

# Notice of Meeting

---



Scan here to access the public documents for this meeting

## Licensing Sub-Committee

**Wednesday 16 October 2019 at 1.30pm**

**in the Council Chamber Council Offices  
Market Street Newbury**

### **Members Interests**

Note: If you consider you may have an interest in any Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 8 October 2019

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

If you require further information about this Agenda, or to inspect any background documents mentioned in the reports, please contact Moira Fraser / Maria Legge.

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

**Miah's of Pangbourne, 26 Reading Road, Pangbourne**



**WestBerkshire**  
C O U N C I L

**Agenda - Licensing Sub-Committee to be held on Wednesday, 16 October 2019**  
(continued)

**To:** Councillors Jeff Beck, Graham Bridgman and James Cole (Chairman)

**Substitute:** Councillor Billy Drummond

---

# Agenda

## Part I

**Page No.**

- |     |  |         |
|-----|--|---------|
| 1   | <b>Declarations of Interest</b><br>To receive any declarations of interest from Members.   |         |
| 2   | <b>Schedule of Licensing Applications</b>  |         |
| 3   | <b>Existing licence for Miah's of Pangbourne</b>   | 5 - 14  |
| (1) | <b>Application No. 18/01433/LQN - Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY</b><br><b>Proposal:</b> Application to transfer premises licence to be granted under the Licensing Act 2003.<br><b>Location:</b> Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY<br><b>Applicant:</b> Mouadjul Miah  | 15 - 32 |
| (2) | <b>Application No. 18/01434/LQN - Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY</b><br><b>Proposal:</b> Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003.<br><b>Location:</b> Miah's of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY<br><b>Applicant:</b> Mouadjul Miah | 33 - 40 |

Sarah Clarke  
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

# Agenda Item 3

4 December 2017

Mr Jamshed Miah  
77 Elm Road  
Earley  
Reading  
Berkshire  
RG6 9TB

Public Protection Partnership  
Environmental Health and Licensing  
West Berkshire District Council  
Council Offices  
Market Street Newbury  
Berkshire RG14 5LD

Our Ref: 10/00036/LQN  
Please ask for: Alan Lovegrove (D.O.L.  
20.06.12)  
Direct Line: 01635 519109  
Fax: 01635 519172  
e-mail: [alovegrove@westberks.gov.uk](mailto:alovegrove@westberks.gov.uk)

Dear Sir/Madam

**Licensing Act 2003 – Premises Licence**  
**26 Reading Road, Pangbourne, Reading, West Berkshire, RG8 7LY**

Please find enclosed your Premises Licence. The licence must be retained by you whilst you are responsible for the premises and must be available on request, by any authorised officer.

The licence is accompanied by a Premises Licence Summary. This document must be displayed in a prominent position within the premises at all times.

It is the responsibility of the licence holder to check that the licence details are correct. If incorrect, you must contact the Licensing Team, in writing and state clearly why you believe the licence details are wrong. Where errors have been made and are the responsibility of the Council, they will be rectified as soon as possible. If errors have been made by the applicant in filling out the application, these will need to be addressed by making a variation to the licence issued.

The annual fee will be due on the date of issue of the licence each year. You will be sent an invoice prior to the anniversary of the issue date and failure to pay may result in suspension of the Premises Licence. Invoices are sent to the Premises Licence Holder at their registered address as quoted on the Licence.

You are reminded that the Designated Premises Supervisor's details must be correctly stated on the licence at all times and that all sales of alcohol must be authorised by a Personal Licence Holder. (Clubs and non alcohol licensed premises are exempted from this requirement).

Yours faithfully

  
Authorised Officer  
Licensing Team

**PUBLIC PROTECTION PARTNERSHIP**  
**A SHARED SERVICE PROVIDED BY BRACKNELL FOREST COUNCIL, WEST BERKSHIRE DISTRICT COUNCIL**  
**AND WOKINGHAM BOROUGH COUNCIL**

# West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,  
Newbury, Berkshire RG14 5LD

Tel: (01635) 519184 Fax (01635) 519172

## Licensing Act 2003 Premises Licence

Uniform Ref: 10/00036/LQN

**Premises licence number 014279**

### Part 1 - Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**

Miah's Of Pangbourne  
26 Reading Road, Pangbourne, Reading, Berkshire, RG8 7LY

**Licensable activities authorised by the licence**

Performance of Live Music  
Recorded Music  
Performance of Dance  
Late Night Refreshment  
Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities**

#### **Performance of Live Music**

Monday to Sunday: 11:00 to 22:30

Activity will take place Indoors/Outdoors : **Indoors**

To provide entertainment in the form of live music and dance 12 times a year.

