

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 18 August 2025 at 10.00 am

Present:-

Cllr D A Flagg – Chair

Present: Cllr P Canavan and Cllr L Williams

57. Election of Chair

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

Voting: Unanimous

58. Apologies

There were none.

59. Declarations of Interests

There were none.

60. Protocol for Public Speaking at Licensing Hearings

The protocol was noted.

61. Cristallo, 3 West Cliff Road, Bournemouth, BH2 5ES

Present:

From BCP Council:

Sarah Rogers – Principal Licensing Officer
Andy McDiarmid – Legal Advisor to the Sub-Committee
Jill Holyoake – Clerk to the Sub-Committee

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

The Principal 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 Licensing Sub-Committee was asked to consider an application made by Home Office Immigration Enforcement (HOIE) to review the premises licence for the premises known as Cristallo, 3 West Cliff Road, Bournemouth. HOIE had identified illegal working at the premises and no

longer had confidence in the licence holder to uphold the prevention of crime and disorder licensing objective. The Principal Licensing Officer provide an update at the hearing regarding the current status of the licence, which was suspended pending payment of the annual fee.

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

For the Applicant:

Russell Angel – Home Office Immigration Enforcement

For the Premises:

Brendan Herbert – Laceys Solicitors, representing Mr Zubair Dastagir

Zubair Dastagir – Premises Licence Holder and Designated Premises Supervisor (in attendance but did not speak)

Jackson Warner of Laceys Solicitors – present in an observational capacity for training purposes

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. 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 30 June 2025, made by Home Office Immigration Enforcement (HOIE) to review the premises licence for the premises known as 'Cristallo', 3 West Cliff Road, Bournemouth BH2 5ES, the Sub-Committee has decided that it is appropriate to revoke the licence on the grounds that the premises is 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 HOIE.

Reasons for decision

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, Principal Licensing Officer, in particular the written and verbal evidence provided by Russell Angel of the HOIE Licensing Compliance Team as well as the verbal submissions made at the hearing by Brendan Herbert of Laceys Solicitors representing 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. Members 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 is only able to consider matters directly

relevant to the licensing objective raised in the application, namely the prevention of crime and disorder.

The Sub Committee noted that HOIE had visited the premises on 3 November 2024 after intelligence was received that the business owner was employing illegal workers. Upon entering, two individuals were identified by immigration officers as suspected illegal workers. Details of the interviews conducted with both individuals and the premises licence holder, Mr Zubair Dastagir, were included as supporting evidence in the application for review. A civil penalty was subsequently issued. It was also noted that Mr Dastagir was unaware that he was in breach of the condition on his licence to maintain and make available a refusals log and that no training records for staff were maintained.

The Sub Committee noted that the civil penalty was currently subject to an appeal but did not feel that this precluded them from determining the outcome of the review application. Mr Angel confirmed that while the threshold for taking civil action in respect of individual one had not been reached, it had been reached in respect of individual two.

The Sub Committee noted the points raised by Mr Herbert in support of the premises. He explained Mr Dastagir's long association with the premises, including as a part owner and manager, during which time there had been no reported issues. Steps had now been taken to remedy the breach of licence conditions. Mr Dastagir had no intention of employing the two individuals concerned, one of whom was assisting as a friend and the other who he was supporting in training to be a chef, and besides there was no need to employ extra staff. Neither had received remuneration or food as an alternative to payment nor were they under Mr Dastagir's control. The Sub-Committee also noted the offer, put forward by Mr Herbert on Mr Dastagir's behalf, of the following additional licence condition, namely that "any individual who is at the restaurant carrying out any form of assistance, whether from any form of social relationship or for the individual's personal development or indeed employment, must have their right to work information processed before any assistance is permitted." It was noted the premises licence was currently suspended as the annual licence fee had not been paid despite reminders, something Mr Dastagir was attempting to address.

Having considered the evidence, the Sub Committee shared the serious concerns of HOIE that two individuals who had no right to work were found to be working on the premises. The Sub Committee noted the information provided by Mr Herbert on behalf of the premises and the statements provided by the two individuals and the premises licence holder as to their status and duties while on the premises, in particular where these accounts differed. Whether or not remuneration was involved, Mr Dastagir was responsible for the two individuals being on the premises and being engaged in activities which were beneficial to the premises. In his role, he should have been aware of his responsibilities to uphold the licensing objectives and to have regard to the necessary requirements regarding illegal working in premises licensed for the sale of alcohol or late-night

refreshment. The failure to do so left the Sub Committee with no confidence in his ability as premises licence holder or DPS.

The Sub-Committee noted sections 11.27 and 11.28 of the revised section 182 guidance issued by the Home Office 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 agrees with the views of HOIE, that the employment of illegal workers disregards the law, places those illegal workers at increased vulnerability and acts to the detriment of other businesses and the wider community.

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 available.

Members of the Sub-Committee in determining the application considered the following alternative options to revoking the licence: -

a) Leave the licence in its current state:

In considering the information contained in the report, the written and verbal representations made by HOIE and the verbal submissions made Mr Herbert on Mr Dastagir’s behalf, during the hearing, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to the concerns identified by HOIE 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.

b) Modify the conditions of the licence; and/or add conditions:

The Sub-Committee does not consider that modifying the existing conditions would resolve the concerns raised by HOIE 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 the condition suggested on behalf of the premises licence holder at the hearing, to ensure that any individual on the premises carrying out any form of assistance for whatever reason must have their right to work information processed before any assistance is permitted. There is an expectation that all those responsible for running a business would act responsibly within all relevant legislation and would undertake such checks as a matter of course.

c) Exclude a licensable activity from the scope of the licence:

The Sub-Committee does not consider that excluding a licensable activity from the scope of the licence would be an appropriate response to the concerns raised in this review. The issue was not the supply of alcohol or the provision of late-night refreshment but the evidence presented by HOIE that the premises are associated with illegal working, contrary to immigration and other legislation.

The Sub-Committee notes that if licensable activities were not taking place the premises could remain operational as a restaurant until 02:00hours and that the concerns highlighted may remain. The Sub-Committee however must ensure it does what it can to ensure the Licensing Objectives are promoted within the premises.

d) The removal of the Designated Premises Supervisor (DPS) from the licence:

The Sub-Committee did not consider that removing Mr Dastagir as the DPS would be enough to alleviate the issues raised in the review application. The Sub-Committee is unable to remove the Premises Licence Holder, which it is noted is also Mr Dastagir.

e) Suspension of the Licence:

The Sub-Committee felt that a temporary suspension of the Premises Licence of up to three months would not resolve the concerns raised in the application for review.

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, Home Office Immigration Enforcement and/or any interested person who made relevant representations.

62. The Sandpiper, 97 Bure Lane, Christchurch, BH23 4DN

The Chair advised that this hearing was no longer required as the applicant had withdrawn their application following the publication of the agenda for this meeting.

The meeting ended at 10.42 am

CHAIR