

**NOTICE OF HEARING
BY THE LICENSING SUB-COMMITTEE
under the
LICENSING ACT 2003**

**REVIEW OF PREMISES LICENCE FOLLOWING AN ILLEGAL WORKING
COMPLIANCE ORDER – INDIAN TREE, MARKET PLACE, RINGWOOD**

Date and Time: THURSDAY 18 MAY 2017 AT 10.00AM

Place: COUNCIL CHAMBER, APPLETREE COURT, LYNDHURST

**Telephone enquiries to: Lyndhurst (023) 8028 5000
Direct Line (023) 8028 5588 – ask for Melanie Stephens
E-mail: melanie.stephens@nfdc.gov.uk**

These papers are also available on audio tape, in Braille, large print and digital format

**1. REVIEW OF PREMISES LICENCE FOLLOWING AN ILLEGAL WORKING
COMPLIANCE ORDER - INDIAN TREE, MARKET PLACE, RINGWOOD**

THE RELEVANT PAPERS ARE ATTACHED

A large scale map of the premises will be available at the hearing

To: Members of the Sub-Committee:

Cllr S Clarke
Cllr G Beck

Cllr R Frampton
Cllr L Harris (Substitute)

Parties to the Hearing:

Mr A A Bachhu - Premises License Holder/Designated Premises Supervisor
Mr A Roveri – Area Justices' Clerk, HM Courts & Tribunals Service
Mr M Wilkinson & Mr T Pleydell – Home Office

Copies for Information:

Cllrs J Heron and Rippon-Swaine - Local Members
Ringwood Town Council
Licensing - P Weston
Legal Services – Mrs K Green/Miss G O'Rourke/Mrs R Rutins

The Council will only accept additional documentary evidence that has been submitted at least two working days prior to the hearing. After this time additional evidence will only be considered by the Sub-Committee at the hearing if consent is given by all parties present at the hearing.

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LICENSING SUB-COMMITTEE - 18 MAY 2017

REVIEW OF A PREMISES LICENCE FOLLOWING NOTIFICATION OF A COMPLIANCE ORDER - INDIAN TREE, 14 MARKET PLACE, RINGWOOD

1. INTRODUCTION

1.1 The purpose of this hearing is to determine a review of a premises licence under section 167(1A) of the Licensing Act 2003 following notification of a compliance order to prevent illegal working at the Indian Tree, 14 Market Place, Ringwood.

2. BACKGROUND INFORMATION

2.1 On 5 May 2017 notification of an illegal working compliance order made by Portsmouth Magistrates Court was received. The compliance order notification, the compliance order (made 27 April 2017) and associated documents are attached as **Appendix 1**.

2.2 At the time of the report (9 May 2017), the Home Office are not seeking revocation or closure of the premises. The premises is currently being monitored by the Home Office, and subject to their ongoing investigations, this position might change.

2.3 The premises have held a licence for the provision of late night refreshment and the sale of alcohol since the 8 June 2010. The premises licence holder since the grant of the licence is Mr Adib Ahmed Bachhu. The premises licence is attached as **Appendix 2**.

3. REQUIREMENTS FOR A HEARING

3.1 The Licensing Authority must review a premises licence if the premises to which it relates was made the subject of a compliance order to prevent illegal working, as set out in section 167(1A) of the Licensing Act 2003, as amended by paragraph 18 of schedule 6 of the Immigration Act 2016.

When the licensing authority receives notice from a magistrates court that it has issued a compliance order:

- the licensing authority has 28 days to determine the licence review - the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received; and
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

3.2 In determining the review the Licensing Sub-Committee must consider:

- the steps that are appropriate to promote the licensing objectives;
- the relevant representations presented by all parties;
- the Home Office guidance.

4. REPRESENTATIONS RECEIVED

4.1 Representations received during the consultation period are attached as **Appendix 3**.

5. CONCLUSION

5.1 The Licensing Sub-Committee must hold a hearing to consider the compliance order, any relevant representations made and take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are:

- modify the conditions of the premises licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor from the licence;
- suspend the licence for a period not exceeding three months; or
- revoke the licence.

