

7 September 2018

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

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

Our Ref: 18/01230/LQN
Please ask for: Emilia Matheou
Direct Line: 01635 503208
Fax: 01635 519172
e-mail: Emilia.Matheou@westberks.gov.uk

Dear Mr Miah

Licensing Act 2003 – Premises Licence
Miah's Of Pangbourne, 26 Reading Road, Pangbourne, Reading, Berkshire, RG8 7LY

Please find enclosed a full copy of the Review application submitted by Home Office Immigration Enforcement.

The additional statement was submitted to be them earlier this week to be added to the review application.

We have tried to contact you by 'phone and left a message but in the absence of a response thought it best to post a copy of the full application to you.

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

Licensing Authority: West Berkshire Council
Reference: AL17150



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

014279

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 Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Miah's Of Pangbourne 26 Reading Road, Pangbourne,	
Post town Berks	Post code (if known) RG8 7LY

Name of premises licence holder or club holding club premises certificate (if known) Mr Jamshed Miah 77 Elm Road Earley Reading Berks RG6 9TB

Number of premises licence or club premises certificate (if known)
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Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Home Office Immigration Enforcement Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY
Telephone number (if any)
E-mail address (optional) Alcohol@homeoffice.gsi.gov.uk

This application to review relates to the following licensing objective(s)

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

We have grounds to believe the license holder will fail to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

Please provide as much information as possible to support the application (please read guidance note 3)

On 26/06/2018 an enforcement visit was conducted. Entry was gained under Section 179 Licensing Act 2003.

7 individuals were encountered on premises. 2 British nationals, 1 Romanian and Portuguese were cleared.

2 Bangladeshi nationals were arrested as persons liable to be detained and served papers as overstayers and illegal entrants respectively. Both subjects were detained. 1 Bangladeshi male was escorted off of the premises having been working illegally and served papers to report to the Home Office whilst his case is decided. All 3 males were named on the Civil Penalty Illegal working notice.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature EM

Date 30/08/2018

Capacity **Responsible**
Authority.....
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Alcohol Licensing Team Lunar House 40 Wellesley Road	
Post town Croydon	Post Code CR9 2BY
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Alcohol@homeoffice.gsi.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

Miah's of Pangbourne – 26/06/18

Company: Miah's (Pangbourne) Limited – Directors; Jamshed Miah and Fakrul Islam

Licence holder: Jamshed Miah

This was the second of three visits to restaurants operated by Jamshed Miah and Fakrul Islam, the other two being; **Miah's Garden of Gulab**, 130-134 Wokingham Road, Reading, RG6 1JL (13/05/18 – 5 immigration offenders found working illegally) and **Miah's Spencers Wood**, Tankerton House, Basingstoke Road, Spencers Wood, RG7 1AE (10/08/18 – 4 immigration offenders found working illegally). In total 12 immigration offenders have been found to be working illegally across the three premises. Jamshed Miah is the premises licence holder for all three establishments.

On 26/06/18 a team of 8 officers, 1 of whom was an observer, attended the address, entering under Section 179 of the Licensing Act 2003 (as amended by the Immigration Act 2016) at 19.03 hrs. The restaurant was open when the team entered, with several customers in the dining area.

A total of 7 staff were encountered, 4 of whom were cleared (2 x GBR, 1 x ROU, 1 x PRT). The remaining 3 were males from Bangladesh, all of whom were found to be immigration offenders with no right to work in the UK.

- 1) 47 year old illegal entrant who was arrested and detained. He was in the kitchen cooking when the team entered the premises. He stated that he had been employed by Jamshed Miah, who he had asked if he could help at the restaurant. He was apparently asked if he had any right to work documentation but had not shown anything to Miah. He said it was his second day working there with his first day being on the Sunday (visit conducted on a Tuesday). He stated that he had worked from 6pm to 10pm on the Sunday and he had started at 6pm on the day of the visit. He stated that he had not been paid for his work so far and no pay had been agreed, although he did receive food 3 times a day and stayed in a room above the restaurant for free.
- 2) 39 year old overstayer who arrested and detained. He was dressed smartly in clothing typical of a waiter in such an establishment and when the team entered he was seen carrying a tray of food from the kitchen towards the dining area, although when he was spoken to (after a slight delay) he was watching football on his phone and told the officer that he was a customer. He said he was just there visiting his uncle but ultimately admitted to having stayed in the accommodation upstairs for 2 nights, although he continued to deny working.
- 3) 32 year old overstayer who was arrested before subsequently being asked to leave the premises as he did not have permission to work. Not detained as he had an outstanding application with the Home Office. He was behind the bar pouring a drink when the team entered the premises. He stated that he had

worked at the premises as front of house since 11/06/18 and that he had called the restaurant asking for work. He stated he had been asked for paperwork but had not shown anything which showed he had right to work in the UK. He spoke to a 'Mo' on his first day and was working 3 days a week from 5.30pm to 10pm. He said he was not paid for his work but received a room and free food.

A male, who had arrived at the premises whilst the visit was taking place and identified himself as the manager of the restaurant, was spoken to and he stated that he was in charge of employing staff and said he knew males 1 and 2. He stated that male 1 been working at the premises for 2 or 3 weeks and helped in the kitchen. He said he didn't have fixed hours and came when he was needed. He said that the male was not paid but was given food and accommodation. He said he had not asked the male for any ID. He said male 2 was a family member and was visiting him. He said he had helped out a tiny bit whilst he was there by opening the restaurant for him as the other manager was late as well as opening the door for customers and showing them to their seats. He said the male was not paid but would be given food.

An illegal working civil penalty referral notice was served on the company with all three males named, meaning a potential fine for the business of up to £60,000.