

Summary of Licensing Sub-Committee Decisions taken on 16 October 2019

Part I

Application No. 18/01433/LQN - Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY (Item 3(1))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **16 October 2019** and considered Application **18/01433/LQN** made by Mouadjul Miah to transfer the premises licence in respect of premises known as **Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY** and **RESOLVED** to grant the application.

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Statement of Licensing Policy.

The Sub-Committee treated the application as a new hearing to be considered on its own merits and heard representations made by:

1. for the Applicant: Mr. Payne (Licensing Lawyers), Mr. Mouadjul Miah and Mr. Jamshed Miah;
2. for a Responsible Authority (Thames Valley Police): Mr. Gary Clarke and Mr. Declan Smyth

Decision

Having taken those representations into account, the Licensing Sub-Committee **RESOLVED** that Application **18/01433/LQN** be granted and the Premises Licence be varied accordingly.

Reasons

The Licensing Sub-Committee noted that despite the fact this application was to be treated as a new application to be determined on its own merits, no additional documentary

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evidence had been submitted by the Responsible Authority, Thames Valley Police, since their objection dated 14th October 2018 either before or at the hearing. As a consequence, the Licensing Sub-Committee felt that there was a lack of evidence relating to this period and it was only in a position to consider oral representations made by the parties at the hearing.

The Licensing Sub-Committee noted that Mr. Mouadjul Miah's application to transfer the premises licence was to be with immediate effect pursuant to sections 42 and 43 of the Licensing Act 2003. As a consequence, Mr. Mouadjul Miah was to be treated as the premises licence holder from the 8th October 2018, which was the date the application was received by the Council. The application then needed to be determined by the Licensing Sub-Committee at a hearing in light of the objection made by the Responsible Authority, Thames Valley Police.

The Licensing Sub-Committee had regard to the basis upon which the Responsible Authority, Thames Valley Police, objected to the transfer of the Premises Licence, and considered that there were exceptional circumstances to do so. This was due to the direct link and father-son relationship between Mr. Jamshed Miah and Mr. Mouadjul Miah. Of particular concern was the link between Mr. Mouadjul Miah's involvement in the business when 12 illegal immigrants were found at the three Licensed Premises at Miah's of Spencers Wood, Miah's of Pangbourne and Miah's of Wokingham Road during 2018.

The Licensing Sub-Committee acknowledged the seriousness of the evidence of illegal working at the three licensed premises during 2018 whilst Mr. Jamshed Miah had been the premises licence holder. Despite this, however, the Licensing Sub-Committee had regard to the fact no additional documentary evidence had been provided by the Responsible Authority in the last 12 months to support its position that the crime and prevention objective would be undermined. There was a dispute in the evidence during the hearing as to whether there was an illegal worker found by the Home Office during an inspection at the premises in Spencers Wood during August 2019 and since Mr. Mouadjul Miah had become the manager of the premises in October 2018. Mr. Mouadjul Miah's position was that the individual had been arrested for a different reason and Thames Valley Police had provided no documentary evidence in this regard. In addition, the Licensing Sub-Committee also considered the fact that none of the licensing conditions attached to the premises licence had been breached during the visit undertaken by Thames Valley Police on the 11th October 2019. In addition, no evidence of illegal working had been found but rather, the relevant documentation had not been produced. The Licensing Sub-Committee had regard to Mr. Mouadjul Miah's position that he was not contacted by Thames Valley Police at the time of the visit and he had the relevant documentation in relation to the individual's right to work in his possession.

The Licensing Sub-Committee further noted the representations received by the Applicant relating to the last twelve months included measures which had been taken by Mr. Mouadjul Miah to promote the licensing objectives which included the training of staff and the employment of a licensing consultant. The Applicant, through his representative, also referred to a statutory declaration completed by Mr. Jamshed Miah which confirmed that he no longer had any involvement with the premises.

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Summary of Licensing Sub-Committee Decisions taken on 16 October 2019 (continued)

The Licensing Sub-Committee had regard to the Home Office Revised Guidance particularly paragraphs 8.101 and 8.102.

For the reasons outlined above, the Licensing Sub-Committee did not consider that it had sufficient evidence to find that there were exceptional circumstances that would mean the granting of the application to transfer the premises licence to Mr. Mouadjul Miah would undermine the crime prevention objective. As a consequence, the Licensing Sub-Committee did not consider that it was appropriate to reject the application and resolved to determine to grant the transfer of the Premises Licence to Mr. Mouadjul Miah and the Premises Licence be varied accordingly.