#### **Recorded Music**

Monday to Sunday: 11:00 to 01:00

Activity will take place Indoors/Outdoors : **Indoors**

#### **Performance of Dance**

Monday to Sunday: 11:00 to 23:00

Activity will take place Indoors/Outdoors : **Indoors**

To provide entertainment in the form of live music and dance 12 times a year.

#### **Late Night Refreshment**

Monday to Sunday: 23:00 to 00:30

Activity will take place Indoors/Outdoors : **Indoors**

**Supply of Alcohol**

Monday to Sunday: 11:00 to 00:30

Alcohol On/Off Premises: **Both**

**The opening hours of the premises**

Monday to Sunday: 11:00 to 00:30

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

On /Off Sales : **BOTH**

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Jamshed Miah  
77 Elm Road, Earley, Reading, Berks, RG6 9TB

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Nazmul Islam  
17a Windemere Road, Reading, Berks, RG2 7HU

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

LP7000556 Reading Borough Council

Date: 4th December 2017

Signed:

  
Authorised Officer

Licence granted 17/03/2006  
Variation granted 11/02/2010  
Copy of Licence

## **Annex 1 - Mandatory conditions**

### **Premises - 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.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (in force 1 October 2014)**

3.
  - 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).



4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5.
- (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.
6. 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: 25 ml or 35 ml; and
    - iii. still wine in a glass: 125 ml;
  - b) these measures 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.”
- 7.
- (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 rate 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) "valued 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.



## **Annex 2 - Conditions consistent with the operating Schedule dated 12/01/2010**

### **General**

1. To ensure that ID is checked on any person who appears under 25.
2. Not to serve alcohol to under 18's.
3. Not to serve a person who appears to be drunk or his companions if it is for the drunk person's consumption.
4. Not to allow drugs on the premises

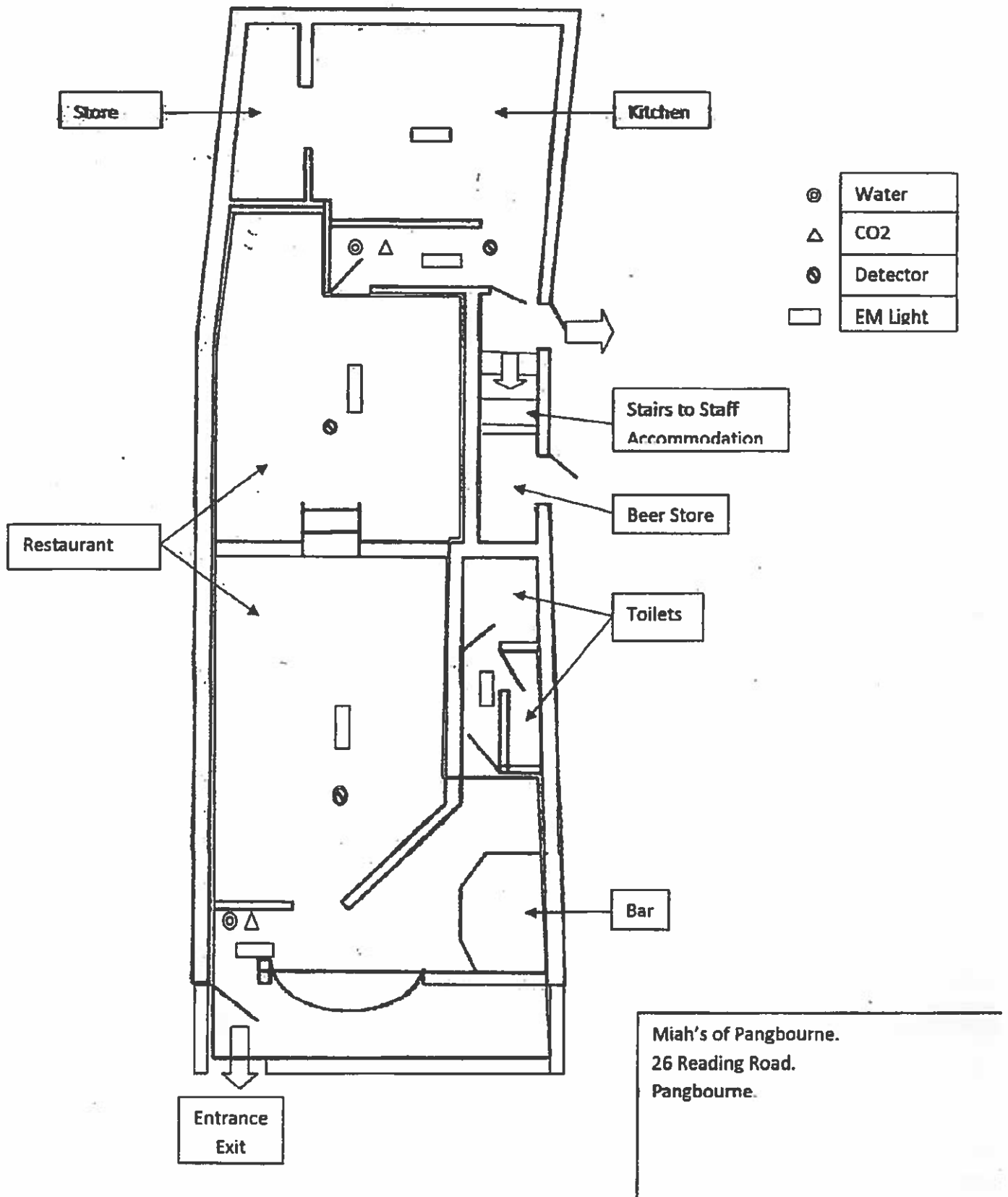
### **Conditions agreed with Environmental Health 04/02/2010**

