

**Application for Review of**  
**Licensed Premises**  
**Submission in Support of**  
**Application for Review**

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## **Ashley Vegas, 408 Ashley Road, Poole**

*This representation is in support of an Application for Review of a Licensed Premises submitted by BCP Council Licensing Authority. 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 at Ashley Road, Poole, a busy area that is densely populated with a mix of commercial and dwelling properties, including a variety of retailers, licensed premises and other businesses. There variety of businesses operating along Ashley Road is vast, attracting large numbers of visitors to the area whilst also meeting the needs of the local residents living nearby. Most of these businesses operate during the daytime, however, there is strong representation from businesses that meet an increasing demand through to the late evenings, including take-away and convenience store operators.

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

On the 21<sup>st</sup> March 2025, the Poole Neighbourhood Policing Team advised that following an intelligence-led operation led by Trading Standards officers to locate and seize illicit tobacco and vapes at a variety of commercial premises throughout the BCP Council area, a variety of drug paraphernalia and a baseball bat had been discovered at Ashley Vegas convenience store.

The operator of the premises, Hiwa YOUSEFZADEH, was interviewed in respect of the offensive weapon and admitted that the object had been kept within reach behind the service counter for his own protection. The operator was issued with an out of Court disposal.

Trading Standards officers informed Dorset Police that they would lead in any enforcement taken against the premises as they had also located illicit tobacco and vape products during this successful multi-agency operation.

On 13<sup>th</sup> June 2025 Dorset Police were informed of further concerns that had been identified following a visit conducted by BCP Licensing Authority. These breaches of conditions undermine the licensing objectives and Dorset Police fully support any action taken to seek improvement of the overall compliance within licensed premises.

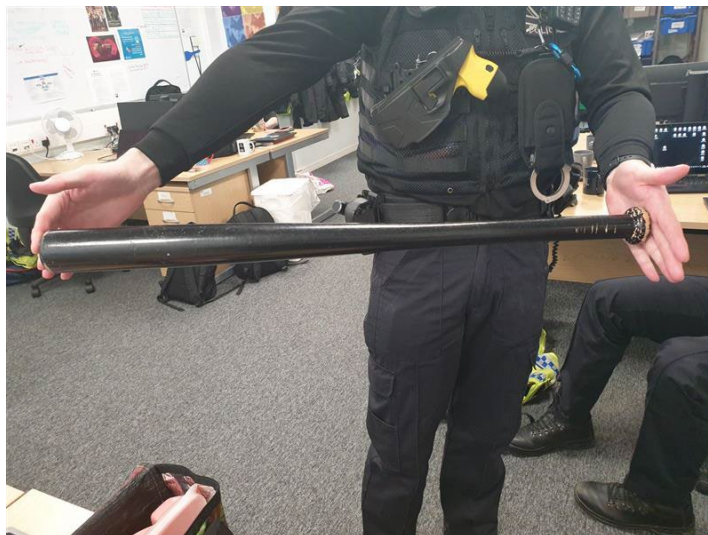
Following a further unsatisfactory visit to the premises, this Application for Review has been submitted for determination by the members of the Licensing Sub-Committee by BCP Licensing Authority.

## Concerns

Dorset Police, through our Drug & Alcohol Harm Reduction Team, 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, particularly due to the presence of illicit products and an offensive weapon.

It is imperative that all licensed premises promote Public Safety and discourage any violence, which can tarnish the reputation of the licensed communities throughout Dorset. Licensed premises should be places of relative safety and effective management and control measures should not include possessing offensive weapons and should instead focus on conflict management and de-escalation.

The seized item pictured below-



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

Paragraph 11.7 *In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives.*

This incident relates entirely to activity connected with this licensed premises.

Paragraph 11.20 *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*

This incident occurred as a direct consequence of the actions of the licence holder. No other members of the public contributed to this incident and the possession of this weapon, the storage and sale of the illicit products and the failure to meet the requirements of the premises amount to a failure of the licence holder.

Paragraph 11.24 *....Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. 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.*

The members of the Sub-Committee are reminded that they are not required to determine Criminal guilt or otherwise and must only decide whether the licensing objectives are being promoted at this premises.

Paragraph 11.27 *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 or storage of smuggled tobacco and alcohol.*

Paragraph 11.28 *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.***

Members of the Sub-Committee will note that the Home Office have provided clear guidance through the S182 directives that storing and selling illicit tobacco is a serious matter that justifies consideration of revocation, even in the first instance.

