



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS HEARINGS
SUB COMMITTEE** will be held in Council Chamber - Civic
Offices on **THURSDAY 19 APRIL 2018 AT 3.00 PM**

Manjeet Gill
Interim Chief Executive
Published on 11 April 2018



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE LICENSING AND APPEALS HEARINGS SUB COMMITTEE

Councillors

Chris Bowring

Abdul Loyes

Beth Rowland

ITEM NO.	WARD	SUBJECT	PAGE NO.
Order of Procedure			5 - 6
1.		ELECTION OF CHAIRMAN To elect a Chairman for the meeting.	
2.		DECLARATION OF INTEREST To receive any declarations of interest.	
3.		OBJECTION TO TRANSFER OF PREMISES LICENCE To receive and consider a report and related documents in relation to the objection to the transfer of a premises licence – Haweli Twyford, 15 Church Street, Twyford RG10 9DN by the Home Office Immigration Enforcement.	7 - 36
4.		EXCLUSION OF THE PUBLIC The Panel may exclude the public for the following item of business and to do so it must pass a motion in the following terms: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 & 2 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.	37 - 38

CONTACT OFFICER

Luciane Bowker

Tel

Email

Postal Address

Democratic and Electoral Services Specialist

0118 974 6091

luciane.bowker@wokingham.gov.uk

Civic Offices, Shute End, Wokingham, RG40 1BN

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HEARING PROCEDURE – OBJECTION TO TRANSFER OF PREMISES LICENCE

1. Sub-Committee to elect a Chairman for this Hearing only.
2. Chairman to welcome all Parties and introduce the Members of the Sub-Committee.
3. Chairman to ask Sub-Committee if they have any interests to declare.
4. Chairman of Sub-Committee to outline procedure and reaffirm that only information relevant to representations can be considered and that such information must be relevant to the Licensing Objectives. Chairman to confirm that all parties understand this. The four Licensing Objectives are: -
 - The Prevention of Crime and Disorder;
 - Public Safety;
 - The Prevention of Public Nuisance; and
 - The Protection of Children from Harm.
5. The Licensing Officer will introduce the Hearing report and update the Sub-Committee on any developments following publication of the report whenever required.
6. Applicant to present application, including any witnesses. This can last no longer than 7 minutes.
7. Responsible Authorities that have made representations and any Interested Parties that have made representations may, with the permission of the Sub-Committee, question the Applicant and witnesses.
8. Each Responsible Authority that has made representations to present their representations including any witnesses. Each Responsible Authority has 7 minutes to present their representation.
9. The Applicant may ask questions of each Responsible Authority if permitted to do so by the Sub-Committee, but will, in any event, be given the opportunity to respond to comments made by other parties at the end of the Hearing.
10. Any Interested Parties that have made representations to present their representations including any witnesses. Each Interested Party has 7 minutes to present their representation.
11. The Applicant may ask questions of each Interested Party if permitted to do so by the Sub-Committee.
12. The Sub-Committee can question any Party at any stage.
13. In order to facilitate effective Hearings, Interested Parties making similar representations will be asked to nominate a spokesman to present their representations. At the conclusion of a spokesman's representation, the Chairman will ask the other Interested Parties if they have any other points to raise.
14. Questions by the Sub-Committee and, when permitted, by the Applicant, will be directed to the nominated spokesman in the first instance.
15. The Applicant will be given the opportunity to respond to comments made.
16. After hearing the application and all representations, the Sub-Committee will ask any further questions of any party that it may have.
17. The Chairman will ask all parties if they have any further relevant points that have not been covered in the Hearing and to give a brief summary of their evidence and information with the Applicant going last in order.
18. All parties other than the Sub-Committee and support staff from Wokingham Borough Council's Legal and Democratic Services team to leave the Hearing.
19. The Sub-Committee shall determine the application. The decision will be notified in writing within 5 working days to all parties after the Sub-Committee has reached its decision.

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Agenda Item 3.

