

Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 4 June 2025



5. Hillside Stores 289 Kinson Road Bournemouth BH10 5HE

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Please find below supplementary documentation submitted by Dorset Police in respect of this item.

Published: 03 June 2025

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Application for Premises Licence **Supplementary Information in** **Support of Representation**

Hillside Stores (Premier), Kinson Road, Bournemouth

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 convenience store located within the residential area of West Howe, Bournemouth. This is an established business that offers a variety of provisions and, alongside other convenience stores, will be providing a convenient service to the residents and visitors to the area.

Dorset Police work closely with BCP Council and other enforcement partners, including HM Immigration Enforcement, to assist us in achieving our priorities, particularly 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.

Following a successful intelligence-led operation on Thursday 7th November 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 due to immigration offences being associated with the premises.

Concerns

Dorset Police, through our Drug & Alcohol Harm Reduction Team, working with our 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 since August 2018, 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 had the opportunity to review the supporting evidence Application for Review of a Premises Licence and the subsequent submission on behalf of HM Immigration Enforcement, which expands upon the concerns in more detail.

The lead officer in that operation has provided a statement of evidence 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.

Response to Representation submitted by Mr Muralimohan (PLH & DPS)

Following receipt of the written submission provided by Mr Muralimohan (received by Dorset Police on 23rd April 2025) in response to the details contained within the Application for Review and associated appendices, **Immigration Officer Fiona Smythe** has offered the following in response to the representation –

“I have had sight of the submission submitted by Mr MURALIMOHAN in respect of the Application for Review submitted by Dorset Police in respect of Hillside Store, Kinson, Bournemouth.

Please see below my response to the submission of Mr MURALIMOHAN for the consideration of the members of the Sub-Committee. It is my intention to be present at the Sub-Committee hearing to answer any questions or queries that might arise.

I have listed my responses to the specific comments from Mr MURALIMOHAN, which I have highlighted to assist the members of the Sub-Committee.

“Speaking to my colleague which was disrespectful and non-compliant”

I was the person who initially tried to speak to MURALIMOHAN who was dismissive, called me “love” and was nothing to do with him raising his voice towards anyone.

The use of force was necessary as viewed by the Officers involved; [REDACTED] had attempted to assault my colleague, Immigration Officer (IO) GREATBANKS, in the face and had failed to stop using his phone despite being asked several times. Additionally, he refused to step out from behind the counter. Handcuffs were applied as he had attempted to harm an IO and he was considered as a potential flight risk (escaper).

“It was only after I voiced my concerns that Officers began scrutinising my business, posing irrelevant questions that appeared intending to catch me out rather than clarify facts”.

All questions asked surrounded the Licensing aspect of his business, as well as illegal working. We are a Responsible Authority, acting under a lawful power which is Section 179 of the Licensing Act 2003, amended by Section 36 and Schedule 4 of the Immigration Act 2016. Section 36 of and Schedule 4 to the Immigration Act 2016 relate to preventing illegal working in the alcohol and late-night refreshment sectors in England and Wales. Specifically, they amend the Licensing Act 2003 to prohibit issuing premises or personal licenses to individuals who are illegally present in the UK or not permitted to work in a licensable activity.

MURALIMOHAN was indeed dismissive of me at the beginning of the business, most tellingly in his response to my question surrounding the terms and conditions of his licence: his response to me was “I don’t read my licence”. And also referring to a Home Office female Immigration Enforcement Officer as “love” is disrespectful.

“...a reputation that has been damaged by the Home Office’s unfounded statements and allegations”.

Our visit was intelligence led. The intelligence related to the presence of illegal workers and an illegal worker was located at his premises.

We rely upon and welcome information and intelligence being provided to Immigration Enforcement both by our partners and the communities we serve. Our partners and members of the public recognise the damage that result from employing illegal workers and whilst there is an ongoing legal process ongoing in respect of the immigration offences identified, it is appropriate for this matter to be brought before the members of the Licensing Sub-Committee for consideration.

With regard to the Challenge 25 signage policy, the photographic evidence clearly shows that signage is prominently displayed throughout the premises”.

The attention of the Sub-Committee members is drawn to the following licence condition:-

2.10. Challenge 21 Signage (for example notices asserting "no proof of age - no sale" and "think 21") shall be displayed in prominent positions throughout the premises, including in particular at or near the till point, shop entrance and in areas where alcohol is displayed. Other than such signage, a notice stating the opening hours of the shop and such signs as may be required by law (for example the "No Smoking" sign), no notices or signs shall be attached or affixed to the entrance to the premises whenever the same are open so as to maintain as good an external view as possible.

The photographs that I took at the time clearly show there was no Challenge 25 signage whatsoever on any of the coolers, which is "in areas where alcohol is displayed". All of my photographic images that I took at the time are contained within my Digital Pocket Notebook and are dated and timestamped. I do not understand what MURALIMOHAN is referring to regarding No Smoking signage or shop opening times, and what is supposed to have been fabricated as Officers have made no mention of this in any statements during or after this visit. There is reference to the No Smoking and Opening Times in the Licence, so it may refer to that, but it was not of concern to Immigration.

