

THAMES VALLEY POLICE

Division/Station : Reading Police Station Licensing Dept

From : PC 5787 Simon Wheeler

To : West Berkshire Council

Ref :Berkshire Restaurant Ltd

Date : 21st February 2019

Subject :

Objection

To whom it may concern

I PC 5787 Simon Wheeler on behalf of the Chief Officer of Thames Valley Police wish to formally object to the proposed application for a premises licence submitted by Berkshire Restaurant Ltd in relation to 26 Reading Road, Pangbourne (currently Miah's of Pangbourne) as it is believed that this application is likely to undermine the Licensing objectives with specific regard to that of the prevention of crime and disorder.

Thames Valley Police have established direct links between the applicant Berkshire Restaurant Ltd (James Southern) and the current premises licence holder, designated premises supervisor and directors of Miah's Pangbourne Limited.

Thames Valley Police believe that there is a likely potential that the new applicant will either maintain business links with the current owners and management of the business; or will have a direct involvement on their behalf ie acting as a "front" for the business. Thus allowing them to maintain control of the restaurant and circumvent the current ongoing licence revocation decision that was made in 2018 by the West Berkshire Licensing Sub-Committee.

The background to concerns at the premises are as follows:-

On 26th June 2018 – Home office immigration inspected the premises and discovered three illegal workers within the restaurant.

On 30th August 2018 – Home Office Immigration submitted a premises licence review in relation to Miah's of Pangbourne.

On 16th September 2018 – Thames Valley Police conducted a section 59 inspection at the premises and discovered a number of conditions in breach and general lack of due diligence.

On 20th September 2018 – Thames Valley Police submitted a representation in support of the Home Office premises licence review.

On 8th October 2018 – An application to transfer the premises licence and vary the designated premises supervisor from Jamshed Miah to his son Mouadjal Miah was received.

On 14th October 2018 – Thames Valley Police objected to the PLH transfer and DPS variation on the grounds that it was believed this step was taken to **1) circumvent the licensing process and 2) due to the direct links between the applicant and previous PLH and DPS and exceptional circumstances of the case this would lead to the undermining of the licensing objectives, and specifically the prevention of crime and disorder.**

On 23rd October 2018 – The review hearing was held and a decision to revoke the licence was taken by the licensing sub-committee (Decision currently under appeal by the appellant)

On 13th November 2018 – A hearing was held in relation to the application to transfer the licence and vary the DPS from Mr Jamshed Miah to Mr Mouadjal Miah. The decision by the sub-committee was to refuse both applications. (Thames Valley police are aware that some form of appeal regarding this decision and the process has been made by the appellant).

On 25th January 2019 – Licensing Lawyers submitted an application for a new premises licence for 26 Reading Road, Pangbourne (The site of Miah's of Pangbourne) on behalf of Berkshire Restaurant Ltd under the directorship of Mr James Southern.

The opening line of the covering letter reads "*Further to our previous correspondence, we are pleased to report that negotiations have concluded with **a new operator** in respect of the above premises, for whom we also act.*"

This opening sentence suggests that this application is made on behalf of "a new" operator; and we believe is thus written in a manner to suggest a total separation from the current premises licence holder and previous owners and associates of the Miah family.

As the sub-committee may be aware Thames Valley Police have suggested throughout the process that has been undertaken involving this premises over the past five months that the Miah family and associated business partners have undertaken a number of steps to circumvent the licensing process by adding and subtracting various company directors and applying for licence transfers, whilst always maintaining overall control of the business.

On this occasion the application submitted clearly suggests a separation from the current incumbents at this premises.

However, Thames Valley Police suspect this to be a misleading statement for the following reasons:

- 1) The address of Berkshire Restaurant Ltd was changed on 21/01/2019 from the home address of Mr Southern to 8 Shinfield Rise, RG2 8EA.
- 2) A voters register check completed on 29th January 2019 confirms that Mr Southern is not registered at the address, and in fact five other persons are registered at the address. Four of whom share the surname "Islam".
- 3) One of these persons Mr Abadul Islam (also currently shares a surname with a current Miah's (Pangbourne Ltd) director Fakrul Islam).
- 4) Mr Abadul Islam has also been linked to the current owners of Miah's of Pangbourne in the following way:
 - i) On 7th September 2010 Thames Valley Police recorded an incident of theft at 8 Shinfield Rise. The named person reporting the incident was Mr Jamshed Miah with his address provided at the time as Miah's Indian Restaurant, Basingstoke Road, Spencers Wood. The aggrieved listed by Mr Miah on the crime report was Mr Abadul Islam who provided his address as The Garden of Gulab, 130 Wokingham Road, Reading. (This is the second of three Miah's restaurants)

This provides a direct link between the address at 8 Shinfield Rise and both Jamshed Miah (the father of Mouadjal Miah) and Mr Abadul Islam.

- ii) On 1st December 2011 Mr Abadul Islam is named as involved in an incident which took place at the Garden of Gulab. He is clearly within the notes discussed as a member of staff which again provides a link between himself as an employee and the Miah's chain of restaurants.

Therefore Thames Valley Police are again of the opinion that this is a further attempt to circumvent the licensing decision to revoke this premises licence by the submission of an application that purports to be "a new" application but is in effect an application by persons with direct links to the Miah family and its associates and business partners.

The application suggests total separation and a new operator; but is in fact suspected to be another attempt by them to maintain control of the premises under the façade of a brand new and unlinked operator.

Clearly due to the serious immigration offences committed at the premises under its current licence, as well as poor licensing compliance you may understand that there is even more concern in relation to this application due to the very real possibility of tangible links between Berkshire Restaurant Ltd and their association to Jamshed Miah, Mouadjal Miah and other linked business associates.

The concern of Thames Valley Police as previously discussed is that this application has been made in an attempt to circumvent the current review process relating to this premises licence revocation, and if granted will likely lead to the continuation of poor practice and a failure to uphold the licensing objectives.

We strongly recommend that based on these concerns extreme scrutiny and due diligence be carried out by the licensing sub-committee to ensure that this is indeed a “New” application, and not a “rebranded” application that will likely undermine the four licensing objectives.

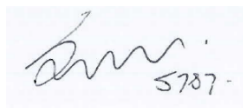
In a recent recent appeal court judgement in June 2018 District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Peckham Food & Wine v London Borough of Southwark upheld the decision of the London Borough of Southwark to revoke a convenience store’s premises licence following allegations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

Furthermore, 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.

A handwritten signature in blue ink, followed by the number '5787' written in black ink.

Appendices:-

Appendix TVP 1 – Berkshire Restaurant Ltd Companies House report (as of 14/02/2019)

Appendix TVP 2 – Voters register linked to 8 Shinfield Rise, RG2 8EA (as of 29/01/2019)

Appendix TVP 3 – Crime occurrence at 8 Shinfield Rise on 07/09/2010 linking Jamshed miah and Abadul Islam.

Appendix TVP 4 – Crime occurrence linked to Garden of Gulab, 130 Wokingham Road, detailing Mr Abadul Islam as a member of staff working with or for the Miah family.

Appendix TVP 5 – Current Miahs' (Pangbourne) limited Companies House report detailing the current directors.

Appendix TVP 6 – Thames Valley Police review representation dated 20/09/2018.

Appendix TVP 7 – Thames Valley Police DPS variation objection dated 22/10/2018.

Appendix TVP 8 – Thames Valley Police premises licence transfer objection dated 14/10/2018.

Appendix TVP 9 – Peckham Food & wine V London Borough of Southwark.

Appendix TVP 10 – East Lindsey District Council V Abu Hanif T/A Zaras Restaurant and Takeaway.