6. RECOMMENDATION

6.1 That the Licensing Sub-Committee determines the review.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Licensing Act 2003
Guidance for licensing authorities to prevent
illegal working in licensed premises in England
and Wales



HM Courts &
Tribunals Service



Wiltshire, Hampshire & Isle of Wight

Portsmouth Magistrates Court,

Winston Churchill Avenue,

Portsmouth

DX 98494 Portsmouth

T 023928579

www.justice.gov.uk

Date: 28th April 2017

To: Licensing Authority
Licensing Services,
New Forest District Council
Appletree Court,
Lyndhurst, SO43 7PA

Dear Sir/Madam,

Notification of Illegal Working Compliance Order in respect of premises: Indian Tree, 14 Market Place, Ringwood, BH24 1AW

I write to inform you that in accordance with paragraph 5(11) of Schedule 6 Immigration Act 2016 and s. 167(1A) Licensing Act 2003 an Illegal Working Compliance Order was made in respect of the above licensed premises by Portsmouth Magistrates' Court on 28th April 2017 for a period of twelve months.

Yours faithfully,

A.O. Roveri
Acting Clerk to the Justices for Wiltshire, Hampshire and Isle of Wight

**IN THE EAST HAMPSHIRE MAGISTRATES' COURT SITTING AT PORTSMOUTH
MAGISTRATES' COURT**

APPLICATION FOR AN ILLEGAL WORKING COMPLIANCE ORDER

Complaint by Trevor PLEYDELL, Immigration Officer.

This is a civil application for an illegal working compliance order made by complaint under paragraph 5 of Schedule 6 to the Immigration Act 2016.

An application for the reimbursement of costs has also been made under paragraph 13 of Schedule 6. I will address the court on this later only if it decides to grant the compliance order.

Under paragraph 5, an application is being made to the court for an illegal working compliance order. This is within 48 hours of a closure notice being issued.

The application is made to the court on the basis that the conditions for service of the illegal working closure notice were met, as set out in the following paragraphs of Schedule 6 to the Immigration Act 2016:

- 1(3) The condition in this paragraph is that an employer operating at the premises in question was employing a person over the age of 16 and subject to immigration control –
- (a) who has not been granted leave to enter or remain in the United Kingdom, or
 - (b) whose leave to enter or remain in the United Kingdom –
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
 - (iii) is subject to a condition preventing the person from accepting the employment.

And

- 1(6) The condition in this paragraph is that the employer, or a connected person in relation to the employer –
- (a) has been convicted of an offence under section 21 of the Immigration, Asylum and Nationality Act 2006 ("the 2006 Act"),
 - (b) has, during the period of three years ending with the date on which the illegal working closure notice is issued, been required to pay a penalty under section 15 of the 2006 Act, or

knowledge or employment for them both even after photographs of both were shown to him. He was asked about his relationship to the business claiming that he bought the business from a Mohammed MIAH for £0 as he could not run it anymore. He was asked about employment of staff and claimed that he was responsible for the employment of all staff on site and that he has kept copies of relevant documents for them. He was asked about the license for the premises and confirmed that he had held the license there for one year and was also the Designated Premises Supervisor.

I referred the proceedings to CIO MASEY who authorised the 24 hr closure pending this application which was served on **Adib Ahmed BACHHU** born [REDACTED] at 20:16hrs along with the referral notice in respect of [REDACTED], [REDACTED] and [REDACTED].

4 Notices were placed on both sides of the front windows, internal door to the kitchen and external door to the kitchen as exhibited as TP05/270417/05. Paperwork also relating to **Adib Ahmed BACHHU** and his relationship to the premises were seized by me exhibited as TP01/270417/01 and TP02/270417/02.

No statutory excuse

The owner, **Adib Ahmed BACHHU** born [REDACTED], was asked to provide evidence that the correct right to work checks had been conducted on their employees. However, they were unable to satisfy the immigration officer that they had conducted the prescribed checks and therefore had no statutory excuse against liability for employing illegal workers.

