



**DORSET
POLICE**

Application for Premises Licence
Supplementary Information in
Support of Representation

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Clock House, Bridge Street, Sturminster Newton

This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of Dorset Police. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and any representative) with additional information, context, and evidence in support of the representation. This representation is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

This licensed premises is a late-night take-away located in the centre of Sturminster Newton, a small, but vibrant town in North Dorset. There are a variety of businesses operating in Sturminster Newton, including retailers, hospitality, and other valuable business services, operating through the daytime and some through to the late evening. The area hosts a variety of residential properties of all size and several events occur in the town annually, including the popular Sturminster Newton Cheese Festival.

Dorset Police work closely with Dorset Council and other enforcement partners, including HM Immigration Enforcement, to assist us in achieving our priorities, particularly with our priority to relentlessly pursue those responsible for criminality in our communities.

Working in partnership with other partner agencies enables each organisation to combine and share their resources and focus their specialist attention and activity on the areas that have the greatest impact on the public, and which delivers the most significant benefit to the communities that we serve.

On the 3rd December 2024, following an intelligence-led operation on Wednesday the 16th October 2024 by HM Immigration Enforcement to this premises, Dorset Police, as the lead authority for matters of crime and disorder, agreed to support HM Immigration Enforcement by Applying for a Review of a Licensed Premises under Section 51 of the Licensing Act 2003.

Concerns

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.

Dorset Police are committed to supporting our partners to relentlessly pursue those premises that cause harm to any of our communities, and in doing so, support compliant businesses adding social and economic value to the community.

The members of the Sub-Committee will have the opportunity to review the supporting evidence submitted by Dorset Police alongside the Application for Review of a Premises Licence and the additional submission on behalf of HM Immigration Enforcement on 27th December 2024.

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.

Revised Guidance issued by the Home Office (Section 182 Licensing Act 2003)

Section 11.27 of the guidance states that, "*There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are [include] -... 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, should have had regard to the requirements when employing employees into their business, further supporting the necessity to consider revocation of this premises licence.

Dorset Council Statement of Licensing Policy

Dorset Police draw the attention of the members of the Sub-Committee to the relevant paragraphs of the current Statement of Licensing Policy issued by Dorset Council.

13.19 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The above confirms that this Application for Review is appropriate to be issued under the Prevention of Crime & Disorder objective.

13.23 Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act. The immigration offences, including the issue of civil penalties are relevant to the Licensing Act 2003.

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.

The Guidance detailed above states that it is appropriate to consider all available outcomes, with consideration to be given to revocation of the licence, even in the first instance, for immigration offences.

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.

This statement stipulates that Dorset Council's Licensing Authority will work to prevent illegal working within licensed premises.

Available Outcomes to the Sub-Committee

To assist the members of the Sub-Committee in their determination, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review of a Premises Licence.

Take No Action

Dorset Police and our partners at HM Immigration Enforcement have presented evidence that immigration offences are associated with this premises.

The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and the Statement of Licensing Policy for Dorset Council stipulates that intervention is expected to tackle Immigration offences associated with licensed premises.

Exclude Licensable Activities from the Premises Licence

The current Premises Licence permits the following –

Late Night Refreshment (indoors)

Sunday to Thursday	2300 – 0000
Friday to Saturday	2300 - 0100

Removing this licensable activity would effectively result in a revocation of the premises licence.

Dorset Police accept that if no licensable activities were taking place the premises could remain operational as a take-away until 2300hrs each day and that many of the concerns highlighted above would remain.

It is the responsibility of the members of the Sub-Committee to address concerns within licensed premises and to take appropriate action to act where licensing objectives are not being upheld within licensed premises.

It is not appropriate for the members of the Sub-Committee to consider whether the activity would likely take place regardless of the existence of a premises licence – it is to ensure that licensing objectives are being promoted within licensed premises.

If immigration offences or other offences continued to be associated with a premises where no premises licence existed, those issues would continue to be managed by the authorities under legislation outside of the Licensing Act 2003.

Modify / Add Existing Conditions

The Statutory Guidance sets out 'General Principles' at Paragraph 1.16 which states that "*conditions on a premises licence...are important in setting the parameters within which premises can lawfully operate.*"

Amongst other requirements, the Guidance further states that "*licence conditions must be appropriate for the promotion of the licensing objectives, should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation [and] should not replicate offences set out in the 2003 Act or other legislation*".

In support of the boxed comment above, the members of the Sub-Committee are invited to consider whether any additional conditions or amendments to the existing conditions will further promote the licensing objectives and not seek to prevent the crime that is associated with the premises.

Dorset Police do not consider that any further conditions would resolve the concerns that have been detailed above.

Suspend the licence for a period (not exceeding 3 months)

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement to this premises that has employed several illegal workers, with one acting in the capacity as the manager of the premises.

Dorset Police would only support a short suspension of the Premises Licence if the Sub-Committee members would be reassured that a suspension is necessary to implement any measures imposed by the members in their determination.

Revoke the Licence

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses and to ensure that we support an outcome which reflects the concerns identified. If this premises were to have their premises licence revoked, they could continue to offer hot food and drink until 2300hrs each day.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premises, appropriate action must be taken to seek improvement or address those concerns proportionately.

Upon consideration of the evidence produced by HM Immigration Enforcement, the Statutory Guidance issued by the Home Office and the Dorset Council Statement of Licensing Policy, Dorset Police recommend that this premises licence be revoked.

Conclusion

Dorset Police invites the members of the Sub-Committee to consider all the above options in their determination. If the members of the Sub-Committee take action that intends to avoid revocation of the premises licence, they should be satisfied that one of the alternative outcomes will sufficiently mitigate the concerns that have been highlighted above and within the associated evidence.

The employment of several illegal workers at this licensed premises disregards the law, places those illegal workers at increased vulnerability and acts to the detriment of other businesses and the wider community as highlighted in the submission of the HM Immigration Enforcement Officers.

Any determination that does not reflect the severity of these offences will be a departure from the Dorset Council Licensing policy and the Statutory Guidance issued by the Home Office.

Dorset Police do not intend to repeat our above concerns to the members of the Sub-Committee during the hearing, however, as the Licensing Authority's main source of advice on matters relating to crime and disorder (Paragraph 2.1 of the Licensing Act 2003 Section 182 Guidance produced by the Home Office which states that, "*Licensing authorities should look to the police as the main source of advice on crime and disorder*"), Dorset Police will be prepared to answer any further questions that members may have during the hearing.

Hearing Regulations

The members of the Sub-Committee are reminded the Licensing Act 2003 (Hearings) Regulations 2005 (Regulation 18) states that "*in considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.*"

Dorset Police have been available for mediation in advance of this hearing and will be unable to verify or scrutinise any evidence produced during the hearing. Any additional evidence provided during the hearing can only be accepted with agreement of all parties.

If the Chair of the Sub-Committee orders an adjournment of the hearing, Dorset Police respectfully seek that any adjournment be for a **minimum of 48 hours** to enable appropriate scrutiny of any additional accepted evidence or information with our partners not in attendance at the hearing.