



# Agenda

## Licensing Sub-Committee

Thursday, 17 January 2019 at 5.30 pm

Meeting Room 3, 1-2 Seven Arches Road, Brentwood. CM15 8AY

---

### Membership (Quorum – 3 )

Cllrs Haigh, Mrs Pound and Mrs Slade

---

### Agenda

Item	Item	Wards(s) Affected	Page No
<b>Contents</b>			
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.		
3.	<b>The Raj, 21 Kings Road, Brentwood. CM14 4DJ - Application for Transfer of Premises Licence</b>	Brentwood West	5 - 62



Chief Executive

Town Hall  
Brentwood, Essex  
09.01.2019

## Information for Members

### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi-judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

### Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

### Point of Order/ Personal explanation/ Point of Information

#### **Point of Order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

#### **Personal Explanation**

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### **Point of Information or clarification**

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

## Information for Members of the Public

### **Access to Information and Meetings**

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

---

these activities, in their opinion, are disrupting proceedings at the meeting.

---

#### **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

---

#### **modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

---

#### **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

#### **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

# Agenda Item 3

17 January 2019

## Licensing and Appeals Committee

### Licensing Sub-Committee Hearing in respect of an Application to Transfer a Premises Licence Licensing Act 2003

**THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ**

**Report of:**      *Dave Leonard – Licensing Officer*

**Wards Affected:** *Brentwood West*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 An application has been received from Mr Badsha Miah to transfer the premises licence at ***The Raj, 21 Kings Road, Brentwood CM14 4DJ***. Essex Police have objected to the transfer on the grounds of the Prevention of Crime and Disorder.

#### **2. Recommendation(s)**

- 2.1 That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application for the transfer of the premises licence in line with either of the following options:

- **allow the application to transfer;**
- **reject the application to transfer.**

### **3. Introduction and Background**

- 3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:
- Sale of alcohol
  - Supply of alcohol (in respect of a club)
  - Regulated Entertainment
  - Provision of Late Night Refreshment
- 3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.
- 3.4 The four licensing objectives are;
- Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm
- 3.5 Any representation must be able to demonstrate that on the balance of Probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.
- 3.6 Section 42 Licensing Act 2003, allows any person entitled to apply for a Premises Licence under 16(1) Licensing Act 2003, to make an application to transfer an existing Premises Licence to him.
- 3.7 The premises licence at ***The Raj, 21 Kings Road, Brentwood CM14 4DJ*** was previously held by Badsha Miah.
- 3.8 This application to transfer has interim effect until this objection is determined. This means that the transfer is allowed to take place temporarily until this objection is determined by this committee.

- 3.9 The current premises licence authorises the sale of alcohol for consumption by such a person as an ancillary to his meal on the premises:

Monday-Saturday 11.00 to 00.00 and Sunday 12.00 to 23.30

A copy of the premises licence, together with a plan of the premises and location map, is attached as **Appendix 2**.

#### **4. The Application**

- 4.1 On 7<sup>th</sup> December 2018, Badsha Miah submitted an online application with the intention to transfer the premises licence to Jetu Miah. A copy of the application to transfer the premises licence is attached as **Appendix 1**.
- 4.2 No application to vary the Designated Premises Supervisor, currently Badsha Miah, has been received. Mr Jetu Miah does not currently hold a Personal Licence but has since applied to this office for one on 15<sup>th</sup> December 2018.
- 4.3 The Licensing Act 2003 allows for the chief officer of police for the police area in which the premises are situated, if he is satisfied that the exceptional circumstances of the case are such that the granting of the application would undermine the crime prevention objective, to raise objection within 14 days of receiving the application.
- 4.4 On 17<sup>th</sup> December 2018, Essex Police submitted an objection to the premises licence being transferred to Jetu Miah on the grounds of the prevention of crime & disorder. The full objection & associated papers are attached as **Appendix 3**.

#### **5. Reasons For Recommendation**

- 5.1 These are the options available to the Sub-Committee as provided in the Licensing Act 2003.

#### **6. Consultation**

- 6.1 This application has been consulted on in accordance with the requirements of Licensing Act 2003.

#### **7. Statement of Licensing Policy**

- 7.1 There are no specific issues arising from this application in relation to the Council's Statement of Licensing Policy.

## **8. Relevant Sections of the Secretary of State's Guidance**

- 8.1 The following Section 182 Guidance (8.101) relates to transfer applications; 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.

## **9. Legal Considerations**

- 9.1 The committee, after considering the application to transfer and the relevant objection, will need to consider to either:
- allow the application to transfer;
  - reject the application to transfer.
- 9.2 The decision made by the committee will take immediate effect; the chief officer of police may appeal against a decision to grant the application.
- 9.3 In determining this application to transfer the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 9.4 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 9.5 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

## **APPENDICES TO THIS REPORT:**

- 1 - Copy of the Application to Transfer the Premises Licence
- 2 - Copy of the Premises Licence, Premises Plan & Location Map
- 3 - Copy of Peter Jones' (Essex Police) Representation & associated papers
- 4 - Copy of Statement of Response from Badsha Miah
- 5 - Copy of Statement of Response from Jetu Miah

**Report Author Contact Details:**

**Name:** Dave Leonard

**Telephone:** 01277 312523

**E-mail:** dave.leonard@brentwood.gov.uk

This page is intentionally left blank

## Appendix A

**THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ**

# **APPENDIX 1**

## **APPLICATION FORM**

*Application to Transfer the Premises Licence & Consent Form*

17 JANUARY 2019



# Application to Transfer a Premises Licence to be granted under the Licensing Act 2003

Reference: TPrL98848477

**Please note:** You must provide online payment to transfer this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or a debit card.

