



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