TITLE	Haweli Twyford 15 Church Street, Twyford RG10 9DN Objection To Transfer Of Premises Licence PR0194 By Home Office Immigration Enforcement
FOR CONSIDERATION BY	Sub Committee of the Licensing and Appeals Committee on 19 April 2018
WARD	Twyford
LEAD OFFICER	Karen Court - Licensing Officer Julia O'Brien – Team Manager Sean Murphy – Public Protection Manager

PURPOSE OF REPORT

In accordance with S44 of the Licensing Act 2003 and the Wokingham Borough Council Licensing Policy, the application is referred to the Licensing and Appeals Sub Committee for determination as an objection to the transfer of the premises licence has been received from Home Office Immigration Enforcement.

OUTCOMES

To provide relevant information for the Sub Committee to consider and determine the application from Home Office Immigration Enforcement who have objected to the transfer of premises licence PR0194 for Haweli Twyford from Mr Mainul Islam to Mr Harun Miah.

RECOMMENDATIONS

The Sub Committee to determine the application in light of the objection received, with conditions and/or amendments as appropriate.

SUPPORTING INFORMATION

Background

Section 42 of the Licensing Act 2003 provides for the chief officer of police or Home Office Immigration Enforcement to make objection to the transfer of a premises licence.

Before determining the application, the authority must hold a hearing to consider it and take steps as it considers necessary for the promotion of the licensing objectives.

In determining the application, the Licensing Authority has a duty to carry out its functions with a view to promoting the four licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

For the purposes of the Licensing Act 2003, a child is an individual aged under 18.

The Licensing Authority must have regard to the objection received, the Licensing Authority's statement of licensing policy and the statutory guidance issued under Section 182 of the Licensing Act 2003.

On 15 February 2018 Home Office Immigration Enforcement submitted their application for review of premises licence PR0194. This is not the subject of this hearing.

Emails were subsequently received from Mr Muhammad Sattar (manager of Haweli Twyford) asking about the process to transfer and change the designated premises supervisor (DPS) for the licence.

On 8 March 2018 Wokingham Borough Council received the application to transfer the premises licence from Mr Mainul Islam to Mr Harun Miah. Mr Miah has also applied to become the new designated premises supervisor (DPS).

On 20 March 2018 Home Office Immigration Enforcement submitted their objection to the transfer. This was also sent to Mr Harun Miah at his home address.

The grounds for objection given are:

Serious concerns regarding the overall management of the premises and the prevalence of illegal working being found at the business.

Thames Valley Police responded to confirm they have no objection to the transfer.

On 28 March 2018 Home Office Immigration Enforcement provided their further submission which gives more detail of their enforcement activity and states that they are seeking full revocation.

Mr Harun Miah has been invited to submit additional information in support of his application if he wishes to do so, to date this has not been received.

List of Attachments

Copy of current premises licence PR0194
Application to transfer premises licence
Home Office Immigration Enforcement Objection To Transfer submission and supplementary submission
Thames Valley Police confirmation of no objection

Reasons for Decision

N/A

Alternative Options considered, if any

None .

Reasons for considering the report in Part 2

List of Background Papers
Exhibit List as Detailed above

Contact Karen Court	Service Public Protection Partnership
Telephone No 01635 519791	Email karen.court@westberks.gov.uk
Date 5 April 2018	Version No. 1

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LOCAL AUTHORITY



**WOKINGHAM
BOROUGH COUNCIL**

Licensing Service
Wokingham Borough Council
Shute End
WOKINGHAM
BERKSHIRE
RG40 1WW

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Haweli Tandoori Restaurant

15 Church Street, Twyford, Berkshire, RG10 9DN.

Telephone 0118 932 0939

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	Noon	2:30pm
	Monday to Sunday	5:00pm	11:00pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	Midnight
	Sunday	Noon	11:30pm
	Christmas Day	Noon	11:30pm
	Seasonal Variations:		
	New Year's Eve.		
	1000 - 0000, (if a Sunday 1200 - 2330) plus from end of permitted hours on New Year's Eve to start of permitted hours on following day (or if there are no permitted hours on the following day then midnight on 31 December)		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	Noon	2:30pm
	6:00pm	11:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mainul ISLAM

Haweli Twyford, 15 Church Street, Twyford, Berkshire, RG10 9DN.



