

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

**APPLICATION FOR A REVIEW OF A PREMISES LICENCE,
INDIAN TREE, 14 MARKET PLACE, RINGWOOD, BH24 1AW.**

Date and Time: FRIDAY, 10 MARCH 2023, AT 11.00 AM

Place: BRADBURY ROOM - APPLETREE COURT, BEAULIEU
ROAD, LYNDHURST, SO43 7PA

Enquiries to: E-mail: joe.tyler@nfdc.gov.uk
Tel: 023 8028 5982

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

1. ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

**3. APPLICATION FOR A REVIEW OF A PREMISES LICENCE - INDIAN TREE, 14
MARKET PLACE, RINGWOOD, BH24 1AW (Pages 3 - 40)**

The relevant papers are attached.

To: Members of the Sub-Committee:

Cllr Steve Clarke
Cllr Jack Davies (reserve)

Cllr David Harrison
Cllr Joe Reilly

Parties to the Hearing:

Applicant - PC Mark Hawley (colleague of PC Lee Scott) - Hampshire Police

Premises Licence Holder – Mr. Adib Bacchu.

Supporting representation:

Home Office Immigration - Mr Timothy Kemp.

Copies to:

Cllrs Jeremy Heron and Steve Rippon-Swaine (local members)

Licensing - Christa Ferguson & Joanne McClay

Legal - Richard Davies

Democratic Services - Joe Tyler.

LICENSING SUB-COMMITTEE – FRIDAY 10 MARCH 2023

APPLICATION FOR A REVIEW OF A PREMISES LICENCE INDIAN TREE, 14 MARKET PLACE, RINGWOOD, BH24 1AW

1. RECOMMENDATIONS

- 1.1 That, following the representations from all parties, both written and oral, the Licensing Sub-Committee determines the review application submitted by Hampshire Constabulary.

2. INTRODUCTION

- 2.1 An application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 ('the Act') has been received from Hampshire Constabulary ('the Police') on 17 January 2023. The application seeks to review the premises licence for Indian Tree, 14 Market Place, Ringwood, BH24 1AW. Licence number 1485. The Review application is provided as **Appendix 1**.
- 2.2 At any stage, following the grant of a premises licence, a Responsible Authority, or any other person, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

Those objectives being:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm.

3. BACKGROUND

- 3.1 The Indian Tree is an Indian Restaurant located in the Market place in Ringwood. The premises has held a licence since June 2010. The original, and still current Premises Licence Holder is Mr AA Bachhu. The current licence is provided as **Appendix 2**.
- 3.2 In 2017, Home Office Immigration Officers carried out an inspection of the premises and found staff working there illegally, without the necessary right to work. An Illegal Working Compliance Order was made in respect of the premises in April 2017 at Portsmouth Magistrates court.
- 3.3 Following the issue of an Illegal Working Compliance Order, the Licensing Authority must hold a Review hearing within the statutory timescale. The hearing took place on 18 May 2017. Immigration officers attended and submitted all the relevant documents for the Sub-Committee to consider under section 167(1A) of the Licensing Act 2003, as amended by para 18 of schedule 6 of the Immigration Act 2016. The Police also supported the review and their submission can be seen as **Appendix 3**.
- 3.4 Members of the Licensing Sub-Committee heard from the Immigration Officers, the applicant and the Police. In order to support the licensing objectives and to prevent further instances of illegal employment at the premises, the Sub-Committee determined that the licence should be suspended for three months, additional conditions placed on the licence and Mr Bachhu replaced as Designated Premises Supervisor. The minutes of the hearing are provided as **Appendix 4**.
- 3.5 The premises licence holder, Mr Bachhu appealed the decision of the Licensing hearing, but before the appeal hearing could take place at the magistrates' court, Mr

Bachhu withdrew the appeal. The conditions were then applied to the licence and the suspension took place from 22 September 2017 to 21 December 2017 (inclusive). The suspension prevented licensable activities from taking place at the premises, those activities being, the sale of alcohol and the service of hot food or drink after 23:00hrs. The suspension also prevented the display of alcohol at the premises.

- 3.6 In September 2017 an application was made to transfer the premises licence to another person. During the consultation period an objection to the proposed licence holder was received from Immigration and the application was withdrawn.
- 3.7 In October 2017 the premises licence holder submitted an application to remove himself as the Designated Premises Supervisor (DPS) and to vary the licence to add Mr Mukaddim Hassan Chowdhury as the new DPS. The variation had been stipulated at the previous hearing and there were no objections by Police to the change. The licence was subsequently amended and Mr Chowdhury still remains as the current DPS.
- 3.8 The updated licence with the new DPS and additional conditions was issued on 21 December 2017, following the end of the suspension period.
- 3.9 In June 2020, Mr Bachhu submitted a minor variation application to allow the provision of off-sales to be added to the premises licence. Police objected to the application, but the Licensing Manager granted the minor variation in consultation with the Chair of the General Purposes and Licensing Committee. At the time no intelligence had been received with regard to illegal activities and no complaints had been made against the premises. Therefore, the minor variation was granted as permissible under the Act. The following month the Business and Planning Act 2020 allowed temporary permissions to add off-sales to any premises with on-sales. These changes were introduced to assist businesses in the recovery period, following the pandemic.
- 3.10 There have been no alterations to the premises licence since 2020 and annual fee payments are up to date.