Cllr: James Cole (Chairman)
Cllr: Graham Bridgman
Cllr: Jeff Beck
Date: 23.10.19

Application No. 18/01434/LQN - Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY (Item 3(2))

NOTICE OF DECISION

The Licensing Sub-Committee of West Berkshire Council met on **16 October 2019** and considered Application **18/01434/LQN** made by Mouadjul Miah to vary a premises licence to specify an individual as designated premises supervisor in respect of premises known as **Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY** and **Resolved to grant the application.**

In coming to their decision, the Sub-Committee had regard to the four licensing objectives, which are:

1. the prevention of crime and disorder;
2. public safety;
3. the prevention of public nuisance; and
4. the protection of children from harm.

They also considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 and West Berkshire Council's Statement of Licensing Policy.

The Sub-Committee treated the application as a new hearing to be considered on its own merits and heard representations made by:

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Summary of Licensing Sub-Committee Decisions taken on 16 October 2019 (continued)

1. The Applicant: Mr. Payne (Licensing Lawyers), Mr. Mouadjul Miah and Mr. Jamshed Miah
2. The Objector: Thames Valley Police (Mr. Gary Clarke and Mr. Declan Smyth)

Having taken those representations into account, the Licensing Sub-Committee RESOLVED that Application **18/01434/LQN** be granted and the Premises Licence to be varied with immediate effect.

REASONS

The Licensing Sub-Committee noted that despite the fact this application was to be treated as a new application to be determined on its own merits, no additional documentary evidence had been submitted by the Responsible Authority, Thames Valley Police, since their objection dated 22nd October 2018 either before or at the hearing. As a consequence, the Licensing Sub-Committee felt that there was a lack of evidence relating to this period and it was only in a position to consider oral representations made by the parties at the hearing.

The Licensing Sub-Committee noted that Mr. Mouadjul Miah's application to name himself as the designated premises supervisor was with immediate effect pursuant to sections 37 and 38 of the Licensing Act 2003. As a consequence, Mr. Mouadjul Miah was to be treated as the designated premises supervisor from the 8th October 2018, which was the date the application was received by the Council. The application then needed to be determined by the Licensing Sub-Committee hearing in light of the objection submitted by the Responsible Authority, Thames Valley Police.

The Licensing Sub-Committee had regard to the basis upon which the Responsible Authority, Thames Valley Police, were objecting to Mr. Mouadjul Miah being named as the designated premises supervisor and considered that there were exceptional circumstances to do so. This was due to the direct link and father-son relationship between Mr. Jamshed Miah and Mr. Mouadjul Miah and the ongoing concerns which will likely undermine the crime prevention objective.

The Licensing Sub-Committee acknowledged the seriousness of the evidence of illegal working at the three licensed premises during 2018 whilst Mr. Jamshed Miah had been the premises licence holder. Despite this, however, the Licensing Sub-Committee had regard to the fact no additional documentary evidence had been provided by the Responsible Authority in the last 12 months to support its position that the crime and prevention objective would be undermined. There was a dispute in the evidence during the hearing as to whether there was an illegal worker found by the Home Office during an inspection at the premises in Spencers Wood during August 2019 and since Mr. Mouadjul Miah had become the manager of the premises in October 2018. Mr. Mouadjul Miah's position was that the individual had been arrested for a different reason and Thames Valley Police had provided no documentary evidence in this regard. In addition, the Licensing Sub-Committee considered that none of the licensing conditions attached to the premises licence had been breached during the visit undertaken by Thames Valley Police on the 11th October 2019 and no evidence of illegal working had been found, but rather, the relevant documentation had

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Summary of Licensing Sub-Committee Decisions taken on 16 October 2019 (continued)

not been produced. The Licensing Sub-Committee had regard to Mr. Mouadjul Miah's position that he was not contacted by Thames Valley Police at the time of the visit and he had the relevant documentation in relation to the individual in his possession.

The Licensing Sub-Committee further noted the representations received by the Applicant relating to the last twelve months included measures which had been taken by Mr. Mouadjul Miah to promote the licensing objectives which included the training of staff and the employment of a licensing consultant. The Applicant, through his representative, also referred to a statutory declaration completed by Mr. Jamshed Miah which confirmed that he no longer had any involvement with the premises.

The Licensing Sub-Committee had regard to the Home Office Revised Guidance particularly paragraphs 4.34 to 4.41.

For the reasons outlined above, the Licensing Sub-Committee did not consider that it had sufficient evidence to find that there were exceptional circumstances that would mean the granting of the application to name Mr. Mouadjul Miah as designated premises supervisor would undermine the crime prevention objective. As a consequence, the Licensing Sub-Committee resolved to determine to grant the application and therefore Mr. Mouadjul Miah's name did not need to be removed as Designated Premises Supervisor and the Premises Licence needed to be varied with immediate effect.

Cllr: James Cole	(Chairman)
Cllr: Graham Bridgman	
Cllr: Jeff Beck	
Date: 23.10.19	