**Cost of Application:** £23.00

I, Badsha Miah

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: PRM\_0196\_000

## Part 1 - Premises Details

### Premises Address

Flat number (if any)

House number / name 21

Road name Kings Road

Town Brentwood

County Essex

Post Code CM14 4DJ

Daytime contact telephone number (if any):

Premises email address (optional): badsha8989@gmail.com

Please give a brief description of the premises:

Fitted out and operating as a restaurant

Name of the current Premises Licence holder: Badsha Miah

In what capacity are you applying to transfer the premises licence to you?: (a) an individual or individuals

I am: carrying on or proposing to carry on a business which involves the use of premises for licensable activities

## Individual Applicants

Title: Mr.

First name(s): Jetu

Surname: Miah

I am 18 years old or older: I am 18 years old or older

### Applicant Address

Flat number (if any)

House number / name 44 Masefield Court

Road name                    Victoria Road  
Town                         Warley  
County                      Essex  
Post Code                   CM14 5EF

Daytime contact telephone number: 07590188814

Applicant email address (optional): nirob\_nehal@yahoo.com

## **Second Individual Applicant (if applicable)**

Title:

First name(s):

Surname:

I am 18 years old or older:

### **Applicant Address**

Flat number (if any)

House number / name

Road name

Town

County

Post Code

Daytime contact telephone number:

Applicant email address (optional):

## **Other Applicants**

**Please provide name and registered address of the 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.**

## Part 2

Are you the holder of the premises licence under an interim authority notice?: No

Do you wish to transfer with immediate effect?: Yes

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

**In order to transfer a premises licence, the existing premises licence holder must complete a consent form. This is available on our website as a separate online form.**

**Alternatively, the consent form is available as a pdf, which can be sent to: Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. Please include the reference number for this form, which will be produced when you submit it.**

Are you able to submit a copy of the consent form?: I can upload the consent form now

If you have not submitted the consent form, please give reasons why not. What steps have you taken to try to obtain the consent?:

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): Yes

Are you able to submit a copy of the premises licence?: I can upload the premises licence now

Please send the premises licence to: Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY. Please include the reference number for this form, which will be produced when you submit it.

If you are not able to submit the premises licence, please give the reasons why not:

## **Declaration**

I will submit a consent form (available as a separate online form or as a paper form on our website) completed by the existing premises licence holder or my statement as to why it is not available: I agree

I have uploaded the premises licence or relevant part of it or explanation: I agree

I will send a copy of this application to the chief officer of police today: I agree

I will send a copy of this form to Home Office Immigration Enforcement today: I agree

I understand that if I do not comply with the above requirements my application will be rejected: I agree

**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 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: Matthew Stickels

Date: 07/12/2018

Capacity: Authorised Agent (Accountants)

**For joint applications, signature of 2nd applicant or 2nd 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: 07/12/2018

Capacity:

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

Correspondence name: Matthew Stickels

**Correspondence Address**

Flat number (if any)

Page 16

House number / name 53

Road name Hanbury Street

Town London

County

Post Code E1 5JP

Telephone number: 0203 882 1000

Mobile telephone number: 07823442869

Correspondence email address: matthew@victorstoneaccountants.co.uk



**Consent of premises licence holder to transfer**

I/we **Badsha Miah**

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number **PRM\_0196\_000**

*[insert premises licence number]*

relating to

**The Raj, 21 Kings Road, Brentwood CM14 4DJ**

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

hereby give my consent for the transfer of premises licence number

**PRM\_0196\_000**

*[insert premises licence number]*

to

**Jetu Miah**

*[full name of transferee]*

signed



name

(please print)

**Matthew Stickels (Victorstone Accountants)**

dated

**7<sup>th</sup> December 2018**





**Brentwood**  
Borough Council

Licensing Act 2003  
Premises Licence

Premises licence number PRM/0196/2005

**Part 1 – Premises details**

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

**The Raj**  
**21 Kings Road**  
**Brentwood**  
**Essex**

**Post town**    **Brentwood**

**Post code**

**CM14 4DJ**

**Telephone number**    **01277 212755**

**Where the licence is time limited the dates**

**Not applicable**

**Licencable activities authorised by the licence**

- 1. Sale of alcohol**
- 2. Late Night Refreshment**







---

**THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ**

# **APPENDIX 2**

## **PREMISES LICENCE**

*Premises Licence, Premises Plan, OS Maps & Images*

17 JANUARY 2019



**Licensing Act 2003  
Premises Licence**

**Premises licence number PRM/0196/2005**

**Part 1 – Premises details**

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

**The Raj  
21 Kings Road  
Brentwood  
Essex**

<b>Post town</b>	<b>Brentwood</b>	<b>Post code</b>	<b>CM14 4DJ</b>
<b>Telephone number</b>		<b>01277 212755</b>	