1. Live music speakers will be mounted on anti-vibration bases.
2. The front door will be manned during all live music events.
3. Regular hourly checks will be made across the road to ensure that the music is not excessively loud during any live music event.
4. Noise levels from all live events will be monitored with a sound level meter at the boundaries of nearby noise sensitive dwellings to ensure that the noise levels are not clearly audible at these locations.

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

None

## **Annex 4 - Plans as submitted 12/01/2010**



# West Berkshire District Council

Public Protection Partnership, Environmental Health & Licensing, Council Offices, Market Street,  
Newbury, Berkshire RG14 5LD  
Tel: (01635) 519184 Fax (01635) 519172

## Licensing Act 2003 Premises Licence Summary

Uniform Ref: 10/00036/LQN

|                                |               |
|--------------------------------|---------------|
| <b>Premises licence number</b> | <b>014279</b> |
|--------------------------------|---------------|

### Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**

Miah's Of Pangbourne  
26 Reading Road, Pangbourne, Reading, Berkshire, RG8 7LY

### Licensable activities authorised by the licence

Performance of Live Music  
Recorded Music  
Performance of Dance  
Late Night Refreshment  
Supply of Alcohol

### The times the licence authorises the carrying out of licensable activities

#### Performance of Live Music

Monday to Sunday: 11:00 to 22:30

Activity will take place Indoors/Outdoors : **Indoors**

To provide entertainment in the form of live music and dance 12 times a year.

#### Recorded Music

Monday to Sunday: 11:00 to 01:00

Activity will take place Indoors/Outdoors : **Indoors**

#### Performance of Dance

Monday to Sunday: 11:00 to 23:00

Activity will take place Indoors/Outdoors : **Indoors**

To provide entertainment in the form of live music and dance 12 times a year.

#### Late Night Refreshment

Monday to Sunday: 23:00 to 00:30

Activity will take place Indoors/Outdoors : **Indoors**

**Supply of Alcohol**

Monday to Sunday: 11:00 to 00:30

Alcohol On/Off Premises: **Both**

**The opening hours of the premises**

Monday to Sunday: 11:00 to 00:30

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

On/Off Sales : **BOTH**

**Name, (registered) address of holder of premises licence**

Mr Jamshed Miah  
77 Elm Road, Earley, Reading, Berks, RG6 9TB

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

Mr Nazmul Islam

**Date: 4th December 2017**

**Signed:**

  
**Authorised Officer**

Licence granted 17/03/2006  
Variation granted 11/02/2010  
Copy of Licence

R/N 22WS00241376  
 £23-00  
 8/10/18  
 18101433/LQN

Agenda Item 3(1)



Application to transfer premises licence to be granted under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Mouadjul MIAH