"The individual arrested at my premises has no involvement whatsoever in the operations of my business."

I refer the panel to my statement that clearly shows MURALIMOHAN stating that he pays him £10 occasionally and gives him jumpers, for the work that he did, as well as the rest of the contents of the interviews with both MURALIMOHAN and [REDACTED] surrounding [REDACTED] working at the premises.

"Regarding the Skull raffle; this is an annual community based initiative involving various products and the money raised typically only covers the cost of the prize. Any remaining funds are donated to those in need locally. Contrary to the Officer's claims, the bottle was not displayed at the entrance but was securely kept behind the till under my direct supervision".

I would draw the members' attention to the images I took at the time, which are date and time stamped, which clearly shows the Crystal Head vodka bottle on the front of the counter, which is in direct contravention of the above claim made by MURALIMOHAN. And is, as was pointed out to him at the time, a clear breach of his licensing conditions. This also refers to the AU Vodka that was also on display on the front counter and not behind the counter as claimed by MURALIMOHAN.

With regard to the stock from the previous business, I assume that this refers to the NOS cannisters that were on the premises. As part of Op [REDACTED], we make observations and refer them on to the relevant authority, in this case, Trading Standards to conduct further investigations as they see fit. It is not within our purview to make observations one way or the other, hence the further referral. I also note that MURALIMOHAN has not confirmed when the previous business closed so we have no way of knowing how long the NOS cannisters had been there. When they were seen, they were easily visible from the licensable area. Whether they were or were not for sale is an issue for Trading Standards, hence our referral.

With regard to the RSPCA referral, we were concerned regarding the dog's condition and how he reacted to MURALIMOHAN, who was shouting at him to come away from us; we found the dog very friendly but quite thin under his fur, hence the referral. It would have been remiss of us not to have done so. At time of writing the previous supporting statement no follow up details had been provided to HOIE; they still have not, to date. I have had sight of the RSPCA Animal Welfare Assessment form and see that there is a question mark next to both the reasons why a referral was made, namely

8 - "Is the animal (illegible) of any sign of pain, injury, disease or suffering?

9 - "Is the animal (illegible) of any obvious sign of fear or distress?

Which were the main 2 reasons for referring; I note the bottom of the referral refers to ensuring the dog obtains regular flea treatments and to see a vet for sore skin on his back.

“It is important to note that [REDACTED]’s initial interview was conducted in English, a language he does not speak fluently. In all subsequent interviews, an interpreter was provided, acknowledging the need for language support”.

All of the appropriate procedures were followed in respect of the detained person’s rights and entitlements. It would be inappropriate to discuss in detail the individual needs of the detained person, however, on reviewing their records, including previous applications, I am satisfied that the correct procedures were followed.

“The premises licence has been displayed since 2013”.

If that was the case, I would have found it prominently displayed as claimed. Which is why I asked MURALIMOHAN where it was, and he responded with “Renewed licence on 18/10/2024 but has not been on display since then, boss stated its “in his office”. When I asked him why it wasn’t on display he just showed me his phone, told me he’d renewed it and said it was in his office.”

“Finally I want to re-affirm that [REDACTED] was not working at my premises, nor was he working behind the counter, serving or alone in the shop at the time of the incident.”

I would draw the members’ attention to the Illegal Working Employer interview conducted with MURALIMOHAN, particularly to the questions and responses offered which covered key topics, including training, payment for services, responsibilities and the checks that were completed prior to his employment.

Note also that there is no mention of check codes, checking with Gov.UK to confirm that [REDACTED] had the ability to work lawfully in the UK. I would also state that neither a passport, or a provisional driver’s licence indicates that the person is lawfully in the UK nor has the correct permissions to work.

Regarding the residence card, this is to be checked against Gov.UK to confirm if this is still valid. So MURALIMOHAN has failed on all fronts to ensure that anyone that crosses the threshold of his business and stands behind the counter serving people, can work lawfully in the UK. Which is again in contravention of his licence as well as Immigration legislation.

I would also draw the members’ attention to the fact that [REDACTED], on being searched, was found to have £100 in cash in his pocket. [REDACTED] stated it belonged to the business, which MURALIMOHAN confirmed and said that they liked to keep the till empty to prevent the money being stolen as they had had attempted thefts before. So the cash was given to MURALIMOHAN. If [REDACTED] was not working at the premises as stated by MURALIMOHAN, why would [REDACTED] have the cash from the till in his trouser pocket?

With regard to the suspension of the Lottery Terminal which finally resulted in the ability to sell anything Lottery related being fully revoked, the interview was conducted with [REDACTED] by ALLWYN, not the Home Office. For the purposes of this Licence Review, the information provided by [REDACTED] to the Home Office is key, as it is what was stated at the time of arrest. Circumstances regarding information [REDACTED] provided following the day of his arrest may colour [REDACTED]’s answers regarding his own personal situation with the Home Office with a view to him being concerned it may affect that situation.