**Where the licence is time limited the dates**

**Not applicable**

**Licensable activities authorised by the licence**

- 1. Sale of alcohol**
- 2. Late Night Refreshment**

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

**Supply of Alcohol:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.00
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 23.30
- 3) New Year's Eve, except on a Sunday 11.00 to 00.00
- 4) New Year's Eve, on a Sunday, 12.00 to 23.30pm
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

**Late Night Refreshment:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 23.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 23.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

**The opening hours of the premises**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

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

**On supplies**

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF

07903 931012

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

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

Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF

07903 931012

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

PRM/0183/2005 Issued by Brentwood Borough Council.

Dated 21<sup>st</sup> September 2005



for Licensing Authority

**INFORMATIVE**

**THIS LICENCE NOT CONFER ANY APPROVAL UNDER THE PLANNING ACTS OR BUILDING CONTROL REGULATIONS.**

## **Annex 1 - Mandatory conditions**

### **SUPPLY OF ALCOHOL**

- a) i. No supply of alcohol may be made under this Licence at a time when there is no Designated Premises Supervisor as defined in The Licensing Act 2003 in respect of this Licence,  
ii. or at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- b) Every supply of alcohol under this licence must be made or authorised by a person who holds a Personal Licence as defined in The Licensing Act 2003.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **EMBEDDED CONDITIONS**

#### **1. PERMITTED HOURS**

Alcohol shall not be sold or supplied except during the permitted hours.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by person taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

#### **B. SUPPLY OF NON-ALCOHOLIC BEVERAGES**

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

#### **C. USE OF PREMISES**

The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

#### **4. SUPPLY OF ALCOHOL ONLY TO PERSON TAKING TABLE MEALS.**

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

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

None

---

#### **Annex 4 – Plans**

This licence is issued subject to the following attached plans:

Drawing no. 5717 title The Raj Restaurant.

**Licensing Act 2003**  
**Premises Licence Summary**

**Premises licence number PRM/0196/2005**

**Premises details**

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

The Raj  
21 Kings Road  
Brentwood  
Essex

<b>Post town</b>	Brentwood	<b>Post code</b>	CM14 4DJ
<b>Telephone number</b>	01277 212755		

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

1. Sale of alcohol
2. Late Night Refreshment

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

**Supply of Alcohol:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.00
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 23.30
- 3) New Year's Eve, except on a Sunday 11.00 to 00.00
- 4) New Year's Eve, on a Sunday, 12.00 to 23.30pm
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

**Late Night Refreshment:-**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 23.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 23.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

**The opening hours of the premises**

- 1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve 11.00 to 00.30 the following day.
- 2) Sundays, Good Friday & Christmas Day, 12.00 to 00.00
- 3) New Year's Eve, except on a Sunday 23.00 to 00.30 the following day
- 4) New Year's Eve, on a Sunday, 23.00 to 00.00 the following day
- 5) New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

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

**On supplies**

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

**Badsha Miah  
174 Warley Hill  
Brentwood  
Essex  
CM14 5HF**

**Registered number of holder, for example company number, charity number  
(where applicable)**

**Not applicable**

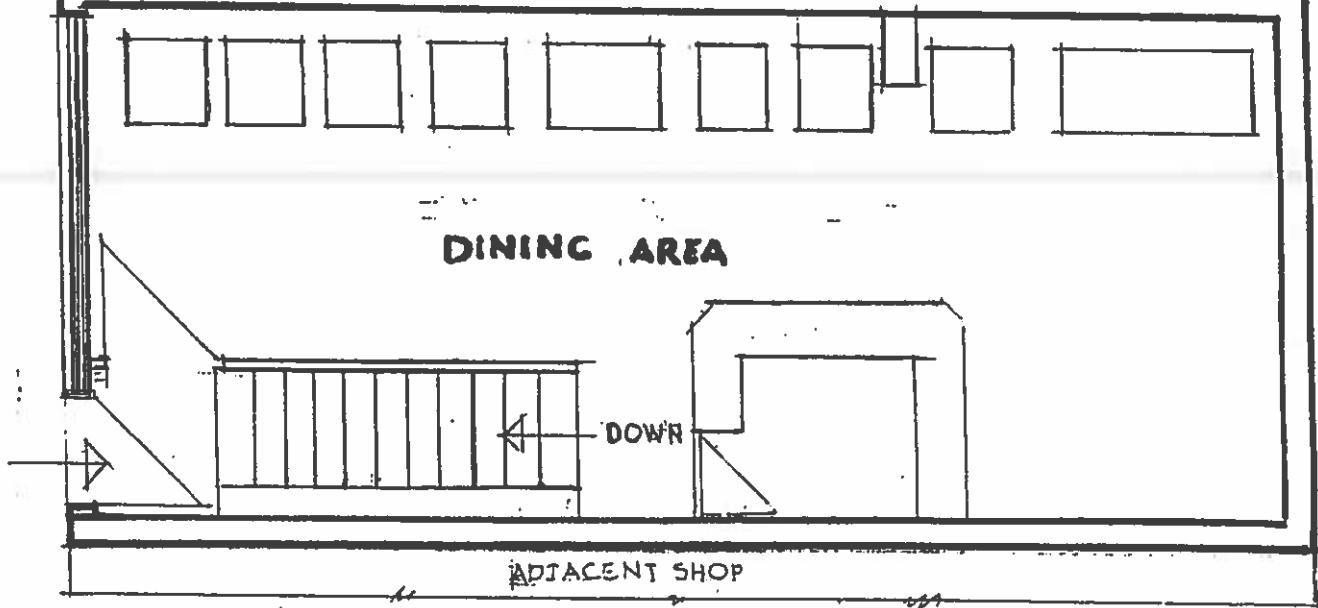
**Name of designated premises supervisor where the premises licence authorises  
the supply of alcohol**

