

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 04 June 2025 at 10.15 am

Present:-

Present: Cllr G Farquhar, Cllr A Filer and Cllr A Keddle

14. Apologies

An apology for absence was received from Cllr Matthews and Cllr Richardson, Cllr Filer stepped up as 2nd reserve to sit on the Sub-Committee.

15. Election of Chair

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

Voting: Unanimous

16. Declarations of Interests

There were no declarations of interest.

17. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

18. Hillside Stores 289 Kinson Road Bournemouth BH10 5HE

Sarah Rogers – Senior Licensing Officer
Lina Cole – Legal Advisor to the Sub-Committee
Sinead O’Callaghan – Clerk to the Sub-Committee
Christiane Tan – Democratic Services, Observing
Andy McDiarmid – Legal Advisor, observing
Cllr P Canavan - Observing
Cllr S Bartlett - Observing

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

The 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. As well as the late evidence submitted by Dorset Police and the Premises and had published as a supplement.

The Licensing Sub-Committee was asked to consider an application made by Dorset Police for a Review of the Premises Licence following a visit by HM Immigration Enforcement where an alleged illegal worker was found

employed at the premises. Dorset Police no longer had confidence in the premises licence holder to uphold the prevention of crime and disorder licensing objective.

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

For the Applicant:

Sgt Gareth Gosling – Dorset Police

Louise Busfield - Dorset Police

Fiona Smythe - Immigration Officer

For the Premises:

Sujeewan Muralimohan - Premises Licence Holder/Designated Premises Supervisor

Philip Day – Premises Solicitor

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

The Sub Committee went into exempt session at 12:07pm 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 and 2 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 12:34pm.

All parties 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.

RESOLVED that having considered the application dated 16 April 2025, made by Dorset Police to review the premises licence for the premises known as ‘Hillside Stores’ 289 Kinson Road Bournemouth BH10 5HE, 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 licensing objective and is satisfied that there is no alternative outcome that will mitigate the

concerns raised by Dorset Police and Home Office Immigration Enforcement.

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 verbal evidence provided by Sgt Gosling of Dorset Police, the written and verbal representation made by Fiona Smythe of Home Office Immigration Enforcement in support of the review on the grounds of Prevention of Crime and Disorder, as well as the verbal submissions made at the hearing by Mr Sujeewan Muralimohan, Premises Licence Holder and Designated Premises Supervisor and Mr Philip Day, Solicitor acting for the Premises.

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 BCP Statement of Licensing Policy. The Sub-Committee's decision is based upon consideration of the promotion of the Licensing Objectives. The Sub-Committee acknowledged that it was only able to consider matters directly relevant to the licensing objectives raised in the application namely prevention of crime and disorder.

The Sub-Committee concluded that the premises had failed to uphold the prevention of crime and disorder licensing objective, 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, and the 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.

The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 updated in February 2025, alongside the BCP Statement of Licensing Policy both guide that intervention is expected to tackle Immigration offences associated with licensed premises.

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 and Home Office Immigration Enforcement as *conditions 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*

It would not be appropriate to add conditions such as not to use illegal workers in the operation of the business to the licence. There is an expectation that all responsible for running a business would act responsibly and within all relevant legislation.

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 but the evidence that the premises are associated with employing or operating with an illegal worker, contrary to immigration and other legislation.

The Sub-Committee note that if licensable activities were not taking place the premises could remain operational as a shop and that the concerns highlighted may remain. The Sub-Committee however must ensure they do what they can to ensure the Licensing Objectives are promoted within the premises and it will be for other agencies to manage any remaining issues under alternative legislation.

The removal of the Designated Premises Supervisor from the licence:

The Sub-Committee were of the view that removing Mr Sujeewan Muralimohan 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.