4. THE APPLICATION

- 4.1 On 17 January 2023, Hampshire Police submitted an application for a Review of the premises licence number provided as **Appendix 1**.
- 4.2 The application seeks the Review of the licence on the grounds that the premises is failing to uphold the licensing objectives, primarily the Prevention of Crime and Disorder.
- 4.3 The Review application has been submitted following a joint visit to the premises by Home Office Immigration Enforcement Officers and the Police on Thursday 12 January 2023.
- 4.4 The reasons for the Review are outlined in the application, presented as **Appendix 1**. However, conditions placed on the licence at the previous Review hearing in 2017 require that proper checks are made for any employee, including ensuring that they have the legal Right to Work in the UK.
- 4.5 There were a large number of failings and licence breaches found at the visit, including failure to ensure the legal status of employees, failure to keep or produce the necessary records, failure to produce staff training records and overall poor management. Mr Bachhu was asked to attend the premises by Officers during the visit but despite requests by Officers, he failed to attend, to assist with the investigation.

- 4.6 Illegal immigration activity has taken place at the premises over a long period of time and previous warnings by Officers and the Licensing Sub-Committee have not been heeded. The additional conditions added to the licence at the previous hearing, plus the suspension and the replacement of Mr Bachhu as DPS have, unfortunately, not prevented further illegal activity from occurring at the premises.

5. REQUIREMENTS FOR A HEARING

- 5.1 Before determining the application for review, the Licensing Authority must hold a hearing to consider it.
- 5.2 Members are referred to statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated December 2022, in particular, section 11 which provides guidance on Review applications.

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 5.3 In determining the application, the Licensing Sub-Committee must give appropriate weight to:
- 1) The steps that are appropriate to promote the licensing objectives;
 - 2) The presentations and written material presented by all parties;
 - 3) Home Office guidance;
 - 4) The Council's own Statement of Licensing Policy.

6. REPRESENTATIONS RECEIVED

- 6.1 During the representation period a representation supporting the Review application was received from the Home Office, Immigration Officer. This is presented for members at **Appendix 5**. The officer has presented background to the case and further details of the visit on 12 January 2023.

7. LEGAL IMPLICATIONS

- 7.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These Regulations provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 7.2 The applicant (the Police) and the Premises Licence Holder have been invited to this meeting together with the Immigration Officer. All parties have been provided with this report and accompanying documents.
- 7.3 The applicant and the Premises Licence Holder and /or his representative are entitled to address the Sub-Committee and to ask questions of the other party.

8. CONCLUSION

- 8.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, take such steps (as set out in section 52 (4) of the Act, as it considers appropriate for the promotion of the licensing objectives. Therefore, the Sub-Committee may:
- Modify the conditions of the licence (either permanently or for a temporary period not exceeding three months);
 - Exclude a licensable activity (either permanently or for a temporary period not

- exceeding three months);
- Remove Mr Chowdhury as the Designated Premises Supervisor;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence; or
- Take no further action.

9. RIGHT OF APPEAL

9.1 It should be noted that the applicant and the Premises Licence Holder may appeal the decision made by the Licensing Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates' Court, together with the appropriate fee, within 21 days of the notification of the decision.

9.2 The determination does not have effect until the end of the period given for appealing against the decision, or if the decision is appealed against, until the appeal is disposed of.

10. CRIME & DISORDER, ENVIRONMENTAL, EQUALITY & DIVERSITY AND DATA PROTECTION IMPLICATIONS

10.1 None

11. APPENDICES

Appendix 1- Review application

Appendix 2- Current Premises Licence

Appendix 3- Police support document from the May 2017 hearing

Appendix 4- Minutes from the May 2017 hearing

Appendix 5 Home Office immigration representation

For further information contact:

Christa Ferguson
Licensing Manager
023 8028 5588
Christa.ferguson@nfdc.gov.uk

Background Papers:

NFDC Licensing Policy

Statutory guidance issued under S182 of
the Licensing Act 2003

RESTRICTED

G90



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 1 of 5

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I Lee Scott, on behalf of the Chief Officer of Hampshire Constabulary,
(Insert name of applicant)

- Apply for the review of a premises licence.
- Apply for the review of a club premises certificate.
(Select as applicable)
- Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises:	Indian Tree 14 Market Place Ringwood
Postcode (if known):	BH24 1AW

Name of premises licence holder or club holding club premises certificate (if known) Adib Bachhu

Number of premises licence or club premises certificate (if known) 1485/6
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Details of responsible authority applicant

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:
Surname: Scott First Names: Lee
Current postal address : Southampton Central Police Station Southern Road Southampton
Postcode: SO15 1AN
Daytime telephone number: [REDACTED]
E-mail address: (optional) [REDACTED]

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

This application to review relates to the following licensing objective(s)

Select one or more boxes

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

I make this application to review the premises licence on behalf of the chief of police as the premises is failing to uphold the licensing objectives primarily the prevention of crime and disorder.

I refer to the revised S182 guidance December 2022 11.24 which states premises licence reviews may arise in connection with crime that is not directly connected with licensable activities.

On Thursday 12th January 2023 I attended the premises alongside a colleague, PC 25491 Hawley alongside Home Office Immigration enforcement officers.

The purpose of the visit was to support the immigration enforcement officers who were conducting enquiries to ascertain if all employees had legal status to be employed in the UK. During their enquiries they identified a male who had no permission to work in the UK. This male was arrested and conveyed to Southampton Central Police Station.

The conditions on the premises licence state that the DPS must undertake the following (direct lift from licence)

- a. The Designated Premises Supervisor undertakes full responsibility for the recruitment of all workers employed at the premises on a full time or temporary basis.
- b. The Designated Premises Supervisor to undertake right to work checks on all staff employed at the licensed premises.
- c. That copies of any document checked as part of a right to work are retained at the premises at all times the premises are open; and
- d. That copies of the right to work documentation are made available to the Licensing Authority, the Home Office and the Police for inspection on the premises, without notice at any time.