**Badsha Miah**

**State whether access to the premises by children is restricted or prohibited**

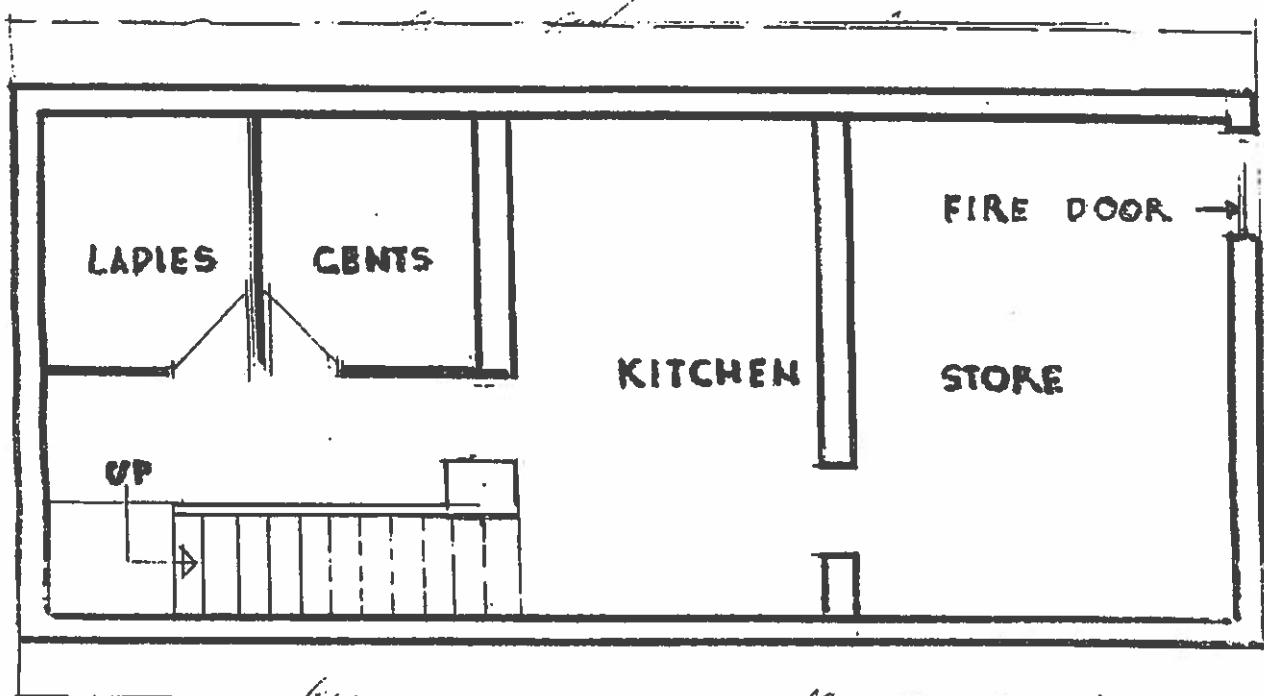
**Not restricted or prohibited**

ADJACENT SHOP



GROUND FLOOR PLAN

TWO FIRE EXTINGUISHERS - GROUND FLOOR  
ONE EXTINGUISHER TO BASEMENT AND ONE BLANKET



THE RAJ RESTAURANT

DO NOT SCALE FOR DETAILS  
ALL DIMENSIONS TO BE CHECKED ON SITE  
FOR DRINK LICENCE

Client:  
MR MIAH  
174 WARLEY HILL  
BRENTWOOD

Title GROUND + BASEMENT  
PLANS  
THE RAJ RESTAURANT  
21 KINGS ROAD  
BRENTWOOD SX

Scale  
1. 100

Dwn. By John Alwyn,  
NB Eng (M1AS)  
Date 22 JULY 2005

Dwng. No.