Licensing Act 2003

Premises Licence Summary

PR0194

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mainul ISLAM

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



J O'Brien

Date of Issue: 18 August, 2010

Principal Environmental Health Officer



ANNEXES**Annex 1****Mandatory Conditions****Mandatory Condition - supply of alcohol**

- 1) that no supply of alcohol may be made under the premises licence (a) at any 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; and
- 2) that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Notification of change of name or address

(1) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in -

- (a) name and address
- (b) unless the designated premises supervisor has already notified the authority under subsection (4), the name and address of that supervisor

(2) a notice under (1) must be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practical, by a statement of the reasons of for the failure to produce the licence (or part).

(3) where the designated premises supervisor under a premises licence is not the holder of the licence, he may notify the relevant licensing authority of any change in his name and address

Annex 2**Embedded Restrictions**

Embedded Restrictions carried over from Licensing Act 1964 - copy attached

with additional conditions:

Intoxicating liquor shall not be sold on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal

Suitable beverages, other than intoxicating liquor (including drinking water) shall be equally available for consumption with, or otherwise, as an ancillary to meals served in the licensed premises

plus conditions subject to which existing licence(s) has been granted:

a) General

Staff carefully supervised.

b) Prevention of Crime and Disorder

Alarms installed
Premises properly run.

c) Public Safety

Careful watch kept. Police advised of any problems.

d) Prevention of Public Nuisance

Children under 18 must be accompanied by adults and children are watched by staff.

e) Protection of Children from Harm

Children must be accompanied by adults.

Annex 3**Plans**

plans of premises attached - Drawing Number 280/010/1 dated July 2010

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 MR HARUN 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

* PRO914 PR-0194

Part 1 – Premises details

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

HAWEL TANDOORI
15 CHURCH STREET
TWYFORD

Post town READING

Post code RG10-9DN

Telephone number at premises (if any) 0118 932 0939

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

RESTAURANT - SEMI DETACHED PROPERTY.

Name of current premises licence holder

MR MAINUL ISLAM

Part 2 - Applicant details

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

a) an individual or individuals*

b) a person other than an individual *
i. as a limited company

ii. as a partnership

iii. as an unincorporated association or

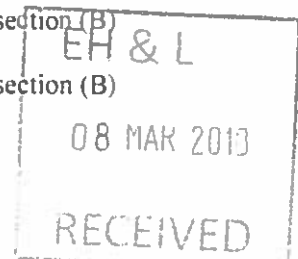
Please tick ☒ yes

☒ please complete section (A)

☐ please complete section (B)

☐ please complete section (B)

☐ please complete section (B)



- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) 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

MIAN

First names

HARUN

Date of birth

Nationality

Current residential address if different from premises

I am 18 years old or over

Please tick ☒ yes



18/03/1975
4 EDWARD AVENUE
CAMBERLEY
SURREY GU15 3BB

address

4 EDWARD AVENUE
CAMBERLEY.

Post town

SURREY

Post code

GU15 3BB

Daytime contact telephone number

0118 932 0939

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick ☒ yes

☐

Nationality

Current
residential
address if
different from
premises
address

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

--	--	--	--	--	--	--	--

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 H. MUR

Date 26/2/2015

Capacity APPLICANT

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)

Post town

Post Code

Telephone number (if any)

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

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

carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we MAINUL ISLAM
[full name of premises licence holder(s)]

the premises licence holder of premises licence number PRO914
[insert premises licence number]

relating to

HANELI TANDORI, 15 CHURCH STREET, TWYFORD, RG40-9DN
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PRO914
[insert premises licence number]

to

MR HARUN MIAH
[full name of transferee]



signed

name
(please print)

dated

Mainul Islam
MR MAINUL ISLAM
26th FEBRUARY 2018

Karen Court

From: Karen Court <Karen.Court@wokingham.gov.uk>
Sent: 03 April 2018 14:08
To: Karen Court
Subject: FW: RE:Haweli Twyford - AL11176 ~[OFFICIAL]~
Attachments: AL11176 20180319-113844 Representations Premises Licence.doc