Previous non compliance

In addition to illegal workers being identified on/working out of the premises, the employer or connected person in relation to the employer, Indian Tree (restaurant) is located at 14 Market Place, Ringwood, Hampshire BH24 1AW was served with civil penalty notice(s) on:-

1) **07 June 2012**, 5 persons were encountered during an intelligence led visit to Indian Tree and were identified as illegally employed and arrested:-

Arrest 1: [REDACTED], a Bangladeshi National (BGD) male served Immigration paperwork on visit day for illegal entry, Entry Without Leave, an offence contrary to 24(1)(a) of the Immigration Act 1971 (aa).

Arrest 2: [REDACTED] male served Immigration paperwork on visit day for overstaying his visa, an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Arrest 3: [REDACTED] BGD male served Immigration paperwork on visit day illegal entry, Entry Without Leave, an offence contrary to 24(1)(a) of the Immigration Act 1971 (aa).

Arrest 4: [REDACTED] male served Immigration paperwork on visit day for overstaying his visa, an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Arrest 5: [REDACTED] POR/4068062 served Immigration paperwork on visit day for overstaying his visa, an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

28 June 2012, Indian Tree Limited t/a Indian Tree Limited were served a Notification of Liability of £25,000 for a breach of section 15 of the IAN Act 2006 which was served in person on 07 June 2012 to **Adib Ahmed Bachhu**. Indian Tree Ltd t/a Indian Tree Limited company number 07284767 was Incorporated on 15/06/2010. Director listed as **Kamal HUSSAIN** born [REDACTED]. Registered office 46 Ormonde Avenue, Chichester PO197UX until 17/09/2014. Registered office from 17/09/2014: 40 Ingleside Road, Bristol BS151HQ. Indian Tree Ltd is in liquidation and is being wound up. Notification of Liability of £25,000 for a breach of section 15 of the Immigration Asylum and Nationalities (IAN) Act 2006. The penalty balance remains outstanding at £25,000.

2) 14 April 2015 6 persons were encountered during an intelligence led visit to Indian Tree and were identified as illegally employed:-

Arrest 1: [REDACTED] male served Immigration paperwork previously for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Arrest 2: [REDACTED] male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 3: [REDACTED] BGD male served Immigration paperwork previously for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 4: [REDACTED] BGD male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 5: [REDACTED] BGD male served Immigration paperwork previously for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 6: [REDACTED] BGD male served Immigration paperwork previously for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

A Referral Notice served to Rujina BEGUM.

10 June 2015, Tree Food Ltd t/a The Indian Tree were served a Civil Penalty Notice of £75,000 for a breach of section 15 of the IAN Act 2006.

Tree Foods Ltd t/a The Indian Tree Company number 08104940. Director **Rujina BEGUM** born [REDACTED]. The company was dissolved on 01/09/2015. **Licence Holder** as per checks with Hampshire Police Licensing & Alcohol Harm Reduction Team: **Adib Ahmed Bachhu**. The penalty balance remains outstanding at £75,000.

3) 03 March 2016 4 persons were encountered during an intelligence led visit to Indian Tree and were identified as illegally employed:-

Arrest 2: [REDACTED] BGD male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Arrest 3: [REDACTED] BGD male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 3: [REDACTED] BGD male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

Encountered 4: [REDACTED] BGD male served Immigration paperwork on visit day for overstaying his visa an offence contrary to 24(1)(b)(i) of the Immigration Act 1971 (aa).

A Referral Notice served to Mukaddim CHOWDHURY.

Curry Foods Ltd t/a The Indian Tree were served a Civil Penalty Notice of £60,000 for a breach of section 15 of the IAN Act 2006.

Curry Foods Ltd t/a The Indian Tree Company number 09433859. Director (until December 2015) **Muhammad Abdul RAZZAK**, born [REDACTED], Director (from 01/01/2016) **Mohammed ALI** born [REDACTED]. **Registered office:** 14 Market Place, Ringwood BH241AW.

On 19 April 2016, Curry Foods Ltd t/a Indian Tree were served a Civil Penalty Notice of £60,000 for a breach of section 15 of the IAN Act 2006. **Licence Holder** as per checks with Hampshire Police Licensing & Alcohol Harm Reduction Team: **Adib Ahmed Bachhu**. The penalty balance remains outstanding at £60,000.

shown by the respondent in their employment or checks made prior to their employment.