5717



THE RAJ

01277 210003

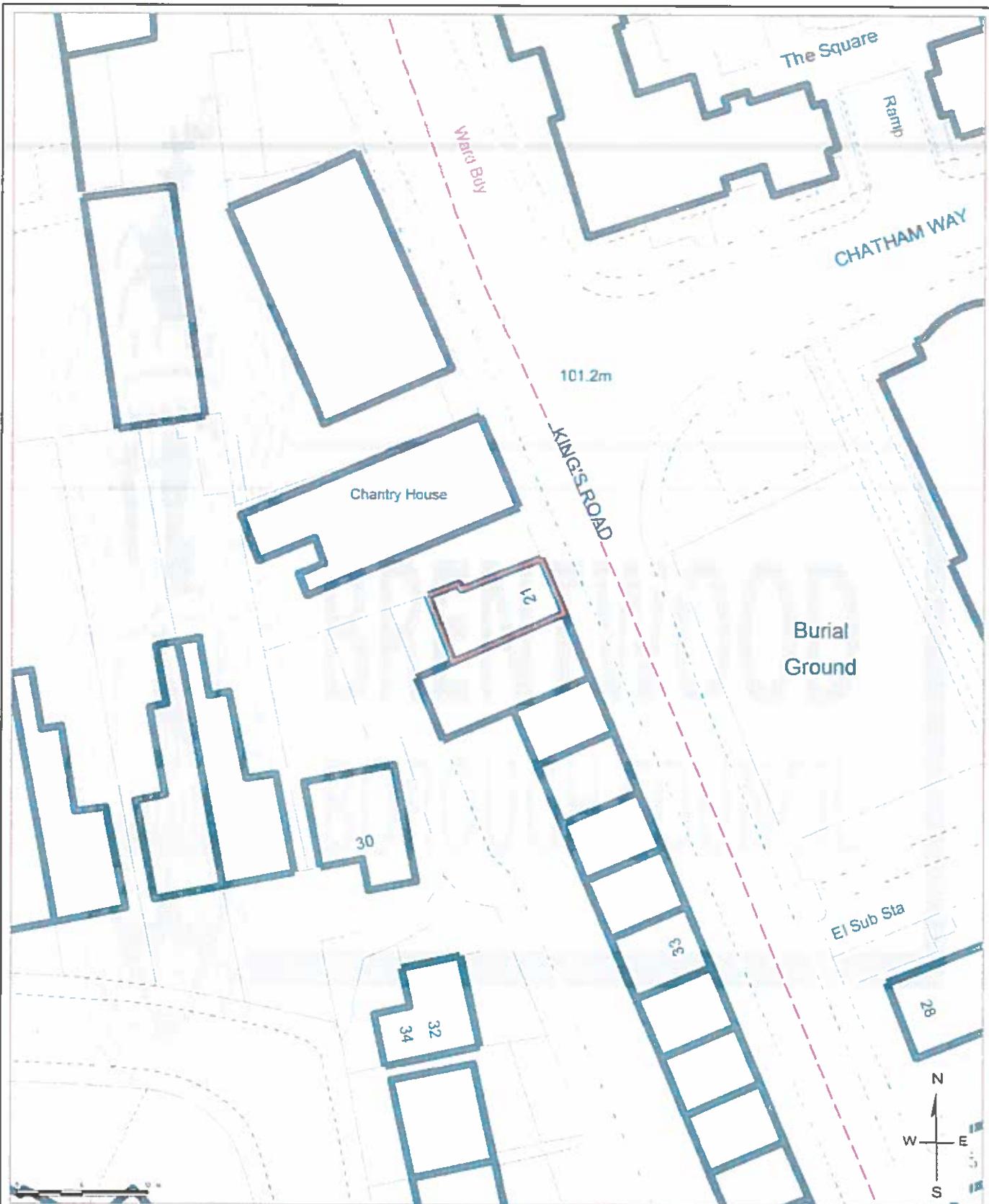




01217 210003







## THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ



Drawing No.:

Scale at A4 : 1:500

Drawn by : OSJ

Service : ICT

Date : 21st December 2018

© Crown copyright and database rights 2018 Ordnance Survey 100018309

Philip Ruck  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500





## THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ



Drawing No.:

Scale at A4 : 1:1250

Drawn by : OSJ

Service : ICT

Date : 21st December 2018

© Crown copyright and database rights 2018 Ordnance Survey 100018309

Philip Ruck  
Chief Executive  
Brentwood Borough Council  
Town Hall, Ingrave Road  
Brentwood, CM15 8AY  
Tel.: (01277) 312500



THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

# APPENDIX 3

## REPRESENTATION

*Mr. Peter Jones - Essex Police Licensing*

17 JANUARY 2019



Mr P Adams  
Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY



Essex Police  
Licensing Department  
Braintree Police Station  
Blyths Meadow  
Braintree  
CM7 3DJ

17<sup>th</sup> December 2018

Dear Mr Adams,

#### **APPLICATION TO TRANSFER PREMISES LICENCE (S42 LICENSING ACT 2003)**

The Raj restaurant is a family run business whose existing licence was issued in 2005. Those involved in running and profiting from the restaurant remain the same today as they have been for several years -- despite this application to transfer the licence immediately to Jetu MIAH.

This transfer application is no more than an attempt to pull wool over the eyes of the sub-committee's members. The application purports to be a new start with an applicant unconnected with how the premises has been run in recent years – it is not. There are clear associations between what Essex Police contend is still the principal mind Badsha MIAH (outgoing Premises Licence Holder and current Designated Premises Supervisor) and the applicant (Jetu MIAH).