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

From: Menghis Semhar [mailto:Semhar.Menghis1@homeoffice.gsi.gov.uk]
Sent: 20 March 2018 13:50
To: Karen Court; Licensing
Cc: Wilkinson Matthew; Mason, Yana
Subject: RE:Haweli Twyford - AL11176

Hi Karen,

Please see attached our objection to the transfer of a premises license for Haweli Twyford (new proposal- HAWELI Tandoori)- 15 Church Street, RG10 9DN.

Regards

Semhar Menghis

Home Office

Interventions and Sanctions Directorate | Alcohol and LNR licensing Team | Immigration Enforcement
Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9 2BY:
02087608134 ☒:Semhar.menghis1@homeoffice.gsi.gov.uk

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**Immigration
Enforcement**

Interventions & Sanctions
Lunar House
40 Wellesley Road
Croydon
Surrey, CR9 2BY

T 0208 196 4041
www.gov.uk/home-office

Harun Miah
4 Edward Avenue
Camberley
Surrey
GU15 3BB

Our Ref.: AL11176

19 March 2018

Immigration representation in respect of a Transfer of a premises licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations for the following Transfer of a premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

Home Office (Immigration Enforcement) wishes to make representations on the following:
Application for the transfer of an existing premises licence

Licensing Authority application reference number	
Immigration Enforcement reference number	AL11176
Applicant name	Harun Miah
Address of premises	15 Church Street Twyford Reading RG10 9DN
<i>Immigration Enforcement Contact 1</i>	Interventions & Sanctions
Name	Alcohol and LNR licensing Team
Address	3rd Floor, 36 Wellesley Road, CR9 2BY
Telephone no.	
Email address	alcohol@homeoffice.gsi.gov.uk

Immigration Enforcement Contact 2 (If applicable)	
Name	
Telephone no.	
Email address	

Representations are being made for the following reasons:

The new proposed PLH has no adverse history and whilst we have no objection to him being a PLH we have some serious concerns regarding the overall management of the premises. We are deeply concerned about the prevalence of illegal working being found at the business.

S182 of the guidance states the following:

8.99 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.

8.100 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police or the Home Office (Immigration Enforcement).

Representation:

Objection to the grant of a premises licence to the applicant

Reasons for which there is a risk to the licensing objectives, and why the objection or conditions proposed are appropriate to prevent crime including illegal working in licensed premises.

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.

Date: 20/03/2018

on 21/03/18 and a further illegal worker was found which has resulted in the issuing of a £20,000 penalty and the instigation of a criminal investigation.

The fines for both restaurants remain outstanding and are in excess of £189,000.

As a result of this we have requested a review of the premises licence of both premises with Wokingham Borough Council and are seeking full revocation. The Home Office have no confidence that the application to change premises licence holder will result in an improvement of standards at the premises and it is believed that this is just an attempt to allow the restaurant to continue trading in a different guise albeit with the same overall management structure.

If the panel feel that they do wish to grant the transfer of this licence then it is the Home office intention to continue with the reviews that are in place

The Home office Immigration enforcement feel that the licensing objectives of prevention of crime and disorder will continue to be undermined should the PLH be allowed to transfer.

Karen Court

From: Menghis Semhar <Semhar.Menghis1@homeoffice.gsi.gov.uk>
Sent: 28 March 2018 14:22
To: Karen Court
Subject: FW: Haweli Objection
Attachments: Haweli Objection.docx

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Hi Karen,

Matt Wilkinson will be attending the hearing. Also please see attached further submissions.