I can confirm that the DPS who has been the DPS at the premises since October 2017 had no knowledge of the above requirements and only stated that 'the boss' sees to the hiring and firing of staff.

Furthermore the DPS asked us if the staff out of sight in the kitchen with immigration officers were OK. Condition b quoted above would negate the need for such a question casting more than doubt over any completion of checks by the DPS. When I said this to the DPS he just looked very puzzled.



**Application for the review of / Representation in respect of a
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Further there were no records kept on the premises. We were told by the DPS that records and paperwork were in a locked box to the rear of the premises. The DPS did not have a key for this. The licence holder was spoken to by the DPS on the telephone whilst we were present and we were told the licence holder would be attending, initially from Bournemouth. Following another call he was travelling from Portsmouth. After 2 hours had passed his arrival was further queried and the story had changed, the licence holder was not attending, he never was despite being reassured he was on his way.

Following the arrest of the illegal worker by immigration officers there was no further need to wait for any checks paperwork to be reviewed. These checks would have been insufficient considering the arrest, although having said this I highly doubt there was any relevant documentation held.

It must also be noted that I do not believe we encountered the full work force at the premises. Attending on a quiet midweek, wet and windy night in January where trade is slow, staff numbers were without doubt lower than usual.

Further to the immigration arrest in isolation there were further breaches of the premises licence identified whilst present:-

There were no staff training records for anyone at all on site. When a member of staff was pouring a pint for a customer he was pointed out by us to the DPS. When asked about where the training was for this individual the DPS simply retorted 'ask him, he knows more about these things than me'

The DPS kept saying also 'If I am the DPS' to which we corrected that he was the DPS.

The licence was reviewed in 2017. A 167(1A) licensing act review was triggered following the issues of an illegal working compliance order at Portsmouth Magistrates Court.

The Police supported the review recommending revocation of the licence, however it was suspended for 3 months the licence holder who was also DPS was removed as DPS and the above conditions quoted were applied.

The new DPS was placed onto the licence to replace the licence holder who is hiding behind these conditions. Clearly these conditions, put forward by the licence holder's legal representative have done nothing to restrict the illegal employment occurring at this premises. They put the onus on the DPS to conduct the checks. Any replacement of DPS will see a repeat of the same in future. It is not the business of the DPS it is the licence holders business. It is he who is responsible.

Section 11.27 of the revised S182 guidance states :- 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



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

11.28 goes on to state :- It is envisaged that licensing authorities (specified) 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 - even in the first instance - should be seriously considered

This is not the first instance - This is now the 14th arrest for immigration offences since 2012 at this site.

At the previous hearing the licence holder agreed to conditions he clearly had no intention of adhering too. Further his premises isn't adhering to the others already on the licence either.

Given the licence has been reviewed before there is a complete disregard for the law and the responsibilities under the licensing Act 2003.

Given the wording of the guidance and the evidence offered in 2017 and now, there is a clear course of conduct, the licence holder was very generously afforded a final opportunity to rectify his ways and keep his licence.

However Police are of the view that there can be no choice but to act and revocation of this licence is the only recommended outcome of this review application.

Have you made an application for review relating to these premises before: Yes | No

If yes please state the date of that application:

11/ May / 2017

Day Month Year

If you have made representations before relating to this premises please state what they were

The licence was subject to a section 167(1A) application review following the issue of an illegal working compliance order from Portsmouth Magistrates Court on 28th April 2017.

Police supported the review of the licence providing supporting evidence quoting the S182 guidance and a publication from HM governments immigration Minister 06/04/2017 advising of the harm caused within the hospitality industry that illegal employment causes and it is indicative of Human trafficking and Modern Day slavery.

Hampshire officers at the hearing for this representation expressed their concern around poor management of the premises and it's undermining of the licensing objectives. The officer quoted that 13 arrests had occurred at the premises between 2012-2017 all relating to immigration offences.

Further a minor variation to allow for alcohol deliveries was submitted in June 2020 which was to allow for off sales and home deliveries of alcohol to be added to the licence. Owing to the application being very poor in terms of content and following the 2017 hearing a representation was made to refuse.



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

The representation cited a lack of pre application consultation and also owing to the very poor wording, it only said 'to sell alcohol with take away & delivery foods'. Had pre-application consultation occurred suitable conditions would have been suggested however this did not occur so the police suggested it be refused - the representation itself was refused.

Please tick

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I have sent a copy of this representation to the principal licensing officer of New Forest District Council

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing

Name	<u>Lee Scott</u>	Collar Number:	<u>25597</u>
Signature:	<u>L. Scott</u>	Date:	<u>16/01/2023</u>

Signature of Authorising Officer (Inspector or above)

Name	<u>Stuart Jackson</u>	Collar Number:	<u>3354</u>
Signature:	<u>S. Jackson</u>	Date:	<u>16/01/2023</u>

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Environment & Regulation

Executive Head: Colin Read

Mr A A Bachhu

Our Ref: CF/LICPR/10/02995

Your Ref:

23 June 2020

Dear Mr Bachhu

LICENSING ACT 2003 - Minor Variation Premises Licence (S41A)
INDIAN TREE, 14 MARKET PLACE, RINGWOOD, BH24 1AW
Licence No: 1485/6

Please find enclosed, the Premises Licence in respect of the above named premises.

This premises licence will last indefinitely unless it is surrendered or revoked, but will lapse in the event of the death of the premises licence holder or upon the licence holder becoming mentally incapable or financially insolvent.