Essex Police objects to the transfer under the crime and disorder objective, which includes the prevention of illegal working.

Case law details that the Licensing Act 2003 is a 'prospective' looking piece of legislation whose intent is to prevent criminality from occurring when that is a likelihood.

The outgoing Premises Licence Holder facilitated a criminal offence taking place and as stated there are clear associations between the old and new Premises Licence Holder; and suggest the employment of illegal workers and failure to conduct right to work checks will continue. The sub-committee is entitled to exercise common sense and its own judgement based on the life experiences of its members.

On 20<sup>th</sup> November 2018 The Raj was subject of an intelligence led operation conducted by Immigration Enforcement and Compliance officers. On that occasion 5 illegal workers were discovered at the premises, one of whom had been detained at the same premises in 2014 for illegally working and who had subsequently absconded whilst an application for leave to remain was under consideration.

As in 2014, on the date of the latest enforcement operation the premises licence holder and designated premises supervisor was Badsha MIAH.

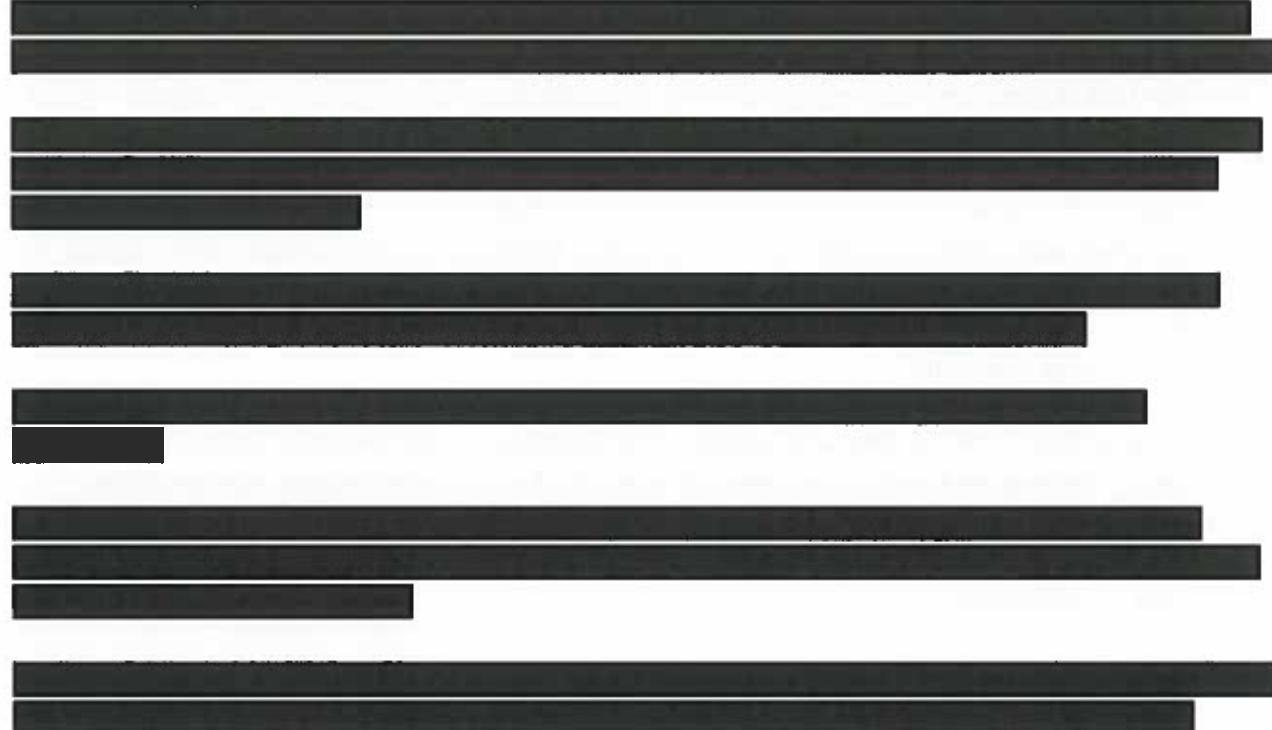
A mere 7 days after this operation a new company was registered at Companies House, The Raj CM14 Ltd having been received electronically for filing on the 26<sup>th</sup> November 2018. Essex Police contend that this is an attempt to create a 'phoenix company' to avoid the £100,000 Civil Penalty Fine that is likely to be levelled by Immigration Enforcement in consequence of the illegal workers being discovered. Purportedly the sole director, majority shareholder and only person with significant control of this company is Jetu MIAH, though the total shareholding amounts to only £100. The registered address of the company is a forwarding office used by several companies.

However, another company is also connected to this address having been created in only October this year – this company (The Raj Brentwood Limited) is still active according to Companies House with an address of 21 Kings Road, Brentwood, CM14 4DJ. The sole director, majority shareholder and only person with significant control is Badsha MIAH (the pre-existing premises licence holder). This company, unlike the 'phoenix company' has shares to the value of £10,000.

Land Registry records show that 21 Kings Road is owned by 3 persons, Abrum MIAH and Soydum-Nessa BEGUM of West Sussex and Monwara BEGUM of Brentwood. The same records also show a leasehold charge on the property belonging to Badsha MIAH and Kalam ULLAH. This has not been discharged.

