

# Public Document Pack

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**Date:** Wednesday, 18 October 2023

Dear Sir or Madam

**The Licensing Sub-Committee – Thursday, 26 October 2023, 10.00 am – Kenn Room**

A meeting of the Licensing Sub-Committee will take place as indicated above.

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

To: Members of the Licensing Sub-Committee

Councillors:

Peter Burden, Mike Solomon and Dan Thomas.

**This document and associated papers can be made available in a different format on request.**

## Agenda

1. **Election of Chairperson for the meeting**
2. **Apologies for absence and notification of substitutes**
3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the Chamber in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. **Adoption of hearing procedure** (Pages 5 - 6)
5. **Report for Premises Licence Application** (Pages 7 - 86)

Report of the Director of Public Health and Regulatory Services

6. **Urgent business permitted by the Local Government Act 1972**

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting". If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

### Exempt Items

Should the Licensing Sub-Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Also, if appropriate, the following resolution should be passed –

"(2) That members of the Council who are not members of the Licensing Sub-

Committee be invited to remain.”

### **Mobile phones and other mobile devices**

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

### **Filming and recording of meetings**

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Assistant Director Legal & Governance and Monitoring Officer’s representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

### **Emergency Evacuation Procedure**

#### **On hearing the alarm – (a continuous two tone siren)**

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

**Do not** stop to collect personal belongings.

**Do not** use the lifts.

**Follow** the green and white exit signs and make your way to the assembly point.

**Do not** re-enter the building until authorised to do so by the Fire Authority.

**Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co**

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# Agenda Item 4

## North Somerset Council

### Licensing Sub-Committee

#### **Procedure to be followed for meetings of the Licensing Sub-Committee when considering Licensing Act 2003 applications**

The Chairperson introduces the Members of the Sub-Committee and officers present, and explains the procedure to be followed:

1 The Chairperson invites the Licensing Officer to outline the proposal. All parties may then ask questions for clarification only

2 The Chairperson then invites persons who have made relevant representations to clarify the representations. All parties may then ask questions of those making representations or make comment, which will be at the discretion of the Chairperson

3 The Chairperson invites the applicant/applicant's representative to clarify the application and to address the representations made. All parties may then ask questions of the applicant or make comment at the discretion of the Chairperson.

4 The parties are then invited to sum up

5 The Sub-Committee then withdraws to consider the submissions and to make its deliberations

6 On returning to the meeting with all parties present, the Chairperson/Legal Adviser to the Sub-Committee will announce the decision

#### **Please note:-**

All persons who have written to the Licensing Authority in connection with any of the applications on the agenda will have been invited to attend the hearing.

The Chairperson appointed for the meeting shall have absolute control of the Hearing and the ruling of the Chairperson shall be final.

The Legal Advisor to the Sub-Committee can assist the Chairperson during the Hearing and may interrupt proceedings when it is considered necessary to ensure that the Sub-Committee is able to determine the application fairly.

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## North Somerset Council

### Report to the licensing sub committee

**Date of meeting: Thursday 26 October 2023**

**Subject of report: application for the grant of a premises licence at Posh Spice, 86 High Street, Nailsea, BS48 1AS**

**Town or parish: Nailsea**

**Officer/member presenting: Director of Public Health**

**Key decision: No**

### Recommendations

That the sub committee determines the application for the grant of the premises licence.

#### 1. Summary of report

- 1.1 An application has been received for the grant of a premises licence for Posh Spice, 86 High Street, Nailsea. The premises had a licence in place previously that was revoked by licensing sub-committee on 17 April 2023.

Consultations have been carried out and representations have been received from both Avon and Somerset Constabulary and Nailsea Town Council. They believe that due to the history of the premises the applicant will not adequately promote the Licensing Objectives.

#### 2. Policy

- 2.1 The Council's statement of Licensing Policy applies to this application.
- 2.2 The Licensing Act 2003 requires licensing authorities to carry out their functions with a view to promoting the following four licensing objectives:
- a) The Prevention of Crime and Disorder.
  - b) Public Safety.
  - c) The Prevention of Public Nuisance, and
  - d) The Protection of Children from Harm.
- 2.3 The Licensing Authority should have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003, and the provisions of the Licensing Act itself.

