

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 19 March 2025 at 10.15 am

Present: Cllr M Dower, Cllr D A Flagg and Cllr P Sidaway

92. Election of Chair

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

93. Apologies

There were no apologies.

94. Declarations of Interests

There were no declarations of interest.

95. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking at licensing hearings was noted.

96. Westbourne Tandoori, 42 Seamoor Road, Bournemouth, BH4 9AS

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer
Linda Cole – Legal Advisor to the Sub Committee
Michelle Cutler – Clerk to the Sub Committee

The Sub-Committee noted that the Mr Hussain, Premises Licence Holder was not present and was advised that despite repeated attempts, the Licensing Team had been unable to contact him. The Sub-Committee confirmed that it was content to proceed with the hearing in the absence of the Premise Licence Holder.

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Senior Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix 'A' to these minutes in the Minute Book.

The Sub Committee was asked to consider an application submitted by Dorset Police for a review of the premises licence for the premises known as 'Westbourne Tandoori', 42 Seamoor Road, Bournemouth, BH4 9AS. Dorset Police no longer had confidence in the premises licence holder to uphold the prevention of crime and disorder and public safety licensing objectives.

The following people attended the hearing and addressed the Sub Committee to expand on the points made in their written submissions:

- Sargeant Gareth Gosling – Dorset Police
- Louise Busfield – Licensing Officer, Dorset Police

2 Community Safety Accreditation Scheme (CSAS) officers were also in attendance.

The Sub Committee went into exempt session at 10:50am and passed the following exemption:

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act."

Whilst in exempt session the Sub-Committee heard evidence from Dorset Police and viewed the CCTV footage submitted by Dorset Police as part of their application.

The Sub-Committee went back into public session at 11:25am.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. All parties present had the opportunity to ask questions.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal, as appropriate.

RESOLVED that having considered the application dated 22 January 2025, made by Dorset Police to review the premises licence for the premises known as 'Westbourne Tandoori', 42 Seamoor Road, Bournemouth, BH4 9BS, the Sub-Committee has decided that it is appropriate to revoke the licence on the grounds that the premises

are not upholding the prevention of crime and disorder and public safety licensing objectives and is satisfied that there is no alternative outcome that will mitigate the concerns raised by Dorset Police.

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, presented by Sarah Rogers, Senior Licensing Officer, in particular the written and oral evidence provided by Sergeant Gosling of Dorset Police, as well as the verbal submissions made at the hearing by Louise Busfield on behalf of Dorset Police Licensing and the CCTV footage provided by Dorset Police, that was played during the hearing in exempt session.

The Sub-Committee noted that Mr Hussain, Premises Licence Holder and Designated Premises Supervisor, was not in attendance and had not submitted a written representation. They noted that the Senior Licensing Officer had attempted to contact him and that he had not responded and agreed that the hearing should proceed in his absence.

In determining the review, the Sub-Committee considered the options available to them as set out in the recommendations of the report and provided for in the Licensing Act 2003. They took account of the Guidance by the Secretary of State made under section 182 of that Act as well as the Statement of Licensing Policy. The Sub-Committee's decision is based upon consideration of the promotion of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. The Sub-Committee acknowledged that it was only able to consider matters directly relevant to the licensing objectives raised in the application: prevention of crime and disorder and public safety.

The Sub-Committee concluded that the premises had failed to uphold the prevention of crime and disorder and public safety licensing objectives, and that revocation of the Licence was the only appropriate response to the issues raised in the review when considering the evidence currently available to it.

Reasons for decision

Members of the Sub-Committee in determining the application for review must consider the following options: -

- a) Leave the licence in its current state.
- b) Modify the conditions of the licence; and/or
- c) Exclude a licensable activity from the scope of the license; and / or
- d) Remove the Designated Premises Supervisor; and/or
- e) Suspend the licence for a period not exceeding three months; and/or
- f) Revoke the licence.

Leave the licence in its current state:

In considering the information contained in the agenda report, the representations made by Dorset Police, the CCTV video footage shown

and verbal submissions made during the hearing, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to the concerns identified by Dorset Police in bringing this review.