I would advise that my colleague at ALLWYN was satisfied enough to fully revoke MURALIMOHAN’s ability to sell anything Lottery related, not least because there had been an illegal worker found at the premises, but also because MURALIMOHAN had failed to alert ALLWYN to the fact he had received a visit from HOIE as per the terms and conditions he has with ALLWYN, but also because he had failed to co-operate with ALLWYN and their investigation.

MURALIMOHAN made a significant statement by saying that [REDACTED] knew what to do because “alcohol sales were low in the morning”. This also points to MURALIMOHAN being complicit in [REDACTED] working at the premises, despite his later denial.

Regarding MURALIMOHAN stating [REDACTED] was not behind the counter, he was. He had to be physically removed from behind it as he had tried to wedge himself in, and it took 2 Officers to try and remove him from it.

Regarding the documents being stolen, MURALIMOHAN stated this was in April 2024. [REDACTED]'s arrest was on 07 11 2024, so it is unclear from the statement the statement MURALIMOHAN has attached that purports to be from [REDACTED] why he went to the shop straight away to ask for his documents when several months had elapsed.

[REDACTED] has had no lawful right to work in the United Kingdom since 20 08 2023 when he became an Overstay in the United Kingdom having failed to enrol as a student as per his visa. He came to the UK AFTER the start date of his course. So if MURALIMOHAN had conducted any of the required Right to Work checks as a responsible business owner, it would have been clear to him that [REDACTED] had no Right to Work. MURALIMOHAN stated [REDACTED] had also worked at his business the previous year (2023) as well as earlier in 2024. At no time has [REDACTED] had the correct permissions to work, which MURALIMOHAN would have found, had he conducted the correct Right to Work Checks.

Regarding CCTV, HOIE going upstairs had nothing to do with it. The entry to upstairs was prompted because we were looking to obtain a document or proof of nationality and subject had initially stated he lived upstairs until prompted to the contrary by MURALIMOHAN. HOIE ask, as a matter of course (as it was in this case), to see CCTV as it can provide an Employer with mitigation relating to any illegal working situation. MURALIMOHAN stated he had no access to it at the time, (which is also in contravention of his licence) goes some way to potentially indicating that an immigration offence was present, rather than assisting with proving otherwise.

Regarding the reduction of the Civil Penalty, the only mitigating factor that has reduced this was to do with co-operation in the investigation by our Civil Penalties Referral Team following the levying of the Civil Penalty Notice, and not for the day of the enforcement visit. It is telling that the mitigating factor surrounding illegal working as shown on the copy provided as evidence by MURALIMOHAN, has NOT gone towards the reduction of the Civil Penalty that has been levied.

All employers have a responsibility to prevent those without lawful immigration status from working in the UK. If an employer wishes to avoid any fine, it is his responsibility to ensure that nobody crosses the threshold of his business, be it to "help", "train" or "try out" at the premises, before that employer has conducted the requisite checks that protect him and his business, to prevent such a situation as this.

A person working at a premises, even without a formal contract of employment, is generally considered to be a "worker" and thus has certain legal rights, including those relating to National Minimum Wage, holiday pay, and health and safety. A contract of employment isn't required to be legally considered a worker.

Finally, I would draw the members' attention to the full interview as conducted with [REDACTED] which clearly shows he has admitted he was working at the time of our visit and had been previously."

Revised Guidance issued by the Home Office
(Section 182 of the Licensing Act 2003) (updated 27th February 2025)

Section 11.24 of the guidance states that, "...*Licensing Authorities do not have the power to judge the criminality or otherwise of any issue. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*"

Section 11.25 states, "*Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal*

proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives"

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.

Additional Government Guidance

Dorset Police draw the attention of the members of the Sub-Committee to additional guidance that supports the necessity for this Application for Review –

Home Office Guidance – *'Preventing illegal working in licensed premises and the Home Office role as a responsible authority in England and Wales'* (Published 30th April 2025)

"The prevention of crime includes the prevention of immigration related crime and the prevention of illegal working in licensed premises. Licensing authorities are expected to work with Home Office (Immigration Enforcement), as well as police and other responsible authorities, in respect of these matters."

"An application for a review of a premises licence must be relevant to the promotion of one or more of the licensing objectives which, under the prevention of crime and disorder, includes the prevention of immigration crime and illegal working".

Licensing Act 2003 Schedule 4 (Relevant Offences)

(7A) Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act.

BCP Council Statement of Licensing Policy 2020-2025

1.5 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

The Guidance highlighted 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.

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 more recent update in April 2025, alongside the Statement of Licensing Policy for BCP Council, stipulates that intervention is expected to tackle Immigration offences associated with licensed premises.

This option should therefore not be considered as appropriate.

Exclude Licensable Activities from the Premises Licence

The current Premises Licence permits the following –

- Supply of Alcohol (Off the Premises) 0800-2300 Monday-Sunday

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 convenience store each day and that 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.

Whilst the conditions currently attached to this premises licence are insufficient to meet current standards, 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 an illegal worker.

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 provide a convenience store to the community. There are alternative outlets nearby that offer alcohol provision.

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 BCP 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 an illegal worker at this licensed premises disregards the law, places the individual concerned 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 Officer.

Any determination that does not reflect the severity of these offences will be a departure from the BCP 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.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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