Regards

Semhar Menghis

Home Office

Interventions and Sanctions Directorate | Alcohol and LNR licensing Team | Immigration Enforcement

Apollo House | 3rd Floor | 36 Wellesley Rd | Croydon | CR9

2BY ☎: 02087608134 ✉: Semhar.menghis1@homeoffice.gsi.gov.uk

For new applications-Alcohol@homeoffice.gsi.gov.uk

For enquiries relating to license applications or ongoing reviews-IE.Alcoholenquiries@homeoffice.gsi.gov.uk

For reviews to be considered or initiated along with hearing dates-IE.Alcoholreviews@homeoffice.gsi.gov.uk

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Immigration
Enforcement

Objections to license transfer application

Haweli Twyford (Haweli Tandoori)

Immigration enforcement object to the transfer of licence for Haweli TWYFORD to be transferred in to the Haweli TANDOORI with Mr Harun MIAH being the premises licence holder.

The reason for this objection is requested under the following paragraph of section 182 of the licensing act 2003.

8.99 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.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

The panel will be aware of the High Court Judgement from East Lindsey District Council v Abu Hanif (trading as Zara's Restaurant and Takeaway) to get over the point that prosecutions don't have to occur in order for the crime prevention objective to be undermined and the Licensing Authority to be able to take action.

Immigration enforcement have visited this restaurant on 3 separate occasion since 2014 and have encountered illegal workers on each occasion. I enclose a brief summary of the circumstance of each visit with comments made by staff members.

Haweli Twyford – 03/02/2014 – TS20AGK1057

9 males encountered. One runner who was not caught. 6 were cleared. Two arrests). One escorted from the premises (no right to work) NOPL served with 3 names.

Penalty notice served to Raju Begum SATTAR (Owner)

ARRESTS/ENCOUNTERS:

Overstayer – Originally gave details of someone who had been granted ILR. Evidence - Payslips. Photograph of him in a Haweli T-Shirt.

MG11 for Illegal Working. Admitted to working at Haweli for 2 months this time round but had previously worked there for a year and provided payslips for this period. He is cleaner/waiter. Works Monday and Tuesday. From 11:00-14:30 and 22:00-23:00. Paid £65 or £70 per week.

EWOL – Arrived in the UK hidden in a lorry
Evidence – Photograph of him in chef whites.

MG11 for illegal working. Claims to have come to restaurant the night before our visit and started there the day of the visit. He said he started at 11:00hrs. His job is cutting onions. He has not shown any documentation in order to get the job. He claims he has not been told how much he will be paid but was told it would be pocket money and food. His friend had arranged for him to help out. He does not know the bosses name.

No right to work – Refused LTE at Heathrow, granted TR.

MG11 for illegal working. Claims to not work at the restaurant but was found to be in the kitchen. Stated that he was there to “take tea”

Haweli Twyford – 06/01/2017 – TS21HVL1259

11 staff members encountered. 7 were cleared

Penalty notice served with 4 names

Penalty Notice served to Raju MIAH (Manger).

Owner was confirmed as Sayada Kulsuma BEGUM

ARRESTS/ENCOUNTERS:

Overstayer 1

Evidence – Photograph of him in chef whites.

MG11 for illegal working – Helping for last 2 days. State he helps with food plates and clean rubbish but is not working in the restaurant area. (He was wearing chef whites and located in the kitchen, claims this was to keep his clothes clean). He gets free accommodation for helping. He has not produced any documentation to show he can work. States the owner is Raju and that he is the person that said he could help out when its busy. He states that Raju is unaware that he does not have permission to work in the UK

Overstayer 2

Evidence – Photograph of him in waiters uniform

MG11 for illegal working – Stated he is a waiter at Haweli and has worked there for a week. He works 10 hours a week on Fridays and Saturdays and is paid £60 per week. He states SATTAR gave him the job

NELE

Evidence – Photograph of him in waiters uniform.

MG11 for illegal working – Stated he had worked at Haweli for a couple of months as a waiter. Wahad KHAN, his friend had got him the job. He confirmed the owner is Raj SATTAR. He did not show any documentation to get the job. He confirmed that he is aware he is working illegally. He works 4 days a week, 6 hours a day. He is paid £50 per day plus food and drink. He confirmed he is paid via Mr KHAN and benefits from free accommodation above the restaurant.

