

Licensing and Gambling Acts Sub Committee

23 July 2026

Application for a review of a premises licence for Surfside Diner, 31 New Street, Weymouth, Dorset

For Decision

Cabinet Member and Portfolio:

Cllr M Bell, Health and Housing

Local Councillor(s):

Cllrs J Orrell

Executive Director:

S Crowe, Director of Housing, Communities and Prevention

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Report Status: Public

Brief Summary: An application has been made to review the late-night refreshment premises licence for Surfside Diner, 31 New Street, Weymouth. The application has been out to public consultation. A Licensing Sub-Committee must therefore 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 [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**

- 2.1 An application has been made for a review of a late-night refreshment premises licence for Surfside Diner, 31 New Street, Weymouth, Dorset and has been submitted to the Licensing Authority by the Home Office Immigration Enforcement. The application form and supporting information is attached at Appendix 1.
- 2.2 The grounds for the review relate to the Licensing Objective of the prevention of crime and disorder, in summary:

“We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.”

3 The premises licence

- 3.1 The premises licence has been held by Mr Bezar Suleman Ismail since 2 January 2024. He was the premises licence holder at the time of the visit by the Home Office Immigration Compliance and Enforcement team on 6 July 2025, which took place following intelligence indicating that the business owner was employing illegal workers. Since the submission of the review application to the Licensing Authority, an application to transfer the premises licence has been received from Mr Shams Khan. The application was submitted on 8 June 2026, and the relevant fee was paid on 16 June 2026. Subject to the transfer taking effect, Mr Khan will become the new premises licence holder.
- 3.2 Mr Khan has stated that he has recently taken over the business and is transferring the late-night refreshment licence into his name and will be renaming the premises to Surfside Grill. Mr Khan wanted to clarify that the issue related only to the former operator and their management – it has not connection, liability or link to himself, his business, or any staff he employs. This email can be found at Appendix 2.
- 3.3 There has been a licence in place at the premises since November 2005 which was held by two previous owners.
- 3.4 The premises licence currently allows for the following:

Late night refreshment (indoors & outdoors)	
Monday to Sunday	2300-0500 hours

- 3.5 A copy of the current premises licence can be found at Appendix 3.

3 Responsible Authorities

- 3.1 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 and Rescue Service, Dorset Council Public Health, Trading Standards, Children's Services, Planning, Licensing, Environmental Protection, Dorset Council Health and Safety have all been consulted. As the Immigration Authority is the applicant, they were not consulted.
- 3.2 Dorset and Wiltshire Fire and Rescue Service (DWFRS) responded the only dealings they have had with the premises was in regard to concerns raised by a utility supplier that the meter had been bypassed and there was evidence of electrical overheating with potential to cause a fire.
- 3.3 DWFRS were informed the electric had been isolated so there was no immediate risk and were told that the business was closed. The email from DWFRS can be found at Appendix 4.

- 3.4 Child Safeguarding responded that although the details provided do not evidence risk to children and young people, they do not have details on who the licence holder employs and if these are under 18's. They would have concerns if adults are working at the premises that do not have the right to work in the UK, as their details will not be known should any safeguarding matters arise that impact on the safety and welfare of children, whether working for the licence holder/premises or from a contextual safeguarding perspective within the local area. Their response can be found at Appendix 5.
- 3.4 There were no representations received from any of the other Responsible Authorities.

4 Representations from other persons

- 4.1 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of "other persons":

"As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

- 4.2 The Guidance states at paragraph 9.4 what a "relevant" representation is;

"A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives."

- 4.3 There were no comments received from other parties.

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 under background Papers of the Report.

6 Relevant Sections of the Licensing Act 2003

- 6.1 Section 4 sets out the general duties of the Licensing Authority;

(1) A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.

(2) The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

(3) In carrying out its licensing functions, a licensing authority must also have regard to:

- (a) its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under section 182.

7 Relevant Sections of the Statutory Guidance issued under Section 182

7.1 Paragraphs 1.2, 1.4 and 1.5 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 issued in February (The Guidance) sets out the Licensing Objectives and aims;

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

7.2. Paragraph 1.16 of the Guidance sets out how conditions should be formulated;

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

7.3. Paragraph 1.19 states;

While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation.

7.4 Paragraph 2.6 states;

The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

7.4 Paragraphs 9.42 – 9.44 of the Guidance set out how the Licensing Authority will determine an application;

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

8 Considerations

8.1 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.

9 Options

- 91 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:

- a. to not take any action
- b. modify the conditions of the licence
- c. remove the designated premises supervisor
- d. suspend the licence for a period not exceeding three months
- e. revoke the licence

10 Financial Implications

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

11 Environmental Implications

None.

12 Well-being and Health Implications

None.

13 Other Implications

None.

14 Risk Assessment

- 14.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:
Current Risk: High
Residual Risk: High

15 Equalities Impact Assessment

Not applicable

16 Appendices

Appendix 1 - Review application form and supporting document

Appendix 2 – Email from new licence holder

Appendix 3 – Current licence

Appendix 4 - Comments from Dorset & Wiltshire Fire & Rescue Service

Appendix 5 - Comments from Dorset Council Child Safeguarding

17 Background Papers

[Licensing Act 2003](#)

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

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