Historical evidence linking **Adib Ahmed BACHHU** born [REDACTED] also known as **Tayob ALI** and his wife **Rujina BEGUM** born [REDACTED] to the premises since 2010 to date demonstrates a high level of non compliance and disregard to employment regulations and have tried to circumnavigate payments of the 4 civil penalties by changing the management and ownership of the premises whilst retaining the license as confirmed by Hampshire Police which is not withstanding that a 5th penalty for a maximum of £40,000 is currently being considered by the Home Office Civil Penalties Team.

Requests for the compliance order

In view of the evidence of the serious and repeat breaches of illegal working legislation by the employer, I would request that court issues a compliance order for *12 months*

And that the compliance order contains the following provisions:

- 1. Whilst access to the premises is restricted by virtue of this order, no person is to remove a copy of this order which is fixed to the premises without the permission of an immigration officer or the court.*

- 2. The Respondent must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 in respect of all the Respondent's employees who work at the premises Indian Tree 14 Market Place, Ringwood BH241AW.*

- 3. Such right to work checks are to be completed by 4pm on 5th May 2017.*

- 4. The Respondent must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Order Regulations 2016 in respect any prospective employees before entering into a contract of employment with the prospective employee.*

- 5. Any copies of documents retained by the Respondent as a result of conducting checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 are to be stored securely by*

the Respondent on the premises at Indian Tree 14 Market Place, Ringwood BH241AW.

- 6. Any employee required to provide documentation by the Respondent as a result of obligations imposed on the Respondent by this Order must use all reasonable endeavours to promptly comply with such a requirement.*
- 7. An immigration officer may enter the premises at Indian Tree 14 Market Place, Ringwood BH241AW in order to inspect whether the terms of this order have been complied with.*
- 8. An immigration officer inspecting premises in accordance with this Order may be accompanied by other immigration officers or constables for the purpose of inspecting compliance with this Order.*
- 9. Such entry is only permitted between 18:00hrs and 23:50hrs on any day, or any time that an immigration officer has reasonable grounds for believing that work is being carried out on the premises, but entry may only be made once per calendar month commencing on the date this Order is made.*
- 10. Any immigration officer who enters the premises to carry out an inspection under this Order may require the Respondent, or person appearing to represent the Respondent, to produce on demand documents relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016.*
- 11. Any immigration officer who enters the premises to carry out an inspection under this Order may require any person whom they have reasonable grounds to suspect is working on the premises to co-operate with a biometric scan of their fingerprints for the purpose of ascertaining their identity and immigration status. No biometric information may be retained as a result of this scan.*
- 12. Before the Respondent operates a business at premises other than at Indian Tree 14 Market Place, Ringwood BH241AW, the Respondent must notify an*

immigration officer by writing to South Central Immigration, Compliance and Enforcement (I.C.E), 2nd Floor Norman House, Kettering Terrace, Portsmouth, Hampshire, PO27AE.

13. This Order shall cease to have effect at 00:00hrs on 27th April 2018, unless extended by Order of the Court.

14. The Respondent do pay the Secretary of State for the Home Department the sum of £226 by 4pm on 12th May 2017 on account of the Respondent's costs in making the application for this Order.

Right to work checks and inspection regime

I would respectfully request that the court requires the employer **Adib Ahmed BACHHU** born-~~██████████~~ also known as **Tayob ALI, Adub A Bachho** or other named person to be responsible for undertaking checks to confirm the right to work of all their employees who work at the premises for the duration of the order, and to produce to an immigration officer these documents relating to right to work.

I would request that the checks of existing employees shall be undertaken by 5th May 2017 and, for each new employee before they commence employment. To avoid the court having to specify the detail of these checks, and the obligation to produce documents to an immigration officer, the court may order that these checks and the production of documents are conducted in accordance with the requirements prescribed by the Secretary of State in the Illegal Working Compliance Orders Regulations 2016.

In order to inspect for compliance with right to work checks and other aspect of the compliance order, it is important that an immigration officer be given access to the premises during the hours of 18:00hrs to 23:50hrs, or any other time the immigration officer has reasonable grounds for believing that work is being carried out at the premises. To ensure such a requirement is proportionate, I would ask the court to restrict the number of inspection visits to *once per month* from the date of the order for the duration of the order.