EWOL

Evidence – Photograph of him in chefs jacket and apron

MG11 for illegal working – Stated he has worked there for 3 years. Claims he was employed via the Job Centre. He was managed by Ahmed ABU. He works 3 days a week, paid £170 per week cash. Benefits from free accommodation and food. He did not show any proof that he can work in the UK.

Haweli Twyford – 08/08/2017 – TS16 HOO1270

5 males encountered. One was cleared.

Two arrests. Two escorted from the premises (no right to work)

Penalty notice served with 4 names

NOPL served to Sayada Kulsuma BEGUM (Via recorded delivery post)

ARRESTS/ENCOUNTERS:

EWOL (Detained)

Evidence – Photo of subject in the serving area.

MG11 for illegal working – started working at Haweli 2 weeks ago. He was employed by the Mr Miah and states the owner is Abdul. He is responsible for cleaning/tidying. He is paid £20-£30 per week and benefits from free food and accommodation. He does not receive a payslip. He did not provide any evidence that he can work in the UK. He claims he told Mr Miah he did not have anything.

VERBAL DECEPTION (Detained)

Evidence – Photo of subject in his apron

MG11 for illegal working – Stated he has been working at Haweli for one week. His job is to help in the kitchen. He is paid £150 per week. He states he was given the job by someone who works at the restaurant, name unknown but it was not the boss. When asked who pays his wages, he replied saying he has not yet been paid. He benefits from food and accommodation. He works 2 hours per day at lunchtime and from 17:00-21:00hrs, 5 days per week. He did not provide any documentation to show he has permission to work, he was never asked for it. He is aware that he does not have the right to work in the UK

Prev served EWOL. OS Asylum claim (TR)

Evidence – Photo of subject behind the bar

MG11 for illegal working – Stated today was his first day working at Haweli and Ali had asked him to help. He claims to have shown his IS96 to show he has permission to work but is aware it states No work permitted. He claims he was only working 12:00 until 14:30 and hasn't been paid yet. His job is to answer the phone. He also receives the benefit of soft drinks for working.

Prev served EWOL. OS Asylum claim (TR). Subject was encountered there both on 03/02/2014 and 06/01/2017

MG11 for illegal working – Claims he has not worked since he was last encountered here in January. Claims he is there visiting his friend who is the chef but he is due to start at 15:00hrs but the visit was at 13:14hrs. Continued to say he was not working, not receiving any benefits. Claims he has not worked since there since January. States he is there to collect £200 to help with clothes and supplies. It was later confirmed that the boss is the chef and it is suspicious that he is there to collect money from the boss. He was found to be in the kitchen when officers arrived and is wearing clothing with splashes of food and stains on.

The sister restaurant to this the Haweli Wargrave was also visited on two occasions the first in November 2017 where a compliance and closure order was served and conditions imposed on that business in response to the persistent failure of the management to adequately check and vet their staff. A second visit was made to the Wargrave restaurant

Karen Court

From: Karen Court <Karen.Court@wokingham.gov.uk>
Sent: 03 April 2018 14:10
To: Karen Court
Subject: FW: TVP Application Response - Transfer and DPS Change for Haweli Tandoori Restaurant, 15 Church Street, Twyford, Reading, RG10 9DN: NO OBJECTION ~[OFFICIAL]~

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From: Branney Louise [mailto:Louise.Branney@thamesvalley.pnn.police.uk]
Sent: 07 March 2018 12:52
To: Licensing
Cc: Dean Andy (Licensing)
Subject: TVP Application Response - Transfer and DPS Change for Haweli Tandoori Restaurant, 15 Church Street, Twyford, Reading, RG10 9DN: NO OBJECTION

On 07/03/2018, we received a Transfer and DPS Change application relating to Haweli Tandoori Restaurant, 15 Church Street, Twyford, Reading, RG10 9DN

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TRANSFER From Mainul Islam (Last known on Amandus Haweli Ltd) To Harun Miah

DPS CHANGE From Mainul Islam To Harun Miah

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Based on the supplied information, the Thames Valley Police response is: *** NO OBJECTION ***

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