

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

# **APPENDIX 1**

## **APPLICATION FORM**

*Application to Transfer the Premises Licence & Consent Form*



# 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 Masfield 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)**

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## 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)

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](mailto: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 code CM14 4DJ

Post town Brentwood

Telephone number 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



•THERE ARE NO OFFICIAL OBSERVATIONS•



UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND



P GBR

MIAN

**JETU**

BRITISH CITIZEN

03 JAN / JAN 85

M SYLHET

13 DEC/DEC 16

13 DEC / DEC 26

Transport McPherson Inc.  
**Intermodal**

HMPD

[illegible]

\*\*\*\*\*04



**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

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#### **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**

**Post town**    **Brentwood**

**Post code**    **CM14 4DJ**

**Telephone number**    **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)**

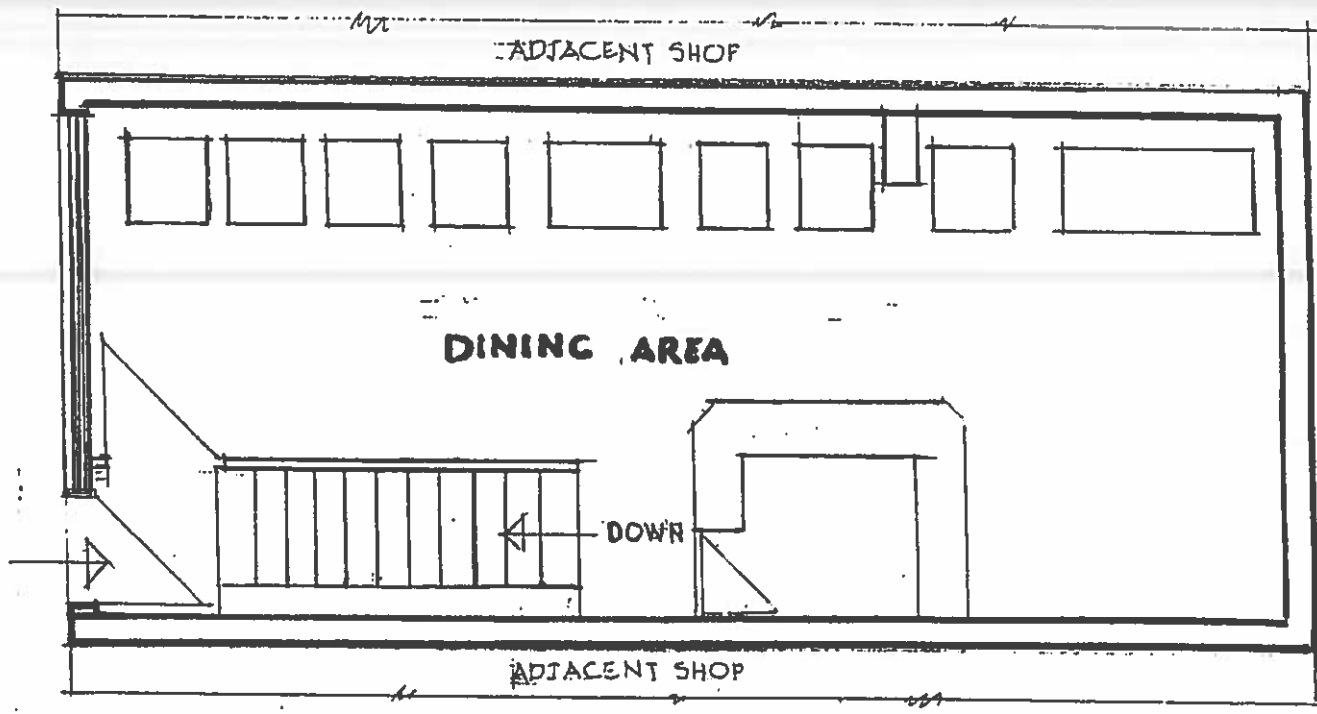
**Not applicable**

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

**Badsha Miah**

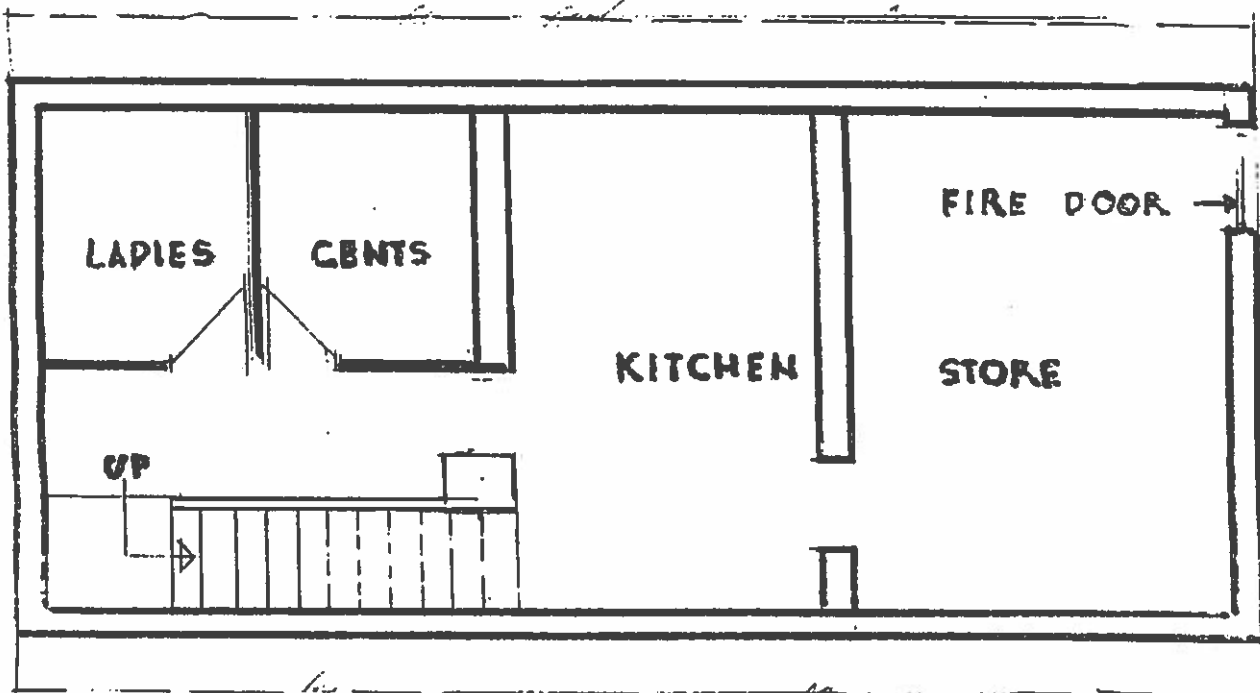
**State whether access to the premises by children is restricted or prohibited**