Badsha MIAH as well as being the pre-existing premises licence holder and designated premises supervisor is the leaseholder with considerable monies invested in The Raj Brentwood Limited, a company he set up only in October 2018.

The following police intelligence is redacted for the purposes of this publicly available document but will be made available to applicant and the licensing sub-committee and its members in good time for the hearing.



The applicant is, in the police's view, a nominal to hold the licence whilst the MIAH family continues to operate the restaurant in the same manner it has done for years, a manner that ignores the Immigration Act and whose management continue to knowingly employ illegal workers.

The pre-existing licence holder and applicant are closely involved is further evidenced by the e-mail address the applicant has provided during the application process. He continues to use the e-mail address associated with the pre-existing licence holder; badsha8989@gmail.com

It is inconceivable that within 6 days of an immigration operation that has yet again detected illegal workers this business has been legitimately transferred to another person. Even if this was conceivable it is clear that the applicant and pre-existing licence holder are closely related and taking a common sense view that this is nothing but a transfer in name only – with the leaseholder still being Badsha MIAH, an individual who has employed illegal workers.

Please advise me of when the Licensing Panel will be meeting to hear this so I can be in attendance.

Yours sincerely,



Mr Peter Jones MIOL, MBII  
Essex Police Licensing Officer  
Epping Forest | Brentwood | Harlow



THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

## **APPENDIX 4**

### **RESPONSE TO** **POLICE REPRESENTATION**

*Badsha Miah*

17 JANUARY 2019





Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex CM15 8AY

27<sup>th</sup> December 2018

**Witness Statement of Mr Badsha Miah**

Evidence referred to in this Statement:

Exhibit 'A': Sole Trader Accounts

Exhibit 'B': Certificate of Incorporation – The Raj Brentwood Limited

Exhibit 'C': Statement of Capital – The Raj Brentwood Limited

Exhibit 'D': Letter dated 17<sup>th</sup> December 2018 – Essex Police

I, Badsha Miah of 174 Warley Hill, Brentwood CM14 5HF make this statement in good faith and to the best of my knowledge.

**The Raj Restaurant**

1. I have owned and managed the Restaurant for the last several years.
2. The Restaurant operates under my name as a sole trader (refer to Exhibit 'A').
3. Prior to the Immigration raid, In October 2018 I decided to set-up a limited company (refer to Exhibit 'B') in which the Restaurant would be run and managed. The reason for doing this was because I had already decided I wanted to sell the business and was advised that it would be best to have the business running as a limited company to get a reasonable goodwill premium from the sale. This Company has never traded, a bank account was never opened, no investment has ever been made to the company, it remains dormant and will now be struck-off as I will have to sell the business in its present form.
4. On 20<sup>th</sup> November 2018 the Restaurant was raided by immigration officials. At the time of writing this statement, I have not yet received a determination or civil penalty notice from the Home Office.
5. I will accept any forthcoming civil penalty liability from the Home Office and will look to paying whatever I can in my capacity given that I am personally liable.

6. It has been provisionally agreed to sell the business to Mr Jetu Miah and instructions have been given to solicitors for the Lease to be assigned.
7. The sale of the business is subject to the Licence being transferred to Mr Miah otherwise there will be no operating business to sell.
8. If the sale of the business does not take place it will be difficult to pay any future fines, and will likely end up making me insolvent. The assets of the business consisting of kitchen equipment as well as other miscellaneous and non-tangible items are not worth anything more than a few thousand pounds.

Whilst I fully understand that the Police have a responsibility for the prevention of crime, there is no real chance of the same offences re-occurring at the business premises.

My reason for saying this is quite simply what has happened to me is clearly an example to any other business owner and in particular, Jetu Miah, of the consequences of non-compliance with immigration law. Furthermore, there have been no other form of criminal acts taking place at the premises in the past, therefore, the Police and the Committee should be assured that there is no real risk of criminal offences occurring at the business premises in the future.

While the Police have made clear their view that the Licence should not be transferred, they have not explained how and why there is a risk of criminality being committed on the business premises in the future under new ownership and management. The notion they appear to be taking appears to be similar to a nightclub or public house with a history of drugs and violence, therefore, is 'branded' with notoriety and risks attracting further acts of crime regardless of new ownership/management. This is clearly not the case with the Restaurant. I fully agree with Mr Jones where he states in Exhibit 'D' that "...the Licensing Act 2003 is a 'prospective' looking piece of legislation whose intent is to prevent criminality from occurring when that is a likelihood." It is on this very principle that I make the point that there is no real prospect of criminality and such analysis as given in the Letter is purely subjective and fails to explain how there is a risk of criminality taking place on the business premises in the future.

Furthermore, in Exhibit 'D' it is stated by Mr Jones that the Company, The Raj CM14 Ltd "...is an attempt to create a 'phoenix company' company to avoid the £100,000 Civil Penalty Fine...". As stated above I have been operating the Restaurant as a sole trader that makes me personally liable for any liability imposed on the business. Therefore, this notion that the newly formed Company is such an attempt to avoid the fine is completely irrelevant. Please refer to exhibit 'A' which are my filed sole trader accounts and tax returns for the last 3 years.

