

RESTRICTED

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

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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

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

- Select one or more
boxes*
- | | |
|---|-------------------------------------|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) Public safety | <input type="checkbox"/> |
| 3) The prevention of public nuisance | <input type="checkbox"/> |
| 4) The protection of children from harm | <input type="checkbox"/> |

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.



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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



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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.



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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>