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

014279

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description

Miahs Pangbourne  
 26 Reading Road  
 Pangbourne

Post town Reading

Post code RG8 7LY

Telephone number at premises (if any)

Please give a brief description of the premises (see note 1)

Indian Restaurant

Name of current premises licence holder

Jamshed MIAH

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals\*

☒ please complete section (A)

b) a person other than an individual \*

i. as a limited company

☐ please complete section (B)

ii. as a partnership

☐ please complete section (B)

iii. as an unincorporated association or

☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- e) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title   
(for example, Rev)

**Surname**

MIAMI

**First names**

Moundjul

**Date of birth** 1/8/1998

**Nationality** British

**Current residential address if different from premises**

77 Elm Road  
Early  
Reading

**I am 18 years old or over**

Please tick ☒ yes





address

Post town

Post code

RG6 5TB

Daytime contact telephone number

07725 621593

E-mail address  
(optional)

Mouadjul.miah@hotmail.com  
mouadjul.miah@hotmail.co.uk

**SECOND INDIVIDUAL APPLICANT (fill in as applicable)**

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

Date of birth

Nationality

Current  
residential  
address if  
different from  
premises  
address

I am 18 years old or over

Please tick ☒ yes

☐

Post town

Post code

Daytime contact telephone number

E-mail address  
(optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

|  |
|--|
| Name   |
| Address  |
| Registered number (where applicable)   |
| Description of applicant (for example partnership, company, unincorporated association etc.) |
| Telephone number (if any)  |
| E-mail address (optional)  |

**Part 3**

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

| Day                  | Month                | Year                 |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) ☒

Please tick ☒ yes

I have enclosed the premises licence ☒

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- I have sent a copy of this form to Home Office Immigration Enforcement today ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

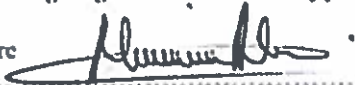
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

**Part 4 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

3/10/18

Capacity Restaurant Manager

**For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Mr M Miah  
77 Elm Road  
Early  
RG6 5TB

Post town

Post Code

Telephone number (if any) 07725 621593

If you would prefer us to correspond with you by e-mail your e-mail address (optional)  
Mouadjiul.miah@hotmail.com mouadjiul.miah@hotmail.co.uk

**Notes for Guidance**

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships.

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

Consent of premises licence holder to transfer



I/we Jamshed MIAH

[full name of premises licence holder(s)]

the premises licence holder of premises licence number 014279

[insert premises licence number]

relating to

Miahs of Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

014279

[insert premises licence number]

to

Mouadjul MIAH

[full name of transferee].

signed

name

(please print)

Jamshed MIAH

dated

3/10/18



UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

PASSPORT  
PASSEPORT

Type/Type

P

Class Code

GBR

Patagonia No. 11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/104

510407263

SummaryForm (1)

**MI AH**  
Given names: Fátima

**MOUADJUL MOHAMMED**

Nationality, Nationalité (3)

BRITISH CITIZEN

Date of birth/Date of emigration (4)

01 AUG /AOUT 98

Sex/Gen (5) Place of birth/Year of residence (1)

## M READING

Date of issue/Date de delivrance (7)

Authority:Authorized (8)

21 JUN / JUIN 12 IPS

Date of expiry/Date d'expiration (15)

Holder's signature/signature du titulaire (10)

21 JUN / JUIN 17

Agony List

P<GBRMIAH<<MOUADJUL<MOHAMMED<<<<<<<<<<<<<<<<  
5104072638GBR9808014M1706217<<<<<<<<<<<<<02



# THAMES VALLEY POLICE

Division/Station : Reading/ West Berkshire Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Licensing Authority

Ref : Miahs Pangbourne, 26 Reading Road, Pangbourne

Date : 14<sup>th</sup> October 2018

Tel.No. 101

Subject :

## Objection

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application to transfer a Premises Licence from Jamshed Miah to Mouadjul Miah, relating to Miahs Pangbourne, 26 Reading Road, Pangbourne, RG8 7LY (Premises licence 01429) under Section 42(6) of the Licensing Act 2003.

**(See Appendix TVP1)**

It is believed that the exceptional circumstance of this case is such that the granting of this application for transfer would undermine the crime prevention objective.

This premises licence is currently under review and awaits a hearing date having been discovered in June 2018 to have been employing three illegal workers by Home Office immigration enforcement officers.