It is important to note that this licence does not override any planning consent restrictions the premises may have. If you operate outside the consent granted for these premises, this may result in action being taken against you. Should you wish to amend these conditions please contact the planning department for advice at planning@nfdc.gov.uk

FIRE RISK ASSESSMENT – REQUIREMENT

The Regulatory Reform (Fire Safety) Order 2005 places upon any person, who has some level of control in a premises, to take reasonable steps to reduce the risk from fire and to ensure people can safely escape in the event of a fire. This may be done as part of the general health and safety risk assessment, which is already required under the Management of Health & Safety at Work Regulations 1992 (amended 1999), or as a separate and specific fire risk assessment. Where five or more persons are employed, the significant findings of the assessment must be recorded.

Cont/d...

23 June 2020
Indian Tree

Continuation of this licence requires payment of an annual fee, based on the rateable value of the premises. This is due on the anniversary of the grant of the licence and we will issue an invoice and covering letter for the required amount prior to this date.

Please note that failure to pay the annual fee will result in suspension of the licence.

Please check this licence carefully and report any discrepancies to this office within 21 days.

It is a legal requirement to display the Summary part of the licence on the premises.

Should you wish to make changes to the licence, an appropriate application must be made to this Licensing Authority. Forms and guidance can be found on the Council's website at www.newforest.gov.uk.

Yours sincerely

Christa Ferguson

Licensing Manager
Licensing Services
c.c. Police

Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	1485/6
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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 BH24 1AW	Map Ref (E): 414574.358548713 Map Ref (N): 105290.523166388 UPRN: 100062213761
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 - On and Off the Premises

The times the licence authorises the carrying out of licensable activities				
I - Provision of Late Night Refreshment	This activity will take place:		Indoors	Y
			Outdoors	
			Both	
Day	Start	Finish	Further details:	
Mon	23:00	00:00	Seasonal variations: Non standard timings:	
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 - On and Off the Premises			
Day	Start	Finish	Further details:
Mon	12:00	14:30	
Mon	17:30	00:00	

Tues	12:00	14:30	Seasonal variations:
Tues	17:30	00:00	
Wed	12:00	14:30	Non standard timings:
Wed	17:30	00:00	
Thur	12:00	14:30	
Thur	17:30	00:00	
Fri	12:00	14:30	
Fri	17:30	00:00	
Sat	12:00	14:30	
Sat	17:30	00:00	
Sun	12:00	14:30	
Sun	17:30	00:00	

The opening hours of the premises

L - Opening Hours

Day	Start	Finish	
Mon	12:00	14:30	Seasonal variations:
Mon	17:30	00:00	
Tues	12:00	14:30	Non standard timings:
Tues	17:30	00:00	
Wed	12:00	14:30	
Wed	17:30	00:00	
Thur	12:00	14:30	
Thur	17:30	00:00	
Fri	12:00	14:30	
Fri	17:30	00:00	
Sat	12:00	14:30	
Sat	17:30	00:00	
Sun	12:00	14:30	
Sun	17:30	00:00	

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

Alcohol is supplied for consumption both ON and OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Adib Ahmed Bachhu
 Telephone:
 Bournemouth
 Dorset
 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

Mukaddim Hassan Chowdhury

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

2674/1

New Forest District 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: 23/06/2020

Date licence commences: 20/06/2020

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

Colin Read

Executive Head of Environment & Regulation
(Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises door supervision:

(1)

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;

(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.

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.

(Additional Conditions with effect from 1 October 2014)

1. (1) The responsible person must 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-

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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.

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must 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: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measure are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

The holder of the Premises Licence shall ensure that every individual who appears to under 25 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 25 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 25' posters shall be displayed in prominent positions at the premises.

Alcohol shall only be delivered to a legitimate address that is a dwelling or a business premises.

The delivery driver will request an adult signature on every delivery of alcohol.

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

General condition:

Review Hearing: 18th May 2017

- a. The Designated Premises Supervisor undertakes full responsibility for the recruitment of all workers employed at the premises on a full time or temporary basis.
- b. The Designated Premises Supervisor to undertake right to work checks on all staff employed at the licensed premises.
- c. That copies of any document checked as part of a right to work are retained at the premises at all times the premises are open; and
- d. That copies of the right to work documentation are made available to the Licensing Authority, the Home Office and the Police for inspection on the premises, without notice at any time.

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

((n))



((1))

Licensing Act 2003

Premises Licence Summary

Issued under Section 24 of the above Act

Premises Licence Number	1485/6
--------------------------------	--------

Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
Indian Tree 14 Market Place Ringwood BH24 1AW	Map Ref (E): 414574.358548713 Map Ref (N): 105290.523166388 UPRN: 100062213761
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 - On and Off the Premises

The times the licence authorises the carrying out of licensable activities				
I - Provision of Late Night Refreshment		This activity will take place:	Indoors	Y
			Outdoors	
			Both	
Day	Start	Finish		
Mon	23:00	00:00	Further details: Seasonal variations: Non standard timings:	
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 - On and Off the Premises			
Day	Start	Finish	
Mon	12:00	14:30	Further details:
Mon	17:30	00:00	
Tues	12:00	14:30	Seasonal variations:
Tues	17:30	00:00	

Wed	12:00	14:30	Non standard timings:
Wed	17:30	00:00	
Thur	12:00	14:30	
Thur	17:30	00:00	
Fri	12:00	14:30	
Fri	17:30	00:00	
Sat	12:00	14:30	
Sat	17:30	00:00	
Sun	12:00	14:30	
Sun	17:30	00:00	