Other provisions the court considers appropriate

In accordance with the power given to the court by paragraph 5(6)(e) of Schedule 6 to the Immigration Act 2016, I would ask the court to make the following additional requirements:

Right to work checks

That copies of any documents retained as a result of right to work checks under the order be held on the premises for the duration of the compliance order. This will facilitate inspection visits to ensure that the employer has complied with the order.

That an immigration officer conducting an inspection pursuant to the compliance order may require any person he or she reasonably suspects to be working at the premises to co-operate with a biometric scan of their fingerprints which will be carried out by means of a handheld device called 'Rap-ID'. This check is essential to verify the identity and immigration status of the workers. No biometric information is retained from this scan.

That, if an immigration officer considers it necessary, the immigration officer may be accompanied by a constable for the purpose of an inspection visit.

Employee co-operation

That all employees must promptly co-operate using all reasonable endeavours to provide an Immigration Officer or a Constable any documentation the Immigration Officer or a Constable requires from them as a result of the order.

Application of the compliance order to new premises

That **Adib Ahmed BACHHU** born [REDACTED] also known as **Tayob ALI, Adub A Bachho** must inform an immigration officer in the event that *he* intends to move the operation of the business from the premises while the compliance order remains in force.

Summary of the reasons for requesting the court to make the order

In summary, I would draw the court's attention to the following points

A total of £170,000 issued to the premises in respect of the 4 previous visits to the premises where **Adib Ahmed BACHHU** born [REDACTED] also known as **Tayob ALI, Adub A Bachho** has been the licence holder remains unpaid and demonstrates a high level of non compliance whilst trying to evade these penalties by changing the premises ownership when in reality is the person responsible for payment and employment.

In addition to historical visits and penalties issued the Home Office ICE arrest team visit of 27th April 2017 has yielded a further potential penalty of up to a maximum of £40,000 for the 2 illegal employees found to be working and more specifically employed by **Adib Ahmed BACHHU** born [REDACTED] also known as **Tayob ALI, Adub A Bachho**.

Accordingly, I would submit that the making of a compliance order is a necessary and proportionate response in the circumstances to prevent continued illegal working and respectfully request that the court grants the application.

If the court grants the application for the illegal working compliance order, I would draw the court's attention to the obligation in paragraph 5(11) of Schedule 6 to notify the relevant licensing authority, as the premises is one for which a premises licence is in force under the Licensing Act 2003.

Reimbursement of costs for clearing, securing or maintaining premises

I would also request that the court makes an order for the reimbursement of costs under paragraph 13 of schedule 6. The court may make an order it thinks appropriate for the partial or full reimbursement by the owner or occupier of the premises for expenditure incurred for the purpose of clearing, securing or maintaining the premises in respect of which an illegal working compliance order is in force. The application must be made while the compliance order in force or within 3 months of the date on which the order ceased to have effect.

I would respectfully request that the court makes an order for the reimbursement of these costs from the *owner* of the premises.

Taken (and sworn) before me

Dated this 28th day of April 2017

Justice of the Peace

Justices' Clerk



ADIB AHMED BACCHU
INDIAN TREE
14 MARKET PLACE
RINGWOOD
BH24 1AW

Case number: **441700129203**

Orders

The court has heard the matters shown below and made the orders listed.

Date: 28 April 2017

Alessandro Roveri

Justices' Clerk

Matters and orders

441700129203/1

Complaint for a civil order as follows Application for Illegal Working Compliance Order.
In accordance with paragraph 5, Schedule 6 of the Immigration Act 2016.

It is ordered that the respondent Adib Ahmed Bachhu of Indian Tree, 14 Market Place, Ringwood to pay to the Secretary of State for the Home Department, costs in the sum of £226.00

It is ordered that UPON HEARING the complaint made by Immigration Officer Pleydell on 28th April 2017.