**(See Appendix TVP2)**

This is further compounded by a number of failures to comply with licensing legislation and breaches of licence conditions discovered in a consequent inspection undertaken by Thames Valley Police.

Thames Valley Police believe that this transfer is an attempt to circumvent the legal process (review proceeding and potential revocation of the licence). We state that due to the close personal relationship existing between the applicant Mr Mouadjul Miah (whom is the son of the current Premises Licence Holder), and Mr Jamshed Miah, who presided over the failings that led to the review of the licence That if this application to transfer the premises licence is allowed to take place that it will undermine the crime prevention objective.

The current Section 182 Secretary of States Guidance provides the following:

***8.101 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises.***

***Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.***

Paragraph 8.101 is quite specific when it states that objections although rare should be based on an exceptional circumstance where the chief officer of police believes the transfer may undermine the crime prevention objective, and where there is evidence that the individual seeking to hold the licence is linked to persons involved in crime or employing illegal workers.

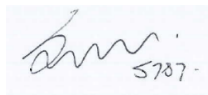
In this circumstance Mr Mouadjul Miah is directly linked to Mr Jamshed Miah, and Mr Jamshed Miah has been involved in employing illegal workers at three of his restaurants in Berkshire, which is also a criminal activity.

Thames Valley Police therefore strongly believe that on the balance of probabilities it is likely that the current applicant is applying for this licence transfer on behalf of the current premises licence holder, and that it is more than possible that he is applying for the role as purely a "figure head", with the objective of enabling a ruse to prevent sanction against the illegal activity carried out within the business.

In a recent recent appeal court judgement in June 2018 District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Peckham Food & Wine v London Borough of Southwark upheld the decision of the London Borough of Southwark to revoke a convenience store's premises licence following allegations of illegal workers being employed.

The Council argued, in reliance on Griffiths LJ's observations in R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd [1982] 1 QB 304, **that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else's name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.**  
(See Appendix TVP3)

In conclusion Thames Valley Police submit that this application in relation to Mouadjul Miah constitutes exceptional circumstances, and therefore invite the Sub-Committee to refuse this application as it may specifically undermine the licensing objective for the prevention of crime and disorder, and is unlikely to promote the licensing objectives as a whole.



PC 5787 Simon Wheeler

## **Appendices**

APPENDIX TVP1 – Licensing Act 2003 Section 42

APPENDIX TVP2 – Thames Valley Police review representation Miah's Pangbourne  
20/09/2018

APPENDIX TVP 3 – Camberwell Green Magistrates Appeal Court decision June 2018  
(Peckham Food & Wine v London Borough of Southwark)

#### 42 Application for transfer of premises licence

(1) Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.

(2) Where the applicant is an individual he must be aged 18 or over.

(2A) Where the applicant is an individual who is resident in the United Kingdom and the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d) he must also be entitled to work in the United Kingdom.

(3) Subsection (1) is subject to regulations under—

(a) section 54 (form etc. of applications etc.);

(b) section 55 (fees to accompany applications etc.).

(4) An application under this section must also be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.

(5) The relevant person must give notice of the application to the chief officer of police for the police area (or each police area) in which the premises are situated.

(5ZA) Where the premises licence authorises premises to be used for a licensable activity within section 1(1) (a) or (d), the relevant person must also give notice of the application to the Secretary of State.

(5A) In subsections (5) and (5ZA), “relevant person” means—

(a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;

(b) the applicant, in any other case.

**(6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.**

(7) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).

**(8) Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied.**

(9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA).

Division/Station :Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Licensing Authority

Ref : Miah's Of Pangbourne (01492)

Date : 20 September 2018

Tel.No.

Subject :

**Supportive review representation**

Thames Valley Police (TVP) are providing this representation in support of the review process relating to Miah's Of Pangbourne, 26 Reading Road, Pangbourne, Reading, RG8 7LY.

Thames Valley Police were made aware that on the 26<sup>th</sup> June 2018 during a Home Office Immigration inspection at the premises that three males were found working within the premises that were found to be illegal workers.

The employment of illegal workers is a criminal activity which constitutes as serious offence that can in its most severe form relate to modern day slavery. At the very minimum employing illegal workers often involves exploitation through a failure to pay the minimum wage and little adherence towards workers rights.