The opening hours of the premises

L - Opening Hours

Day	Start	Finish	
Mon	12:00	14:30	Seasonal variations:
Mon	17:30	00:00	
Tues	12:00	14:30	Non standard timings:
Tues	17:30	00:00	
Wed	12:00	14:30	
Wed	17:30	00:00	
Thur	12:00	14:30	
Thur	17:30	00:00	
Fri	12:00	14:30	
Fri	17:30	00:00	
Sat	12:00	14:30	
Sat	17:30	00:00	
Sun	12:00	14:30	
Sun	17:30	00:00	

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

Alcohol is supplied for consumption both ON and OFF the premises

Name, (registered) address of holder of premises licence

Adib Ahmed Bachhu

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

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mukaddim Hassan Chowdhury

State whether access to the premises by children is restricted or prohibited

Not Restricted

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Southampton Neighbourhood Police Office
Southampton City Council
Civic Centre
Southampton
Hampshire
SO14 7LY

Licensing Authority
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Telephone	Direct Dial
101	02380478373
Fax	Text Relay
01962 874201	18001 101
	Email Address
	licensing@hampshire.pnn.police.uk

Our ref: 44080373924
Your ref:

11 May 2017

Dear New Forest District Council Licensing Authority

On behalf of the Chief Officer of Police, I am writing to confirm receipt of the application for a review of the premises licence for Indian Tree, 14 Market Place, Ringwood, BH24 1AW, submitted by New Forest District Council.

Hampshire Constabulary supports this review application and makes representations under the following licensing objective:

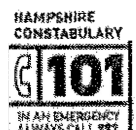
- The prevention of crime and disorder

Hampshire Constabulary are concerned that the poor management of the premises is detrimentally undermining the licensing objectives, and that Immigration Enforcement have needed to obtain an Illegal Working Compliance Order in order to prevent illegal working at the premises.

Hampshire Constabulary work with Immigration Enforcement officers in preventing illegal working. Illegal working is at the centre of a wealth of other crimes. At worst, illegal working can be indicative of Modern Slavery or Human Trafficking, where vulnerable people are exploited.

For this particular premises, PC Conway was asked to assist Immigration Enforcement in providing a statement as to what police expect a premises licence holder and DPS in the promoting the licensing objectives, and police contact with the premises licence holder Mr Adib BACHHU. A copy of this statement is provided.

From the Gov.uk release dated 6th April 2017, Immigration Minister Robert Goodwill says



“Illegal working cheats the taxpayer, has a negative impact on the wages of lawful workers and allows rogue employers to undercut legitimate businesses.

“These new measures will allow us to work more effectively with licensing authorities and the police to prevent illegal working in a high risk sector and take the action needed against businesses flouting immigration laws.”

The article goes on to say:

‘Today’s licensed premises provisions form part of a wider package of measures in the Immigration Act 2016 to tackle illegal working, which is a key driver of illegal migration to the UK, and often leads to exploitation. They follow similar changes to the licensing regime for private hire vehicles and taxis which were introduced in December.

About 60% of all civil penalties for illegal working served in the UK in the year to February 2017 were issued in the retail, hotel, restaurant and leisure industry sectors, many of which hold licenses.’

The revised Guidance issued under S182 Licensing Act 2003 (April 2017) outlines certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously (para 11.27). One such crime is:

- For employing a person who is disqualified from that work by reason of their immigration status in the UK.

11.28 goes on to say that ‘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’.

It is extremely disappointing to learn that, despite the offences relating to the employment of illegal immigrants, the premises licence holder has repeatedly failed in his obligation under to Licensing Act 2003 to prevent crim at Indian Tree.

Should the licensing authority decide against the revocation of the premise licence, then Hampshire Constabulary would request that the Licensing Authority look to modify the conditions on the premises licence. Paragraph 10.10 of the revised Guidance outlines conditions that are considered appropriate for the prevention of illegal working might include:

‘Requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work is retained at the licensed premises.’

Hampshire Constabulary would support both aspects of these requirements to be added to the premises licence as conditions. Such conditions will allow Hampshire Constabulary, officers of the Licensing Authority and other responsible authorities to support Immigration Enforcement in making sure that further crimes of this nature are prevented at the premises.

Yours sincerely

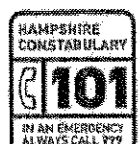


www.hampshire.police.uk

Deaf? Non-emergency text **07781 480999**

For crime and community information www.hampshirealert.co.uk

Page 22



PC 22237 Conway
Licensing and Alcohol Harm Reduction Team
Hampshire Constabulary



www.hampshire.police.uk

Deaf? Non-emergency text **07781 480999**

For crime and community information www.hampshirealert.co.uk

Page 3



Witness Statement

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Court Act 1980, s.5B

Statement Of: Sharon Conway

URN:

Age (If Under 18): Over 18

Occupation: Police Officer

1 29/03/2017 11:47:

I am PC 22237 Sharon Conway, based at Southampton Police Office, Civic Centre, Southampton. I work within the Licensing and Violent Crime Reduction Team, and cover the New Forest Licensing Authority area. My role is to ensure that licensed premises are

5 promoting and upholding the four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

10

In promoting the licensing objectives, Hampshire Constabulary work closely with our partner agencies including Immigration Enforcement officers.

15 Revised Home Office Guidance issued under S182 Licensing Act 2003 describes who can hold a premises licence and the role of the DPS. This Guidance is widely available for the benefit of those who run licensed premises, their legal advisers and the general public, as well as Licensing Authorities, Responsible Authorities and magistrates' courts.

Section 8.14 – 8.18 of this Guidance describes who can hold a premises licence.