### 3. Details

- 3.1 A premises licence for Posh Spice, 86 High Street, Nailsea was in force from 19 August 2005 until it was revoked following a review of the licence on 17 April 2023.
- 3.2 An application for the grant of a new premises licence under the Licensing Act 2003 was received on 20 August 2023 from Mr Ashequl Bari Numan. A copy of the application that has been made is shown at **Appendix A**.
- 3.3 A representation was received from Avon & Somerset Police outlining the links between the applicant and previous licence holder which gives them cause for concern.
- 3.3 The premises is a two-storey building with the licenced premises being located solely on the ground floor. The application is for licensable activities including late night refreshment and the sale of alcohol.
- 3.4 There are residential and commercial properties in the proximity of the licensed premises.
- 3.5 A copy of a location plan of the premises is shown at **Appendix B**.
- 3.6 The licensable activities and opening times of the premises to members of the public being sought are as follows:

Licensable Activity	Hours Sought	Non –standard timings
Supply of alcohol	Sunday – Thursday 11:00 hrs – 23:00 hrs  Friday and Saturday 11:00 hrs – 00:00 hrs	None
Late Night Refreshment	Friday and Saturday 23:00 hrs – 00:00 hrs	None
Opening Hours	Sunday – Thursday 11:00 hrs – 23:00 hrs  Friday and Saturday 11:00 hrs – 00:00 hrs	None

### 4. Consultation

- 4.1 In accordance with the requirements of the Act the applicant has:
- (a) Served copies of the application to the Responsible Authorities.
  - (b) Advertised the submission of the application in a local newspaper.
  - (c) Placed a notice at the property detailing the application made.
- 4.2 The notices advertising the application were not displayed in accordance with the Licensing Act 2003, therefore the 28 day consultation period was restarted and the last date for representations was extended accordingly.



- 4.3 In relation to the four licensing objectives set out in the Licensing Act 2003, the following matters have been raised:

<b>Licensing Objective</b>	<b>Responsible Authority</b>	<b>Interested Party</b>
The Prevention of Crime and Disorder	The Police have made representations.	Nailsea Town Council have made representations.
Public Safety	Avon Fire and Rescue Service/Environmental Health have not made any representations.	No representations have been received.
Public Nuisance	The Environmental Protection team have not made any representations.	No representations have been received.
The Protection of Children from Harm	The Police have made representations.	No representations have been received.

- 4.4 A copy of the representations which have been received are shown at **Appendix C**.

## **5. Financial implications**

**Costs** - None.

**Funding** - None.

## **6. Legal powers and implications**

- 6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships, and the Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.
- 6.2 In undertaking this licensing function, the Licensing Authority has regard to the following legislation:
- Licensing Act 2003
  - Gambling Act 2005
  - Health Act 2006
  - The Smoke-free (Premises and Enforcement) Regulations
  - The Equality Act 2010
  - The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- 6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies, and guidance in its decision-making.

## **7. Climate change and environmental implications**

There are no climate change or environmental implications noted in this report.

## **8. Risk management**

- 8.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

## **9. Equality implications**

None

## **10. Corporate implications**

- 10.1 If the application is refused or amended the applicant may appeal within 21 days of the notification of the Committee's decision to the Magistrate's Court. If the application is granted, a person making a relevant representation may also appeal within 21 days of the notification to the Magistrates' Court.

## **11. Options considered**

The Committee may after hearing the application:

- a) Grant the application as applied for, or
- b) Grant the application with modifications to the dates or timing of licensable activities or conditions to be attached to the licence.
- c) Refuse the application.

For the purpose of sub section 11(b) above conditions are modified if any of them are altered or omitted or any new condition is added.

### **Author**

Caz Horton

Tel: 01934 426 800

### **Background papers**

Licensing Act 2003.

Guidance to the Licensing Act issued under section 182 of the 'Act'.

Statement of Licensing Policy for North Somerset Council.