The Immigration Act 2016 amended Section 21 of the Immigration, Asylum and Nationality Act 2006 and is the relevant legislation that deals with the employment of illegal workers. It states: 1)

A person commits an offence if he employs another ("the employee") knowing that the employee is [disqualified from employment by reason of the employee's immigration status].

(1A) A person commits an offence if the person—

- (a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and
- (b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

(1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's leave to enter or remain in the United Kingdom—
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
  - (iii) is subject to a condition preventing the person from accepting the employment.]

(2) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment—
  - (i) to imprisonment for a term not exceeding [five] years,
  - (ii) to a fine, or
  - (iii) to both

The Immigration Act 2016 also inserted paragraph 24B into the Immigration Act 1971 which states:

(1) A person ("P") who is subject to immigration control commits an offence if—

- (a) P works at a time when P is disqualified from working by reason of P's immigration status, and
- (b) at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P's immigration status.

(2) For the purposes of subsection (1) a person is disqualified from working by reason of the person's immigration status if—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's leave to enter or remain in the United Kingdom—
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

- (iii) is subject to a condition preventing the person from doing work of that kind.

With regards to the review of licensed premises the current Secretary of States Section 182 Guidance provides the following statements which have direct implications regarding the employment of illegal workers:-

***“11.27 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 the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people; for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- ***for employing a person who is disqualified from that work by reason of their immigration status in the UK;***
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

***11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, 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 of the licence – even in the first instance – should be seriously considered.”***

Furthermore, on Sunday 16<sup>th</sup> September 2018 a Section 59 licensing inspection was carried out at the premises by Thames Valley Police.

During the inspection a number of failures were identified that had negative implications in relation to the adherence of the Designated Premises Supervisor and Premises Licence Holder to comply with the conditions of their licence.

The following outlines the issues identified during the inspection:

- 1) Failure to comply or show due diligence in relation to any licence condition.
- 2) DPS did not know any of the four licensing objectives.
- 3) Part A and B of the Licence not available as per legislative requirements.
- 4) Age verification policy not in place, promoted or actively operated.
- 5) No staff training was available.
- 6) No written authorisation for the sale of alcohol was available.
- 7) No section 57 notice was in place.
- 8) No right to work documentation was available for staff at work during the inspection.



(Please see Appendix TVP/1 and TVP/2)

The majority of the outlined issues discovered during the police inspection are offences within their own right, and when these are coupled with the employment of multiple illegal workers we suggest that the only conclusion which can be drawn from this is that this premises is undermining rather than promoting the licensing objectives.

Thames Valley Police are also aware that of the three Miah restaurants included within the local Bekshire chain that currently all of them have been found employing illegal workers within a four month period in 2018, and all premises licences are currently now under review.

(Please see Appendix TVP/3 and TVP/4)

We understand that you must consider the elements of this case singularly on its own merit, but we believe that it is pertinent for you to understand that the employment of illegal workers and poor compliance with the Licensing Act 2003 legislation is endemic of this Premises Licence Holder Mr Miah's premises.

It is therefore extremely difficult to foresee how any option other than revocation of this premises licence can ensure that this criminal activity does not continue and the licensing objectives are not further undermined.

We recommend that replacing the Designated Premises Supervisor is not a sufficient measure to address our concerns at this premises.

We also recommend that adding or amending the licence conditions shall not resolve these concerns, as currently the Premises Licence Holder is failing to ensure that the current licence conditions are complied with, and this suggests that further conditions are very likely to also not be adhered to.

The final option for your consideration would be a period of suspension of the premises licence, but again we would argue that the evidence suggests that to allow this premises to retain its licence will likely lead to the further future undermining of the licensing objectives.

The case of East Lindsey District Council V Abu Hanif is relevant in this situation and may prove useful for the sub-committee in this matter (Please see Appendix TVP/5)

The offences in this review application are some of the most serious outlined in the Licensing Act 2003. The employment of illegal workers and their possible exploitation for financial gain is clearly an extremely serious criminal offence and one that the Licensing Act has identified as one where the revocation of the licence should – even in the first instance – be seriously considered. There are no acceptable excuses or justification that can be offered for this. A licence holder and responsible employer should, as a bare minimum, be checking that their potential employees are eligible to reside and work in the UK. This also applies to the licensing breaches encountered at the premises which are, in themselves, criminal offences that pose a substantial risk to public safety and seriously undermine the promotion of the licensing objectives.