20 A premises licence holder can be 'Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. "A person" in this context includes, for example, a business or a partnership'

25 The premises licence holder would normally be the owner of the business, or the tenant of the property. In some circumstances, the premises licence holder may be the landlord of the building. In any case, police would expect the premises licence holder to have influence in the business. Should there be any issues, including allegations of criminal activity, which the DPS is not able to resolve, then police will look to the premises licence holder to put in
30 place steps to uphold the licensing objectives.

When applying for a new premises licence, or transferring a premises licence, the applicant (premises licence holder or agent) will make a declaration on the application confirming 'I
35 am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities.'

Witness Statement

Statement Of: Sharon Conway

URN:

The application further reminds 'IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION'

40

The designated premises supervisor (DPS) is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. This responsibility is repeated throughout the Guidance, for example paragraphs 2.5 & 4.18. The role of the DPS includes, but is not restricted to:

- 45
- Upholding the licensing objectives
 - Complying with the premises licence and any conditions attached to the authorisation
 - Authorising the sale of alcohol
 - Having day to day control of the premises
 - Being the point of contact at the premises for responsible authorities.
- 50
- Complying with all other relevant legislation or legal requirements outside of Licensing Act 2003.

55

In a restaurant business, the role of the DPS would normally be the owner. If the business has more than one site, it would normally be the site manager nominated as the DPS. The nomination of the DPS onto the premises licence requires confirmation at the application stage from the proposed person. This is partly due to the serious consequences on conviction under the Licensing Act 2003 should any offences come to light.

60

'Having day to day control' does not necessarily mean that the DPS is always present at the premises when it is open to the public. However, police do expect that the DPS works at a premises such as a restaurant in full-time capacity, is not responsible as DPS at another premises and holds a position, i.e. a management role, to influence staff so that criminal offences or activities are not committed.

65

I have been asked to provide a statement with regards to The Indian Tree, 14 Market Place, Ringwood, Hampshire, BH24 1AW and the premises licence holder and DPS Mr Adib Ahmed BACHHU.

70

From police records, BACHHU has been the premises licence holder and DPS since the current premises licence 1485/3 was issued on 12th June 2014 by New Forest District Council. I understand that this licence was issued following an application to change the address of the licence holder and DPS, suggesting BACHHU would have been PLH and DPS prior to 12th June 2014.

Witness Statement

Statement Of: Sharon Conway

URN:

75 As PLH and DPS, BACHHU has a statutory obligation to uphold the licensing objectives outlined above.

80 The police record management system (RMS) shows BACHHU linked to 14 Market Place, Ringwood since 20/10/10, having reported disorderly behaviour at the premises. Since 2010, BACHHU has been spoken to periodically in his role as manager, assisting with police enquires. Notably, BACHHU was spoken to in June 2013 and September 2016. Following an incident on 7th January 2017 at The Indian Tree, BACHHU described himself to police as the manager and owner of the business.

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature Witness: Digitally signed

Date: 29/03/2017 11:55

Witness To Signature: N/A

Date: N/A

Statement Started 29/03/2017 11:47

Statement Completed 29/03/2017 11:55



**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

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

Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Thursday, 18 May at 10.00am

1. Members of the Licensing Sub-Committee

Councillor S Clarke - Chairman
Councillor R Frampton
Councillor L Harris

2. Parties and their Representatives attending the Hearing

Mr A Bachhu – Premises Licence Holder/Designated Premises Supervisor
Mrs J Rowley – Barrister Representing the Premises Licence Holder

Mr M Wilkinson – Home Office, Applicant for Review
Mr T Pleydell – Home Office, Applicant for Review
Mr A Beacuarbis – Hampshire Constabulary supporters of the Review

3. Other Persons attending the Hearing

Mr S Stone – Licensing Manager
Ms S Wilson – Licensing Officer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Kate Green – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

1. The premises licence will be suspended for a period of 3 months. This will commence from the relevant time in accordance with S. 168 (2) Licensing Act 2003.
2. Mr Adib Ahmed Bachhu will be removed as Designated Premises Supervisor and the Sub-Committee recommend that the personal licence held by Mr Bachhu be considered separately by the Licensing Authority.
3. That the following conditions, as suggested by the Premises Licence Holder's legal representative at the hearing be attached to the licence, namely:-
 - a. That the Designated Premises Supervisor undertakes full responsibility for the recruitment of all workers employed at the premises on a full time or temporary basis.
 - b. The Designated Premises Supervisor undertake right to work checks on all staff employed at the licensed premises;
 - c. That copies of any document checked as part of a right to work are retained at the premises at all times the premises are open; and
 - d. That copies of the right to work documentation are made available to the Licensing Authority, the Home Office and the Police for inspection on the premises, without notice at any time. .

7. Reasons for the Decision

The Sub-Committee carefully considered the evidence, both written and oral, supplied in advance of and at the hearing by the Designated Premises Supervisor, Home Office and Police.

At the outset of the hearing, the Licensing Officer introduced the report to the Sub-Committee and outlined that an Illegal Working Compliance Order had been issued by Portsmouth Magistrates' Court on 28 April 2017 for a period of twelve months. This was received by the Licensing Authority on 5 May 2017. In accordance with S. 167 (1A) Licensing Act 2003 this triggered the requirement for a review hearing to be held. The Licensing Officer explained the options available to the Sub-Committee for consideration in accordance with the licensing objectives, namely;

- 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
- Revoke the licence

The Home Office representatives outlined the background that had caused them to apply for the Illegal Working Compliance Order. It was confirmed that having received intelligence of illegal working at the Indian Tree restaurant, immigration enforcement officers visited the premises on 27 April 2017 where two individuals were found to be working illegally on the premises. One individual was served immigration paperwork and arrested for overstaying his visa, the second individual was served immigration

paperwork and arrested for illegal entry. The Premises Licence Holder was not present on the premises at the time the immigration enforcement officers arrived at the premises but following a telephone call from the officers, he attended the restaurant within 20 minutes. Immigration enforcement officers interviewed the Premises Licence Holder during which he denied all involvement, knowledge or employment of the two individuals found to be illegally working on the premises. Both individuals initially claimed that they had only arrived the day before but following searches of the living accommodation officers identified that one of the individuals had been in the area since December 2016. Once this information was put to that individual he confirmed that he had been working at the premises for three months washing up in the kitchen.