AND UPON the court being satisfied that the conditions in paragraphs 1(3) and 1(6) of Schedule 6 to the Immigration Act 2016 are satisfied and that it is necessary to make an illegal working compliance order to prevent an employer operating at the premises from employing an illegal worker

1.The Respondent must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 in respect of all the Respondent's employees who work at the premises Indian Tree 14 Market Place, Ringwood BH241AW.

2.Such right to work checks are to be completed by 4pm on 5th May 2017.

3.The Respondent must carry out checks relating to the right to work in accordance with the Illegal Working Compliance Order Regulations 2016 in respect any prospective employees before entering into a contract of employment with the prospective employee.

4.Any copies of documents retained by the Respondent as a result of conducting checks relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016 are to be stored securely by the Respondent on the premises at Indian Tree 14 Market Place, Ringwood BH241AW.

5.Any employee required to provide documentation by the Respondent as a result of obligations imposed on the Respondent by this Order must use all reasonable endeavours to promptly comply with such a requirement.

6.An immigration officer may enter the premises at Indian Tree 14 Market Place, Ringwood BH241AW in order to inspect whether the terms of this order have been complied with.

7.An immigration officer inspecting premises in accordance with this Order may be accompanied by other immigration officers or constables for the purpose of inspecting compliance with this Order.

8.Such entry is only permitted between 18:00hrs and 23:50hrs on any day, or any time that an immigration officer has reasonable grounds for believing that work is being carried out on the premises, but entry may only be made once per calendar month commencing on the date this Order is made.

9.Any immigration officer who enters the premises to carry out an inspection under this Order may require the Respondent, or person appearing to represent the Respondent, to produce on demand documents relating to the right to work in accordance with the Illegal Working Compliance Orders Regulations 2016.

10. Any immigration officer who enters the premises to carry out an inspection under this Order may require any person whom they have reasonable grounds to suspect is working on the premises to co-operate with a biometric scan of their fingerprints for the purpose of ascertaining their identity and immigration status. No biometric information may be retained as a result of this scan.

11.Before the Respondent operates a business at premises other than at Indian Tree 14 Market Place, Ringwood BH241AW, the Respondent must notify an immigration officer by writing to South Central Immigration, Compliance and Enforcement (I.C.E), 2nd Floor Norman House, Kettering Terrace, Portsmouth, Hampshire, PO27AE.

12.This Order shall cease to have effect at midnight on 27th April 2018.



Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	1485/3
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Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description

Indian Tree 14 Market Place Ringwood Hampshire BH24 1AW	Map Ref (E): 414574.358548713 Map Ref (N): 105290.523166388 UPRN: 100062213761
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Telephone Number: 01425 476563

Where the licence is time limited the dates

This licence is NOT time limited

Licensable activities authorised by the licence

I) Provision of Late Night Refreshment
 J) Sale or Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

I - Provision of Late Night Refreshment.			This entertainment will take place:	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Further details: Seasonal variations: Non standard timings:		
Mon	23:00	00:00			
Tues	23:00	00:00			
Wed	23:00	00:00			
Thur	23:00	00:00			
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			



J - Sale or Supply of Alcohol			
Day	Start	Finish	
Mon	12:00	14:30	Further details: Seasonal variations: Non standard timings:
Mon	17:30	24:00	
Tues	12:00	14:30	
Tues	17:30	24:00	
Wed	12:00	14:30	
Wed	17:30	24:00	
Thur	12:00	14:30	
Thur	17:30	24:00	
Fri	12:00	14:30	
Fri	17:30	24:00	
Sat	12:00	14:30	
Sat	17:30	24:00	
Sun	12:00	14:30	
Sun	17:30	24:00	

The opening hours of the premises

L - Opening Hours

Day	Start	Finish	
Mon	12:00	14:30	
Mon	17:30	24:00	
Tues	12:00	14:30	
Tues	17:30	24:00	
Wed	12:00	14:30	
Wed	17:30	24:00	
Thur	12:00	14:30	
Thur	17:30	24:00	
Fri	12:00	14:30	
Fri	17:30	24:00	
Sat	12:00	14:30	
Sat	17:30	24:00	
Sun	12:00	14:30	
Sun	17:30	24:00	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Alcohol is supplied for consumption ON premises only.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Adib Ahmed Bachhu 4 Oak Road Bournemouth Dorset BH8 8TB	Telephone: Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Adib Ahmed Bachhu 4 Oak Road Bournemouth Dorset BH8 8TB	Telephone: Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
BH108196 Bournemouth Borough Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 12/06/2014

Date licence commences: 12/06/2014

Date first licence came into force: 08/06/2010



Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions
(Additional Conditions with effect from 6 April 2010)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount) available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process; or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Where licence authorises door supervision:

- (1) Each individual at the premises to carry out a security activity must:

Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

or

Be entitled to carry out that activity by virtue of section 4 of that Act.