**APPENDIX A** - Premises licence application.

**APPENDIX B** - Premises location plan.

**APPENDIX C** - Copy of representations and supporting documents.

# APPENDIX A



\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Ashequl Bari

\* Family name

Numan

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Section 2 of 21

PREMISES DETAILS

*Continued from previous page...*

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="Posh Spice"/>
Street	<input type="text" value="86 High Street"/>
District	<input type="text" value="Nailsea"/>
City or town	<input type="text" value="Bristol"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BS48 1AS"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="17,000"/>

### Section 3 of 21

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c 14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

#### Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 21

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes  No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="BRITISH"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK  
Right to work share code if not submitting scanned documents

## Section 5 of 21

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Indian Restaurant and Bar

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment



Continued from previous page...

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

None

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

## Section 18 of 21

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 31 days recording system
3. All staff to be trained in responsible alcohol retailing

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.
6. All staff employed at the premises will have UK right to work status checked, once passed that stage they shall be offered employment.
7. All on sales of alcohol must be made with a substantial eat in meal.
8. All off sales must be ancillary to a takeaway meal
9. No open vessels to be taken outside the curtilage of the premises at any time.

*Continued from previous page...*

10. Mr Golap Miah does not own the business anymore and does not have any business connection with the new owner Mr Ashequl Numan, lease documents can be provided to show that Mr Numan holds possession of the property and is the owner.

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. CCTV working at all times
4. At least 1 member of staff shall have a Level 2 Food Safety qualification.

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents, including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An refusal book shall be kept at the premises and updated as and when required, and made available for inspection on request to an Licensing Officer, Police or other responsible authority.
4. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

Continued from previous page...

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

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



Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

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

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

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

**Continued from previous page...**

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

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

**Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9 digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not for profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The cost

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

Continued from previous page...

\* Fee amount (£)

### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-somerset/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

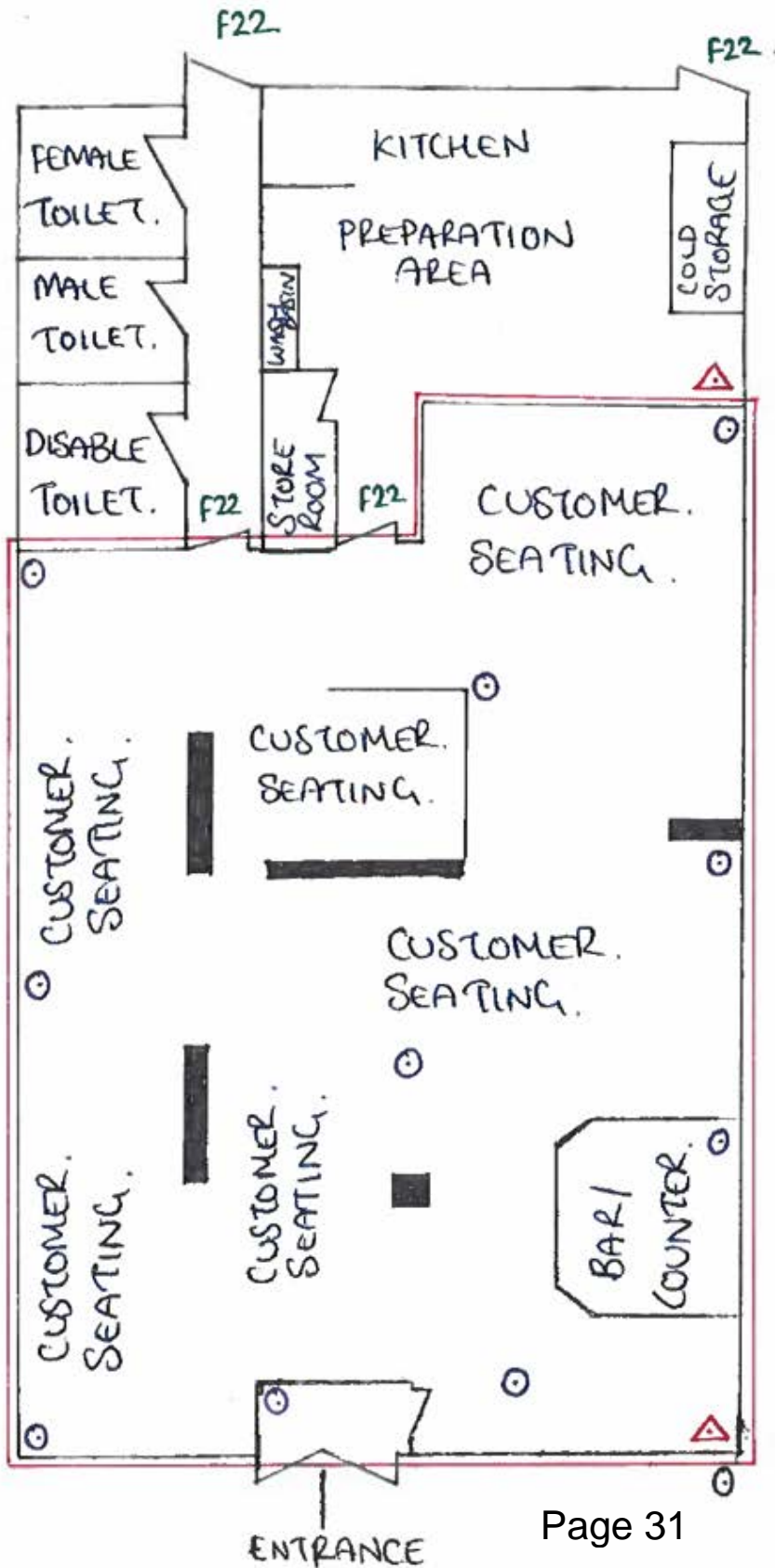
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >

# PROPOSED LICENSING FLOOR PLAN



PREMISES DETAILS:  
 POSH SPICE  
 86 HIGH STREET.  
 NAILSEA  
 BRISTOL  
 BS48 1AS

KEY:  
 LICENSABLE  
 ACTIVITI AREA  
 ○ CCTV  
 F22 FIRE EXIT SIGN  
 ▲ FIRE EXTINGUISHER.

SCALE: 1:100

**Consent of individual to being specified as premises supervisor**

I MR ASHEQUL BARI NUMAN  
*[full name of prospective premises supervisor]*

of



*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES APPLICATION  
*[type of application]*

by

MR ASHEQUL BARI NUMAN  
*[name of applicant]*

relating to a premises licence N/A  
*[number of existing licence, if any]*

for

POSH SPICE  
86 HIGH STREET.  
NAILSEA  
BRISTOL  
BS48 1AS

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



and any premises licence to be granted or varied in respect of this application made by

MR ASHEQUL BARI NUMAN

[name of applicant]

concerning the supply of alcohol at

POSH SPICE  
86 HIGH STREET.  
NAILSEA  
BRISTOL  
BS48 1AS.

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

NSC / 063074.

[insert personal licence number, if any]

Personal licence issuing authority

NORTH SOMERSET COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

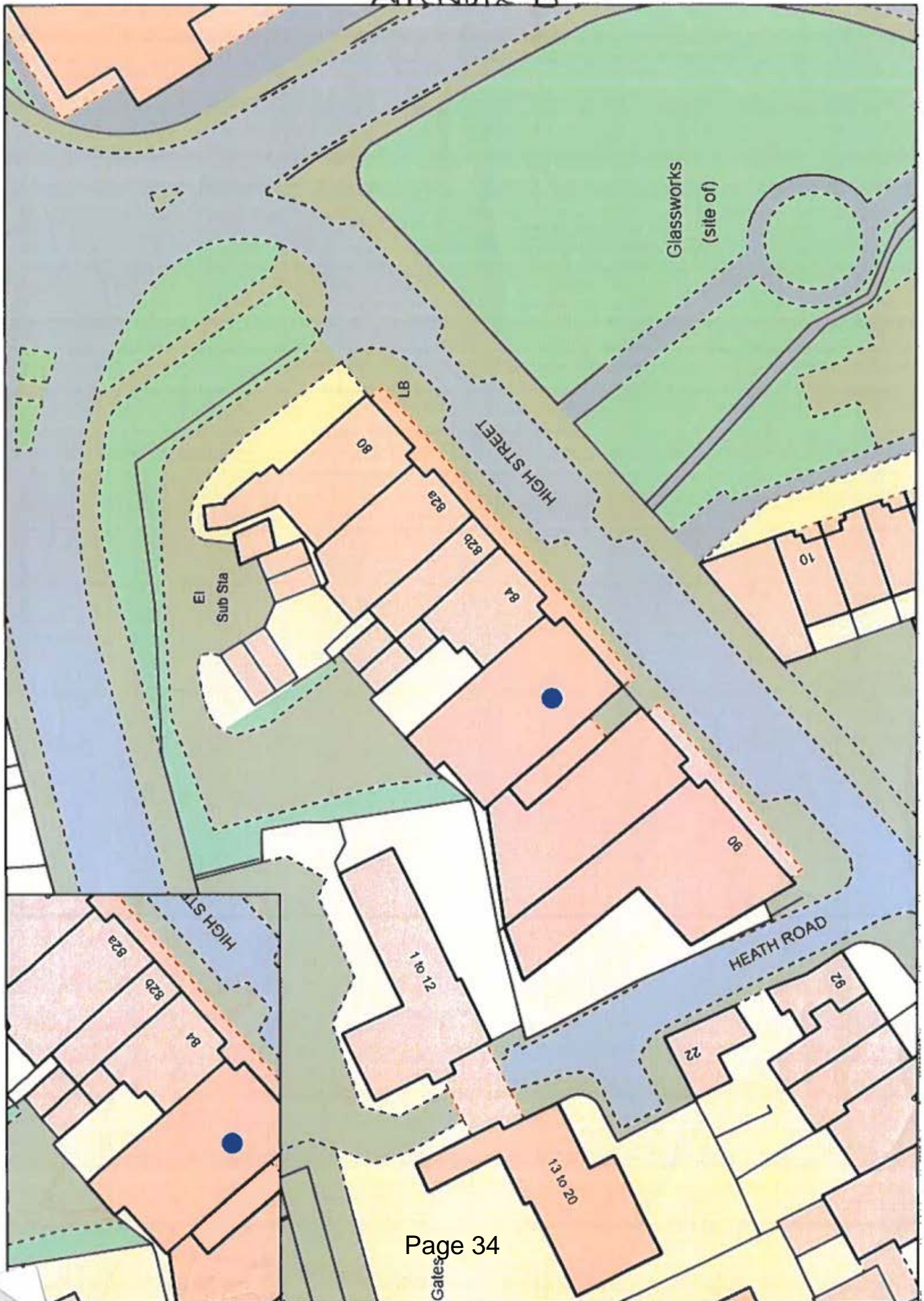


Name (please print)

ASHEQUL BARI NUMAN

Date

29/08/23.



# APPENDIX C

## Avon & Somerset Constabulary

### Representations Licensing Act 2003.



Your Name Save	Andrew John Manhire
Job Title	Police Liquor Licensing Officer
Postal and email address	North Somerset Police Centre Weston Gateway Business Park Filers Way Weston-super-Mare North Somerset BS24 7JP
Contact telephone number	07889656022

Name and address of the premises you are making representations about.	Posh Spice, 86 High Street, Nailsea, North Somerset, BS48 1AS.
--	--

Which of the four licensing Objectives does your representation relate to? Please state yes or no.		
The Prevention of harm to children	X	
To prevent Public Nuisance		
To prevent crime and disorder	X	
Public Safety		

Would this be suitable for resolution without a hearing if all parties agree?

No

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

The Avon and Somerset Constabulary as a responsible Authority oppose the application for a Premise License for Posh Spice - Indian Restaurant located in High Street, Nailsea as they believe the applicant will not promote the Crime and Disorder or Protection of Children from harm Licensing Objectives.

The premise itself was a Licensed Indian Restaurant for many years with a Mr Golap MIAH being the Premises Licence holder.