Allowing this premises to continue to operate with the benefit of a premises licence will merely serve to perpetuate the criminal activity and human exploitation already apparent from the findings of the Thames Valley Police and colleagues in Immigration Enforcement.

It is Thames Valley Police respectful submission that the only appropriate and proportionate step to promote the licensing objectives and safeguard the public as a whole, is for the licence to be revoked.

Appeal Court upholds revocation of Premises Licence following “modern slavery” review June 2018 (Peckham Food & Wine v London Borough of Southwark)

District Judge Julie Cooper, sitting at Camberwell Green Magistrates’ Court, has upheld the decision of the London Borough of Southwark to revoke a convenience store’s premises licence following allegations of illegal workers being employed in conditions akin to “modern slavery”. Peckham Food and Wine had been found, on six separate occasions, to be employing illegal immigrant workers. A broom cupboard was being used as sleeping quarters for two workers who slept on a filthy mattress with only a small electric fan for ventilation. They were being paid a salary well below the minimum wage.

Super strength Polish lager was being sold at a price so low it must have been smuggled alcohol where duty had been evaded. Numerous breaches of the licence conditions were found.

A review application was made by Bill Masini on behalf of Southwark Trading Standards. Prior to the review hearing, an application to transfer the licence was received by the council and objected to by police. The transferee was a Mr Safeer Shah who claimed to be untainted by the past behaviour and pledged to turn around the operation. Following questioning it turned out Mr Shah was the estranged husband of the premises licence holder and related to the other directors of the operating company. The licensing sub-committee refused the transfer and revoked the premises licence.

On appeal Mr Shah argued that it was wrong to judge him by his family relationships. He was his own “autonomous” individual and had demonstrated his commitment to promote the licensing objectives. Under cross-examination it became apparent that Mr Shah had been involved in the running of the business prior to the review application. It was also revealed that two of his current employees had worked at the venue when the litany of transgressions had taken place. One was, and continued to be, an illegal worker. On inspection visits prior to the appeal hearing further breaches of the licence had been found and, under Mr Shah’s stewardship, the premises had failed a test purchase exercise by selling alcohol to a 17 year old.

The Council submitted that not only was Mr Shah properly to be tainted by the previous operation, but he had failed to demonstrate the promised turn around of the operation since he took over. The judge found him to be a discredited witness.

The Council also argued, in reliance on Griffiths LJ’s observations in *R v Knightsbridge Crown Court ex p International Sporting Club (London) Ltd* [1982] 1

QB 304, that it risks bringing the licensing regime into disrepute if reckless licence holders can avoid the consequences of their behaviour by simply transferring the licence into someone else's name or selling the business when they got caught and so, effectively, get away with it. The deterrent effect of licensing enforcement would be lost and licensing authorities are right to take a robust stance against such transfers, particularly those which appeared to be a ruse.

In refusing the appeals on 28 June 2018, DJ Cooper awarded the Council its costs of over £11,000.

This page is intentionally left blank

1810434/LAN

R/N 22WS0024  
#23-00  
8/10/18

# Agenda Item 3(2)

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we Mouadlul Miah

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

014279

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Miah's Pangbourne  
Pangbourne

Post town

Reading

Post code (if known)

RG8 7LY

Telephone number (if any)

Description of premises (please read guidance note 1)

Indian Restaurant

EH & L

- 8 OCT 2018

RECEIVED

## Part 2

**Full name of proposed designated premises supervisor**

Mouadju MIAH

**Nationality**

British

**Place of birth**

Reading

**Date of birth**

01/08/1998

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**

Wokingham Borough Council

**Full name of existing designated premises supervisor (if any)**

Nazmul Islam

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**

Please tick yes

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police ☒
- I have enclosed the consent form completed by the proposed premises supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will give a copy of this form to the existing premises supervisor, if any ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒



IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 3 – Signatures (please read guidance note 2)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 08/10/18

Capacity Manager

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Mr M Miah  
77 Elm Road  
Earley  
RG6 5TB

Post town

Reading

Post Code

RG6 5TB

Telephone number (if any)

**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**

mouadjul.miah@hotmail.co.uk

**Consent of individual to being specified as premises supervisor**

**Mouadjul MIAH**

I

*[full name of prospective premises supervisor]*

of

77 Elm Road  
Early  
Reading  
RG6 5TB

*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Designated Premises Supervisor for sale of alcohol

*[type of application]*

by

Jamshed Miah (Current Premises licence holder) & Mouadjul MIAH (Transferring Premises licence at this time)