Dorset Police submit that the possession of the offensive weapon and the persistent failure to meet the conditions of the premises, identified through the visits conducted by the Licensing Authority, amount to additional aggravating factors that should support a severe determination.

#### **BCP Council Statement of Licensing Policy 2020-2025**

Paragraph 14.1 *The Licensing Committee will look to Dorset Police as the main source of advice on crime and disorder.*

As the leading source of advice on crime and disorder, Dorset Police fully support this Application for Review on the grounds that we can evidence that the licensing objectives to prevent crime and disorder and promote public safety have been undermined for the reasons detailed above.
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Paragraph 19.1 *The Licensing Authority is concerned that the irresponsible consumption of alcohol from off-sales is a significant problem and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children*

The availability of alcohol for consumption off the premises requires an enhanced level of oversight and carries greater responsibility. This responsibility should not be permitted to individuals that promote the sale and storage of illicit products and facilitate an offensive weapon to be kept as a method of deterring or managing problem customers.

#### **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**

The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and the Statement of Licensing Policy for BCP Council stipulates that intervention is necessary to address significant concerns associated with crime and disorder.

Dorset Police are of the view that taking no action is not an appropriate determination.

##### **Exclude Licensable Activities from the Premises Licence**

The current Premises Licence permits the following –

- Supply of Alcohol for consumption OFF the premises

This premises is permitted to offer the above licensable activities until 11.00pm each day.

The removal of the above licensable activity would effectively amount to the revocation of the licence.

Dorset Police promote licence holders to maintain the highest standards when delivering licensable activities. The licence holder has demonstrated that they are unwilling or unable to maintain high standards consistently, resulting in concerns being highlighted by a variety of Authorities, including Dorset Police.

### **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*".

The failure of the operator to adhere to the conditions, identified by the Licensing Authority during their recent visits, is of significant concern. These conditions are the cornerstone of the expectations that responsible authorities have of licence holders, and it is anticipated that their delivery should routinely exceed these minimum standards.

The inability to meet these conditions, coupled with the criminality associated with the premises, gives rise to significant concerns. There is no opportunity for responsible authorities to stipulate conditions that require licence holders not to engage in criminality.

Dorset Police do not consider that any further conditions would resolve the concerns that have been detailed above. The conditions currently attached to the licence are considered appropriate to a premises of this nature.

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

Whilst Dorset Police accept that this is an option that has been proposed for consideration in respect of the failure to meet the current licence conditions, we cannot endorse this determination in respect of the possession of an offensive weapon and the sale and storage of illicit tobacco products as doing so would conflict with the expectations of the S182 Guidance detailed above.

Dorset Police would only support a 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.

Suspension of a Premises Licence should not be utilised as a punitive measure.

### **Remove Designated Premises Supervisor (DPS)**

The removal of the DPS can often be an effective measure to improve the standards of delivery and compliance within a licensed premises. The DPS, as the individual with overall responsibility for overseeing the delivery of the business, is responsible for ensuring compliance is maintained consistently.

The level of control exercised by the current DPS is unknown and the premises licence is held by Ashley Vegas Ltd., a company that has a sole Director, that being Hiwa YOUSEFZADEH, the individual exercising control of the business during the visit when a baseball bat and illicit were discovered at the premises and who admitted that the weapon was kept deliberately for self-defence.

The current DPS is under the control of this premises licence holder and the removal of the DPS would likely have limited impact on improving the overall standards at this premises.

## 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 alongside groceries and other convenience products.

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, particularly when criminality is linked to those premises.

On consideration of the information available, 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 unless members of the Sub-Committee can be confident that this business can demonstrate that they will no longer be involve in criminality and that they will consistently meet the conditions of their premises licence.

It may be appropriate for the business to undertake a short suspension of the licence to meet any necessary improvements, however, the consistency of the failures that have been evidenced suggest that there is low prospects of success in encouraging improvement at this premises, particularly due to the involvement of the business owner in the documented failures.

## 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.

Possession of offensive weapons associated with persons holding positions of authority within licensed premises cannot be acceptable and whilst the Licensing Team within Dorset Police expect high standards of delivery to maintain safety for patrons and promotion of the licensing objectives, this activity fell short of the most basic standards of behaviour expected of licensees in our communities.

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.