The Home office representative confirmed that they had not been provided with any evidence to show that any checks had been made in relation to the two individuals' rights to work in the UK. The representative for the Home Office confirmed that this visit was not the first of its kind to these premises and in the past, four similar visits had taken place, all of which resulted in arrests being made for immigration offences. A visit on 27 October 2016 had identified one individual who had overstayed his visa. This resulted in Mr Bachhu being served with a civil penalty notice for £10,000 for a breach of S. 15 Immigration Asylum and Nationalities Act 2006.

The Sub-Committee then heard from a representative from Hampshire Constabulary who supported the review, on the basis that the actions of the Premises Licence Holder undermined the prevention of crime and disorder licensing objective. The representative confirmed that Hampshire Constabulary had concerns about the poor management of the premises undermining the licensing objectives. The representative wished to press on the Sub-Committee that this order had not come about following one isolated incident, but was as a result of persistent breaches in relation to the employment of illegal workers at the premises. He stated that thirteen arrests had taken place at the premises in relation to Immigration Act offences since 2012. The police representative referred specifically to the Revised Guidance under S. 182 Licensing Act 2003 issued in April 2017, in particular paragraph 11.27 which outlined that certain criminal activity that may arise in connection with a licensed premises should be treated particularly seriously, one such crime being *"for employing a person who is disqualified from that work by reason of their immigration status in the UK"*.

The police representative pointed out that 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.

As the Premises Licence Holder had been involved in the premises since 2010 and the premises had been continually failing to undertake immigration checks, he asked the Sub-Committee to consider whether Mr Bachhu was a suitable person who was capable of upholding the licensing objectives. The police therefore were seeking revocation of the licence, or in the event that the Sub-Committee were not satisfied that revocation was appropriate, then he requested that consideration be given to attaching relevant Mr Bachhu was legally represented and he read from a prepared statement which was accepted by all parties as additional evidence for consideration by the Sub-Committee. In his statement Mr Bachhu confirmed that he was truly sorry for the events that had led to this review hearing. He explained

that although he had been the Designated Premises Supervisor and Premises Licence Holder since 2010 he had not in fact been in control of the management of the business until last year. He did accept that he had been linked to the premises during the whole time that the issues of illegal working and Home Office visits had occurred. He also confirmed he was aware of all the previous arrests. He had previously been working as a waiter following a disagreement with his partner whom he had initially planned on starting the business with. He confirmed that he was now paying back a £10,000 civil penalty at a rate of £277 per month and was expecting a further penalty notice in the near future further to the recent visit by Home Office Immigration enforcement officers on 27 April 2017. Mr Bachhu was insistent that the two individuals arrested on the 27 April 2017 were not employees who he had appointed and he had previously instructed his chef to invite the individuals to submit their paperwork and attend an interview before commencing employment. He confirmed that no disciplinary action had been taken against the chef for bringing these individuals into the kitchen either as employees or guests. He confirmed that he was responsible for training front of house staff on the licensing requirements. He also stated that he legitimately employed 8 individuals and he supported his family on the basis of the business generated from operating The Indian Tree. He confirmed that the revocation of his premises licence would be likely to harm the employees of the restaurant and his family, as it would likely lead to him having to close the business.

Mr Bachhu provided evidence of right to work checks having been carried out on all the remaining and recently appointed employees that demonstrated compliance with the Illegal Working Compliance Order. This evidence was welcomed by the Home Office and the Police. Mr Bachhu now realised the severity of his actions and wished to reassure the parties and the Sub-Committee of his commitment to comply with the order and the legislation. Mr Bachhu's legal representative confirmed to the Sub-Committee that Mr Bachhu would be willing to accept conditions on the licence that could further address the issues and she also pointed out that this premises did not have any issues from either a food safety or a statutory nuisance ground. The premises had a 5 star hygiene rating and no other crime or disorder issues had been reported at the premises. The representative acknowledged the severity of the situation but asked the Sub-Committee to exercise their powers in a proportionate manner taking into account all the licensing objectives.

The Sub-Committee recognised the assistance provided to them from all parties on the relevant issues. The Sub-Committee felt that the explanations provided by the Premises Licence Holder for the events that gave rise to the Illegal Working Compliance Order were not consistent with the evidence submitted by the Home Office which are an intelligence-led organisation. However, the Sub-Committee acknowledged that the Premises Licence Holder had now undertaken the duties required of him in a serious manner.