*[name of applicant]*

**014279**

relating to a premises licence

*[number of existing licence, if any]*

for

Miahs Pangbourne  
26 Reading Road  
Pangbourne  
RG8 7LY

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

~~xxxxxx~~ Mouadjul MIAH

[name of applicant]

concerning the supply of alcohol at

Miahs Pangbourne  
26 Reading Road  
Pangbourne  
RG8 7LY

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PL1523

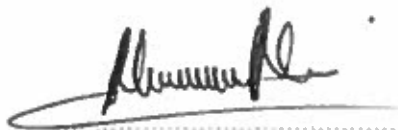
[insert personal licence number, if any]

Personal licence issuing authority

Wokingham Borough Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Mouadjul MIAH

Date

3/10/18

This page is intentionally left blank

# THAMES VALLEY POLICE

Division/Station : Reading Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Council Licensing Dept

Ref : Application for DPS Change

Date : 22 October 2018

Tel.No.

Subject :

**Mr Mouadjul Miah re Miah's Pangbourne, Reading, RG8 7LY**

To whom it may concern

I PC Simon Wheeler on behalf of the Chief Officer of Police for Thames Valley wish to object to the change of Designated Premises Supervisor (DPS) in relation to premises licence 014279 Miah's Pangbourne to Mr Mouadjul Miah.

Under Section 37 (5) of the Licensing Act 2003 Thames Valley Police believe that due to the exceptional circumstances surrounding this application we are satisfied that the designation of Mr Mouadjul Miah as the premises supervisor under the premises licence would undermine the crime prevention objective.

37 Application to vary licence to specify individual as premises supervisor

(1) The holder of a premises licence may—

(a) if the licence authorises the supply of alcohol, or  
(b) if he has applied under section 34 to vary the licence so that it authorises such supplies, apply to vary the licence so as to specify the individual named in the application ("the proposed individual") as the premises supervisor.

(2) Subsection (1) is subject to regulations under—

(a) section 54 (form etc. of applications etc.);  
(b) section 55 (fees to accompany applications etc.).

(3) An application under this section must also be accompanied by—

(a) a form of consent in the prescribed form given by the proposed individual, and  
(b) the premises licence (or the appropriate part of that licence) or, if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).

(4) Notice of an application under this section must be given

(a) to the chief officer of police for the police area (or each police area) in which the premises are situated, and

(b) to the designated premises supervisor (if there is one),

and that notice must state whether the application is one to which section 38 applies.

4A) Notice under subsection (4) (a) is to be given by—

(a) the relevant licensing authority, in a case where the holder of the premises licence submitted the application to the relevant licensing authority by means of a relevant electronic facility;  
(b) the holder of the premises licence, in any other case.

(4B) Notice under subsection (4) (b) is to be given by the holder of the premises licence.

**(5) Where a chief officer of police notified under subsection (4) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.**

(6) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (4).

The current Section 182 Secretary of States guidance states the following at para 4.39, 4.40 and 4.41

4.39 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.

4.40 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.

4.41 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.

The Sub-Committee must be aware that currently review proceedings have been instigated by The Home Office Immigration Enforcement Team, with supportive representations from Thames Valley Police in relation to the employment of illegal workers within this premises as well as a host of breaches of licensing conditions.

Also a transfer request has been made by the current Premises Licence Holder (PLH) Mr Jamshed Miah to transfer the Premises Licence into this same individual (Mr Mouadjul Miah) whom is his son. This has also been objected to by Thames Valley Police on the grounds of the exceptional circumstances brought about by the direct links between them which on the balance of probability are likely to undermine the licensing objectives.

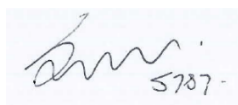
Thames Valley Police believe that due to the exceptional circumstances of this case which draw from the recent proceedings against this premises and the direct links between the current applicant and the premises licence holder that this provides sufficient “exceptional concerns” to support our objection.

Thames Valley Police believe that to allow Mr Mouadjul Miah as an applicant to become the Designated premises Supervisor (specifically at this premises) with its recent history and ongoing concerns will likely undermine the crime prevention objective.

As stated by Justice Jay within the East Lindsey District Council V Abu Hanif appeal:

“the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.”

The Licensing Objectives are therefore prospective and preventative, and as such we submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused.



PC 5787 Simon Wheeler