Modify the conditions of the licence; and/or Add conditions

The Sub-Committee do not consider that modifying the existing conditions would resolve the concerns raised by Dorset Police as it was Mr Hussain's demeanour and abusive and threatening response to an innocuous request to move his car to allow an ambulance access, that greatly concerned the Sub-Committee. Such loss of control could easily be envisaged as a response to a customer or member of staff within the premises.

Exclude a licensable activity from the scope of the licence:

The Sub-Committee do not consider that excluding a licensable activity from the scope of the licence to be an appropriate response to the concerns raised in this review. The issue was not the sale of alcohol or provision of late-night refreshment.

The Sub-Committee feel that it is the behaviour demonstrated by Mr Hussain that is the cause for concern. The evidence presented to them clearly demonstrates that Mr Hussain, DPS and Premises Licence holder does not act responsibly or safely. Mr Hussain is reluctant to engage with Dorset Police and partner agencies to ensure the licensing objectives are upheld.

The removal of the Designated Premises Supervisor from the licence:

The Sub-Committee note that Mr Hussain is the sole director of 'Westbourne Tandoori', and the Premises Licence Holder. He is also the DPS, therefore removing him as DPS would not be enough to alleviate the issues raised in the Review Application. The Sub-Committee are unable to remove the Premises License Holder.

Suspension of the Licence:

The Sub-Committee feel that a temporary suspension of the Premises Licence of up to three months will not resolve the concerns raised in the Application for Review.

The Sub-Committee noted that Dorset Police and partner agencies had visited this premises on several occasions since the start of the Covid pandemic in 2020 and had attempted to engage with, and offer support, to Mr Hussain without success. The situation had got progressively worse since 2023, and the Sub-Committee had no confidence that the concerns identified by Dorset Police would be addressed if the licence was suspended.

Revocation of the Licence:

The Sub-Committee, after considering all the options available to them, determined that revocation of the premises licence is the appropriate option in response to this Application for Review.

The Sub-Committee heard evidence from Dorset Police about several incidents that had occurred involving Mr Hussain, in particular, an incident on 29 November 2024 where Dorset Police attended a report of an incident to the rear of the premises. The dispute involving Mr Hussain was instigated following a request by staff of a neighbouring business for a vehicle associated with the licence holder to be moved to allow an ambulance access.

The Sub-Committee viewed CCTV of this incident and were shocked by Mr Hussain's behaviour.

The Sub-Committee has heard evidence from Dorset Police that they have made repeated attempts to meet with Mr Hussain to discuss the concerns raised with the premises and that on 15 January 2025, a joint visit between Dorset Police and a Council Officer from the Environmental Health Team had visited the premises. The Sub-Committee were advised by Dorset Police that Mr Hussain denied any involvement with any of the issues raised and that his behaviour became increasingly agitated, resulting in Mr Hussain threatening Police Officers and instructing his staff to lock all exits to prevent officers from leaving.

The Sub-Committee are appalled by Mr Hussain's behaviour and agree that it is unacceptable and not how a responsible premises licence holder or DPS should behave. Mr Hussain has clearly demonstrated that he does not have the attributes necessary to operate and uphold and promote the four objectives, particularly the prevention of crime and disorder and public safety.

Dorset Police have evidenced numerous examples of Mr Hussain's blatant disregard of the law since 2023 and Mr Hussain has not shown any willingness to co-operate with the Police or partner agencies to address the various issues raised and as such, the Sub-Committee have no confidence that Mr Hussain can manage these premises responsibly.

The Sub-Committee decided that to uphold the licensing objectives, it was appropriate and necessary to revoke the licence. The Sub-Committee concluded that none of the other available options are appropriate at this time.

Right of appeal

An appeal against the review decision may be made to a Magistrates' Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the Premises Licence Holder, the Chief Officer of Police and/or any interested person who made relevant representations

The meeting ended at 11.30 am

CHAIRMAN