**Not restricted or prohibited**



**GROUND FLOOR PLAN**

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



**BASEMENT**

**THE RAJ RESTAURANT**

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

<b>Client:</b> MR MIAH 174 WARLEY HILL BRENTWOOD	<b>Title</b> GROUND + BASEMENT PLANS THE RAJ RESTAURANT 21 KINGS ROAD BRENTWOOD SX	<b>Scale</b> 1:100	<b>Dwn. By</b> John Alfous MBeng (M145) <b>Date</b> 22 JULY 2005	<b>Dwng. No.</b> 5717
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*FID1898*



THE RAJ

01277 210003

01277 210003









01277 210003

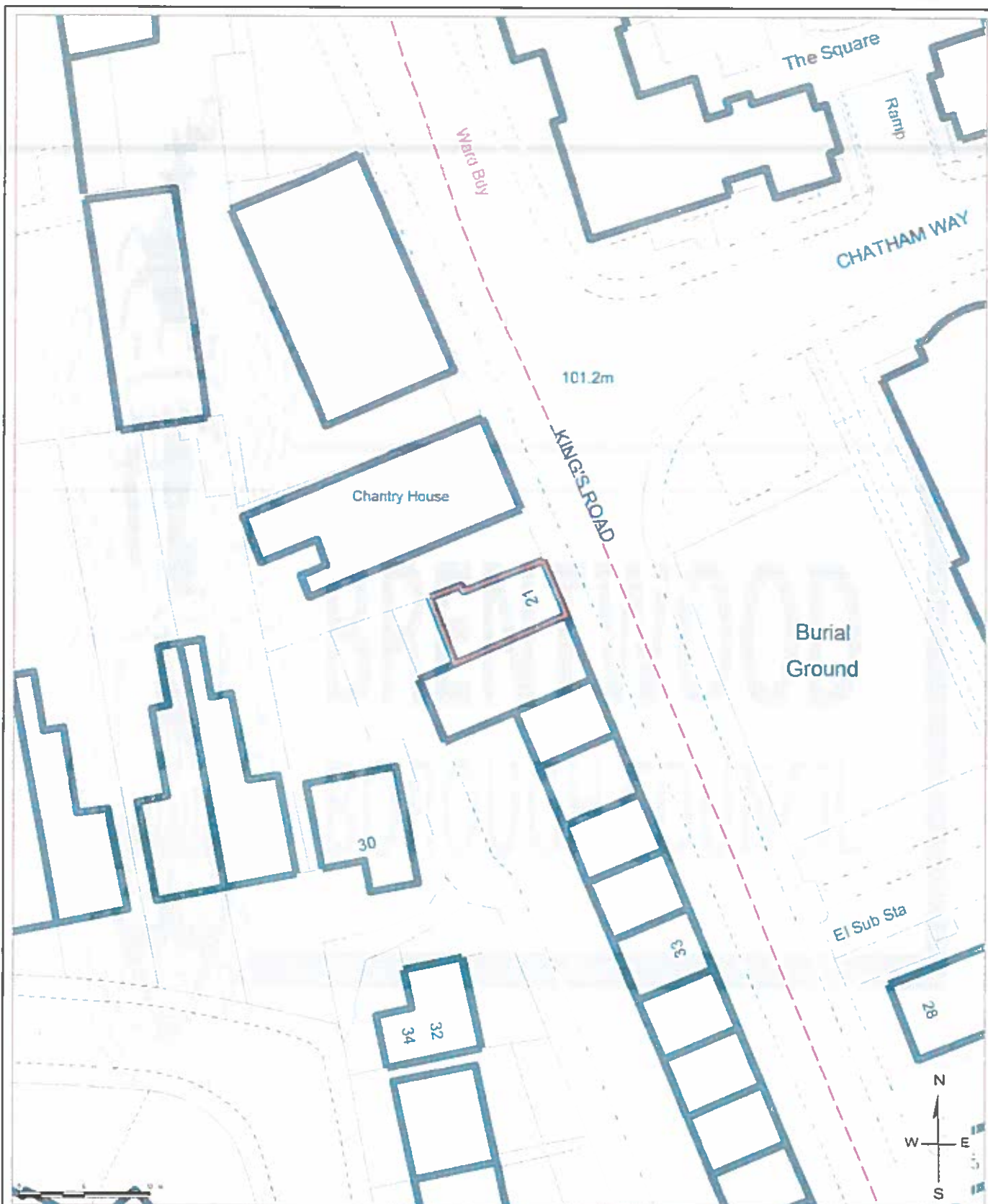
THE RAD

01277 210003

01277 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

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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

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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 Soydam-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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]  
[REDACTED]

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