As regards to the Company, The Raj Brentwood Limited, as indicated in Exhibit 'B', it was registered in October before the raid took place. As I have stated above, I did have intentions to sell the business as a limited company. That was until the raid took place and the fine being imposed. Therefore, this company which has never traded and does not have any assets in its name has no monetary value. As regards to the share capital of £10,000 for this Company, you will see in Exhibit 'C' that the 'Total aggregate unpaid' is £10,000. This is because only incorporated and was never capitalized.

Where Mr Jones states in Exhibit 'D' that the "...application purports to be a new start with an applicant unconnected with how the premises has been run in recent years...", I would like to point out that firstly, I have never made any claim or revelation that Mr Miah is 'unconnected', secondly, the name 'Miah' happens to be the most common name in the Bangladeshi Community and thirdly, Jetu Miah does not have and never has had any financial or legal interest to me personally or the Restaurant business. The comments where Mr Jones states "...There are clear associations what Essex Police contend is still the principle mind Badsha Miah and the applicant (Jetu Miah)" is an inaccurate statement. Apart from the obvious fact that I am still the main controller of the business until it is transferred, the inference that both I and Jetu Miah will be working in some kind of partnership is based on nothing but presumption.

Furthermore, Mr Jones is presuming there is a relationship between myself and Jetu Miah where he states that "The pre-existing licence holder and applicant are closely involved is further evidenced by the e-mail address the applicant has provided during the application process." The reason my email address is probably showing is because *the application is in my name for the licence to be transferred*. In other words, I am required to give consent for the licence to be transferred and my email address was probably required. For the Police to hinge on this as a way of trying to forge a relationship between myself and Jetu Miah is beyond my comprehension.

For the reasons set out above, I am asking the Committee to maintain the Licence so that it can be transferred to Mr Jetu Miah.

The facts stated here are true to my knowledge.

**Badsha Miah**

27<sup>th</sup> December 2018



THE RAJ, 21 KINGS ROAD, BRENTWOOD CM14 4DJ

# APPENDIX 5

## RESPONSE TO POLICE REPRESENTATION

*Matthew Stickels on behalf of Jetu Miah*

17 JANUARY 2019



BRENTWOOD B.C.

28 DEC 2018

Received

Dear Sirs,

24 December 2018

**Reference:** Application for review of premises licence (The Raj CM14 Ltd, 21 Kings Road, Brentwood, Essex CM14 4DJ)

Mr Jetu Miah (Director)  
44 Masefield Court, Victoria Road, Brentwood, Essex CM14 5EF

I am writing to confirm that our firm was instructed by Mr Jetu Miah to set up a Private Limited Company, for the purposes of taking over an existing restaurant business, currently trading as The Raj, from the premises, 21 Kings Road, Brentwood, Essex CM14 4DJ.

On 27 November 2018, The Raj CM14 Ltd was incorporated, of which our client is the sole Director, Shareholder and Person of Significant Control.

The company's registered office is at, 53 Hanbury Street, London E1 5JP. This is our firms address; it is common practice in our industry to have the accountants address as the registered office address, and a different trading address for our client's companies. In fact, all our existing clients that trade under a Limited Company have their registered office at our firms address. This is chiefly to serve as a legal service address and to receive any official or statutory documentation in relation to the Company.

The necessary Anti-Money Laundering requirements have been successfully carried out for Mr Jetu Miah and the Company, The Raj CM14 Ltd, and our firm is now the HMRC registered agent for the same. The Company bank account has been opened and activated and formal registration with our firm is now complete. We are now in the process of setting up Payroll and VAT registration for the Company.

We have also assisted Mr Jetu Miah with the application to transfer the premises licence for, 21 Kings Road, Brentwood, Essex CM14 4DJ. We have provided our firms address as the correspondence address in the application. Mr Jetu Miah has also successfully attended a Personal Liquor Licence Training Course, for which he has received certification and has also made the application for a personal liquor licence. Attached is a copy of the certificate for your perusal, along with our firms Standard Terms of Business & Service Agreement for our clients.

From the due diligence conducted by our firm for Mr Jetu Miah and The Raj CM14 Ltd, we are satisfied that the Company has been properly set up for the purpose of taking over the restaurant business known as The Raj, trading from the premises, 21 Kings Road, Brentwood, Essex CM14 4DJ. We have no reason to believe that this company was set up for any other reason, or that there are any other interested parties associated with this company.

Should you have any queries, please feel free to contact me.

Yours sincerely,



Matthew Stickels



## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Licensing Sub-Committees**

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

### **Licensing Act 2003 and Gambling Act 2005**

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

### **Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:**

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

### **Scrap Metal Dealing**

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

### **Street Collections and House to House Collections**

- (a) Appeals against refusal to grant or renew a license.

**Licensing of sex establishments**

- (a) Determination of all applications, revocations and appeals.

**Street Trading**

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

**Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis**

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

**Animal Welfare and Security, except for the following:**

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

**Exercise of Powers under Caravan Sites and Control of Development Act 1960,  
except for:**

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

**Mobile Homes**

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.