The Sub-Committee had concerns that the Premises Licence Holder could not adequately account for the training and induction processes given to new staff in relation to the licensing requirements and duties. The Sub-Committee were also disappointed to note that there was an unwillingness to accept the full responsibility for the presence of illegal workers within the Indian Tree and a long delay in accepting the need to take this issue seriously. The Sub-Committee wanted their decision to reflect the seriousness of the situation balanced against the compliance with all the licensing objectives and the subsequent steps taken following the issue of

the Illegal Working Compliance Order. It was felt therefore that the three month suspension imposed was a proportionate and appropriate measure. The Sub-Committee felt that Mr Bachhu did not reassure them of his ability to appropriately manage the licensed activities on the premises and he appeared too casual as to the requirements of him as Designated Premises Supervisor. For this reason the Sub-Committee felt that they could not endorse Mr Bachhu's continued involvement in this position and therefore have removed him as Designated Premises Supervisor. The Sub-Committee also recommend that the personal licence of Mr Bachhu is reviewed in light of the history of the premises and his involvement in it, to consider whether Mr Bachhu continues to meet the threshold of a suitable personal licensee.

To further safeguard the licensing objectives under a new Designated Premises Supervisor, and to add a further measure to address the historic failures to comply with immigration laws the Sub-Committee felt that the conditions suggested by the representative of Mr Bachhu should be applied to the licence. These are set out in section 6 above.

The Sub-Committee wish to confirm to all parties that should any further issues arise in relation to the facts heard today, then those issues should be considered at a licence review hearing.

Date: 18 May 2017

Licensing Sub-Committee Chairman: Cllr S Clarke

FOR OFFICE USE ONLY

Decision notified to interested parties on 25 May 2017

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Immigration representation in support of an application for the review of a Premises Licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations in support of the following application for the review of a premises licence, relating to the prevention of crime and disorder objective, including the prevention of illegal working and immigration crime in licensed premises.

IE wishes to make representations on an application for a review of a premises licence.

Details of Premises:			
Premises Licence Holder:			
Mr Adib Bachhu			
Name and Address of Premises:			
Indian Tree 14, Market Place			
Post Town:	Ringwood	Post Code:	BH24 1AW

Representations are being made for the following reasons:

On 12/01/2023 Officers from South Central Immigration Compliance and Enforcement (SCICE) attended Indian Tree, 14 Market Place, Ringwood BH241 under Section 179 of the 2003 Licensing Act with Police Licensing Officer from Hampshire Constabulary.

The visit was planned based on the intelligence received detailing that Indian Tree at the above address was employing people who have no permission to work in the UK.

Officers arrived at around 18:00 when the business was open to the public and serving customers. One individual was placed under arrest as a result of checks with Home Office systems which revealed him to have remained in the UK beyond the time limit imposed upon entry. This also confirmed that he has no permission to work in the UK.

Whilst present at the business, Officers requested that the DPS (Mr M H Chowdhury) provide evidence of right to work checks for all staff employed on the premises as per conditions of their license. The request was not able to be fulfilled. This condition was put in place specifically to allow the prompt and effective investigation into suspected immigration crime based on previous findings at the business and links directly with the Prevention of Crime and Disorder Licensing Objective.

A civil penalty referral notice was served on the business for a suspected breach under Section 15 of the Immigration, Asylum and Nationality Act 2006. This was in relation to 1 person who was confirmed as being employed at the business whilst holding no permission to work in the UK. The referral remains pending at this stage.

It is also to be noted that this business has a history dating back to 2012 of employing persons who have no right to work in the UK and was subject to a licensing review in 2017 where additional conditions were placed on the License.

It is fair to say that SCICE may have failed to encounter the full workforce at the business. The visit took place on a wet and windy midweek evening in January which is not a busy time of year or day of week for the business as found on internet research. This may mean that there could be further offences established at another time (outside of January and on a Friday/Saturday evening) and a full workforce was encountered. This is the first intelligence report acted upon since 2017 which relates to illegal working. In 2017 a 12-month compliance order was implemented and observed where officers from SCICE attended through a 12-month period to maintain frequent checks and visits to ensure the business was compliant with right to work restrictions. This was completed in 2018 without issue. There are no records of any unannounced Enforcement visit by the Home Office which has not resulted in the encounter of persons unlawfully present and the detection of illegal working. Since 2012 there have been 5 such visits and officers have identified a total of 15 persons working at the premises who have no leave to remain or permission to work in the United Kingdom. It should also be noted that on multiple occasions, Officers at SCICE have offered advice and assistance. This was to work with the license holder to educate them on how Right to Work checks can be completed, what is required to be held on record and even provided their direct contact numbers.

As the License holder has failed to comply with those conditions of which they agreed, we urge that the License be revoked. There is no evidence to suggest that the license holder has taken any note of previously issued civil penalties. They persist in holding no regard for Immigration Law as evidenced in each of the past 5 occasions the Home Office has acted on intelligence received in relation to illegal working at the business premises. It is unlikely that if given the chance to improve their conduct, it would be lasting. It is highly likely that if SCICE officers attend the address again in the future, further offences would be found.

Signatures

Signature of Responsible Authority

Home Office Immigration Enforcement

Date:

07/02/2023

Capacity:

Responsible
Authority

Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement
South Central (Portsmouth)
2nd Floor, Norman House
Kettering Terrace
Portsmouth
PO2 7AE

Email
address
(optional):

INDUKISHampshireEnforcementDutyOffice@homeoffice.gov.uk

Parties to the hearing

LIST OF ATTENDEES

Members of the Sub-Committee

Cllr Steve Clarke
Cllr David Harrison
Cllr Joe Reilly
Cllr Jack Davies (reserve)

Parties to the Hearing

Applicant- PC Mark Hawley (partner of Lee Scott) - Hampshire Police
Premises Licence Holder – Adib Bacchu

Supporting representation

Mr Timothy Kemp-Home Office Immigration

Copies to:

Cllrs Jeremy Heron and Steve Rippon-Swaine (local members)
Licensing - Christa Ferguson & Joanne McClay
Legal - Richard Davies
Democratic Services - Joe Tyler.

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