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 were not confident that Mr Sujeewan Muralimohan was being honest in his responses to questions raised by the Sub-Committee and was trying to deny the situation that was discovered by Immigration Enforcement on 7 November 2025, as well as the evidence they provided. Fiona Smyth advised that immigration enforcement visits are carried out

based on intelligence received, to investigate the concerns being reported and they would not visit a premises if there had been no intelligence. She advised that the facts of this case had been reviewed internally on three occasions within the organisation, in each review the conclusion was the same. The Sub-Committee noted that Mr Sujeewan Muralimohan had appealed to the County Court about the imposition of a Civil Penalty in this matter and those proceedings are ongoing.

The Sub-Committee heard from Mr Philip Day on behalf of the premises regarding proposed modifications to the conditions on the licence, which aimed to update the current terms of the licence. While the Senior Licensing Officer and Dorset Police welcomed the introduction of the amended conditions to keep the licence current, Dorset Police expressed that the proposed modifications did not adequately address the specific concerns raised during the review.

When asked by the Sub-Committee about his answers to questions asked by of Immigration Enforcement during their visit and recorded in the interview transcript submitted by Dorset Police on behalf of Home Office Immigration Enforcement, Mr Sujeewan Muralimohan informed the Sub-Committee that he believed the interview record had been falsified and denied giving the responses shown in the transcript. This concerned and disappointed the Sub-Committee. They heard from Fiona Smythe that such interviews are conducted using a digital notepad. Recorded questions are asked and entries are then input directly into the notepad. The transcript as seen can then be downloaded. The Sub-Committee also considered the answers recorded on the interview transcript of the alleged illegal worker. Mr Muralimohan also claimed that this record was fabricated, and the alleged illegal worker had been coerced to give such answers, although it was noted he would not have been in attendance when this interview took place.

The Sub-Committee noted Mr Muralimohan's explanation that he had been at the premises at the time of the visit and had not left an illegal worker in charge of the shop. He explained he had gone out the back of the shop and then had to enter through the front entrance as the door from the back of the shop had inadvertently shut behind him because it was windy. They also noted the claims he made about how the visit was conducted by Immigration Enforcement and that the alleged illegal worker did not speak good English. It is not appropriate for the Sub-Committee to consider how Enforcement Immigration conduct their visits; their only consideration is to determine whether the premises have undermined a Licensing Objective and what would be a proportionate response to the review application.

The Sub-Committee on the balance of probabilities preferred the evidence of Dorset Police and Home Office Immigration Enforcement. They did not believe that Immigration Enforcement had fabricated or falsified either of the interview transcripts they were the presented with and were disappointed that Mr Muralimohan would claim as much. Prior to this incident Mr Muralimohan as Premises Licence Holder and DPS had a credible record, but this accusation made him appear dishonest, and his

submissions appeared to be made to confuse and avoid the Committee focusing on what is relevant, whether a licensing objective had been undermined.

On considering the evidence before them the Sub-Committee were of the view that the licensing objective of prevention of crime and disorder had been undermined and that the premises were not being run responsibly. They noted it was straightforward for any employer who chose to, to check without cost if a potential employee has a right to work in the UK. They would expect such due diligence from any premises licence holder. They were of the view that Mr Muralimohan was desperately trying to distance himself from the allegations of having employed an illegal worker.

The Sub-Committee agreed with the views of Dorset Police that the employment of an illegal worker at a licensed premises is a serious incident and it disregards the law. Such employment places illegal workers at increased vulnerability and acts to the detriment of other businesses and the wider community.

The Sub-Committee considered the application for review including the representation produced by Home Office Immigration Enforcement, the BCP Council Statement of Licensing Policy and the revised section 182 Guidance issued by the Home Office. They noted sections 11.27 and 11.28 of the guidance which states that, *“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 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 Sub-Committee agreed that the premises had been involved in serious crime and that to uphold the licensing objectives, the Sub-Committee concluded that none of the other available options were appropriate at this time, and it was both appropriate and proportionate to revoke the licence.

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 1.50 pm

CHAIRMAN

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