

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:

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Background papers:

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