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(Additional Condition with effect from 28 May 2014)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

a) General - all four licensing objectives (b, c, d, e)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

A written log shall be kept of all refusals including refusals to serve alcohol. The holder of the Premises Licence shall ensure that the refusals log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.

The holder of the Premises Licence shall ensure that every individual who appears to be under 21 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the licensing authority - passport, photo driving licence or PASS accredited photo ID - proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months and written records shall be kept of all training and refresher training.

'Challenge 21' posters shall be displayed in prominent positions at the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	Plan approved 29/01/2014

Stephen Stone

Subject: FW: 167 Review of premises licence

Edward Vandyck

Sent: 09 May 2017 13:26

To: Licensing e-mail address

Subject: FW: 167 Review of premises licence

Further to your notification, I can advise that -

- following noise nuisance complaints first received in February 2012, the Environmental Protection Section at New Forest District Council established the existence of a statutory noise nuisance from amplified music from the premises known as Indian Tree at 14 Market Place, Ringwood.
- A Land Registry search undertaken on 29 February 2012 revealed that the premises lease was registered in the name of ADIB AHMED BACHHU, address given as at the premises.
- Formal action was subsequently taken by way of service of a Noise Abatement Notice on 27 April 2012, under section 80 of the Environmental Protection Act 1990. This required the abatement of the statutory noise nuisance from amplified music.
- Mr BACHHU undertook to restrict the times that amplified music was played. No further noise complaint has been received concerning this premises since that time.

Edward Vandyck

Senior Environmental Health Officer

New Forest District Council

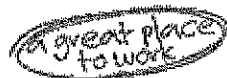
Tel: **023 8028 5588** | Admin: **023 8028 5411 option 2**

edward.vandyck@nfdc.gov.uk

www.newforest.gov.uk



[New Forest InTouch app](#)



From: Paul Weston

Sent: 08 May 2017 15:42

To: Licensing & Alcohol Harm Reduction Team Mailbox (force.licensing@hampshire.pnn.police.uk); Env Prot; EnvHealth CommAdmin; Trading Standards (liquor.licensing@hants.gov.uk); publichealth.licensing@hants.gov.uk; Safeguarding Unit; Development Control (Dev Control); 'alcohol@homeoffice.gsi.gov.uk'

Cc: Sarah Wilson

Subject: 167 Review of premises licence

As notified.

Paul Weston

Environmental Health

Governance & Regulation

New Forest District Council

Tel: 023 8028 5505

Email: licensing@nfdc.gov.uk

Melanie Stephens

From: Paul Weston
Sent: 09 May 2017 15:34
To: Melanie Stephens
Cc: Stephen Stone
Subject: FW: India tree update.

Paul Weston

Environmental Health
Governance & Regulation
New Forest District Council
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk
newforest.gov.uk



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New Forest In Touch



From: Stephen Stone
Sent: 09 May 2017 15:21
To: Paul Weston
Subject: FW: India tree update.

From: Geoff Nunn
Sent: 09 May 2017 15:14
To: Stephen Stone
Subject: India tree update.

Steve,

I can advise that the India Tree (14 Market Place, Ringwood), last received a food safety and hygiene inspection on 15 October 2015.

Following this inspection the business was awarded a 5 rating, which the Food Standards Agency consider to be 'very good'. Given the standards identified a re-visit was not required.

The business is currently risk rated as 'D', meaning the next intervention is due every two years, assuming standards remains the same.

Kind Regards,

Geoff Nunn
Environmental Health Officer
New Forest District Council

Tel: 023 8028 5588 | Admin: 02380 285320
newforest.gov.uk



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