time of writing this report, no response has been received.

## **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 Dorset Police has provided, in addition to the review application, supplementary information in support of their representation, this can be found at Appendix 3.

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.

4.3 There were no other representations received from any of the other Responsible Authorities.

## **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 Options**

- 6.1 The Sub-Committee will determine the application in the light of all of the written representations and any oral evidence from the hearing. They will take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of;

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

The steps that the Sub-Committee may take are:

- modify the conditions of the premises licence

- exclude a licensable activity from the scope of the licence, for example,
- remove the designated premises supervisor (if applicable)
- suspend the licence for a period not exceeding three months
- revoke the licence.

## **7 Considerations**

### **7.1 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.

7.2 Paragraphs 11.27 and 11.28 of the 182 Guidance set out reviews arising in connection with crime that is not directly connected with licensable activities:

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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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.

### 7.3 Paragraphs 13.23 to 13.26 of Dorset Council Statement of Licensing Policy states:

13.23 Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;

13.24 The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

13.25 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

13.26 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Dorset Police with a view to

preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

**8 Financial Implications**

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

**9 Environmental Implications**

None.

**10 Well-being and Health Implications**

None.

**11 Other Implications**

None.

**12 Risk Assessment**

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

Current Risk: High

Residual Risk: High

**13 Equalities Impact Assessment**

Not applicable

**14 Appendices**

Appendix 1 – Review application

Appendix 2 – Current licence

**15 Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)