

THAMES VALLEY POLICE

Division/Station : High Wycombe

From : Andy Dean
Licensing Officer

To : Licensing Dept.
Wokingham Borough Council

Ref : Berkshire Restaurant Ltd

Date : 22nd February 2019*

Tel.No. 01865 309 275

Subject :

Objection to Premises Licence Application

To ; Licensing Authority

I c2915 Andy Dean on behalf of the Chief Officer of Thames Valley Police wish to make a formal objection to the proposed application for a premises licence submitted by Berkshire Restaurant Ltd in relation to Tinkerton House, Basingstoke Road, Spencers Wood (currently Miah's Restaurant) as we believe that it is likely to undermine the Licensing Objectives specifically with regard to 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 Spencers Wood Ltd.

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, i.e. 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 Wokingham Borough Licensing Sub committee.

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

On 10th August 2018 - Home Office Immigration and Control Enforcement officers inspected the premises and discovered 4 workers in the premises that were found to be illegally in the UK with no right to work

On 30th August 2018 – Home office immigration team submitted an application to review the premises licence in relation t Miah's Spencers Wood.

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

In October 2018 – Miah's requested to transfer the premises licence from Mr J Miah to Mr M Miah, which was objected but never submitted due to an oversight.

On 25th October 2018 – The review hearing requested by HO ICE 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 at West Berkshire Licensing Sub-Committee as the above mentioned transfer of licence on two other properties owned by Miah's Restaurants was held and the transfer denied. (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 and application for a new premises licence for Miah's Spencers Wood, Tinkerton House 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 emcumbants at the premises.

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

- 1) The address of Berksihre Restaurant Ltd was changed on 21st January 2019 from the home address of Mr Southern to 8 Shinfield Rise, RG2 8EA.
- 2) A voters register check completed on the 29th January 2019 confirms Mr Southern is not registered at the address and in fact five other persons arwe registered at the address – four of whom share the surname ‘Islam’
- 3) One of these four persons is Mr Abadul Islam (also currently shares a surname with a current Miah’s (Pangbourne Ltd) director Mr Fakrul Islam)
- 4) Mr Abdul Islam has also been linked to the current owners of Miah’s of Pangbourne in the following way:
 - i) On 7th September 2010 Thmaes Valley Police recorded an incident of theft at No. 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 a 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 Mr 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 chain of restuarants.

Therefore Thames Valley Police arte 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 operatrор.

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

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

Thames Valley Police strongly recommend that based on these concerns extreme sructiny and due diligence be carried out bt eh Licensing Sub Committee to ensure that this is indeed a ‘NEW’ application and not a ‘rebranded’ application that will likely undermine the foure licensing objectives.

In a recent appeal corut judgement in June 2018 District Judge Julie Cooper at Camberwell Green Magistrates Court regarding Preckham 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 obnservations in R ‘v’ Knightsbridge Crown court ex p interbnational 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 elses name or selling the business when they got caught and so effectively ‘get away with it’.** **The deterrent effect of licensing enforcement would belost and licensing authorities are right to take a robust stance against such transfers, particularly thise which appeared to be a ‘ruse’.**

Furthermore, as stated by Justice Jay within the Eat 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 both prospective and preventative and as such we submit that in roder to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application should be refused.

Andy Dean.

Appendices:-

App. TVP 1 – Berkshire Restaruant Ltd Companies House report (as of 14/2/19)

App. TVP 2 – Voters register linked to 8 Shinfiled Rise, RG2 8EA (as of 29/01/19_

App. TVP 3 – Crime occurrence at 8 Shinfield Rise on 07/09/2010 linking Jamshad Miah and Abadul Islam

App. TVP4 - Crime occurrence linked to Garden of Gulab, 130 Wokingham Road dertailing Mr Abadul Islam as a member of staff working with or for the Miah family.

App. TVP 5 – Current Miah's' (pangbourne) limited – Companies House detailing current directors

App. TVP 6 – Thames Valley Police Review representatiomn dated 20/09/2018

App. TVP 7 – Current Miah's Tankerton House, Basingstoke Road, Spencers Wood – Companies House detailing current Directors and filings.

App. TVP 8 – Peckham Food & Wine ‘v’ London Borough of Southwark

App. TVP 9 – East Lindsey District Council ‘v’ Abu Hanif T/A Zaras Restaurant & takeaway.