The Immigration Service made two enforcement visits to the premise on the 24<sup>th</sup> of June 2022 and 18<sup>th</sup> February 2023 and on both occasions illegal workers were discovered and a Civil Penalty was served on the then Premise License holder Mr Golap MIAH.

The Immigration Service then also called a review of the Premise License and following the hearing before this Licensing Committee on the 17<sup>th</sup> of April 2023 the Premise License was revoked.

A new application was then received from a Ashequl Bari NUMAN for a Premises License at this premise. In the application it states that Mr Numan is the new owner of the business and shall have 100% control over the business and make all the decisions.

Following receipt of this application Police Licensing Officer Andrew Manhire arranged a joint visit to the premise in company with Caz HORTON from North Somerset Council Licensing on Thursday 15<sup>th</sup> June to meet the applicant Mr Numan and the police were aware had been working at Posh Spice at the time of the last Immigration enforcement visit.

On arrival they were not only met by Mr Numan but his proposed Designated Premise Supervisor (DPS) Mohammed Iqbel MIAH who Mr Numan introduced as his uncle and business partner which clearly contradicts the statement on the application paperwork, indicating that he was going to be the sole owner.

A discussion took place about Mr Numan's previous involvement at the premise, and he indicated that he had worked there for about 12 months part time.

Mr Miah was asked if had any previous involvement with the business and whether he was related or had any previous connection with Mr

Golap MIAH which he denied. It was then pointed out to him that it appeared he was connected with Golap MIAH from court records which he continued to deny. It was only after it was pointed out to him that both were convicted of Immigration Offences at Bristol Crown Court on the 21<sup>st</sup> of February 2014 (See attached previous convictions printouts) that he stated that there were so many defendants involved in that case and that was the reason he gave the answer he did. (It was noted that despite both persons speaking good English when this was raised, they started communicating in a foreign language). They have also both been resident at the same home address of 2 Banks Close, Clevedon.

Following this meeting it was confirmed by Peter Hardman and Jane Day from North Somerset Council Food Safety Team who have been dealing with the Miah family for many years revealed that Galop Miah and Mohammed Miah far from not knowing each other are actually brothers.

(See attached statement from Peter Hardman and statement 1 and 2 from Jane Day).

Mr Numan was asked when he took over the business and indicated it was roughly the end of May but when pushed was unable or unwilling to give an exact date. He was asked to provide any bank statements etc to show his purchase of the business but stated that no money was involved. He was then asked to provide a copy of the insurance certificate for the business, a copy of the lease and any other legal paperwork to evidence that he was the legal owner of the business as claimed but stated that he had this, but it was not at the business premise at present but would forward these documents to me.

He later provided an insurance certificate for the business which was valid from the day after the meeting held with the Police and Council Licensing Officers and a Lease in his name.

This matter went before a Licensing Committee hearing on the 20<sup>th</sup> of July 2023, but Mr Numan's solicitor withdrew the application at this hearing.

At the end of August 2023, a further Premises License application was received for the premises. This application was largely a copy of the withdrawn application with the exception that the nominated (DPS) had been changed from Mohammed Iqbal MIAH to Ashequl Bari NUMAN.

At just before 6pm on Wednesday 20<sup>th</sup> September 2023 a warrant was carried out on the premise under Immigration legislation by the Immigration service who were accompanied by staff from North Somerset Council Licensing and Food Teams along with Police Licensing Officer Andrew Manhire.

Initially persons attempted to run from the premise via the rear doors but were detained. The premise was due to open at 6pm and there were no customers present, among the persons on the premise at the time were the Premise License applicant Ashequl Bari NUMAN and Mohammed Iqbal MIAH. Checks of the other persons present revealed two persons in breach of Immigration Law who were subsequently arrested.

A closure order was therefore placed on the premises and the following morning the Immigration Service were successful in obtaining a Compliance Order at North Somerset Magistrates Court which allows them to make a visit every month for the next 6 months with a power of entry attached to the order.

Despite being told by Police and Council Licensing Officers at their meeting at the premise on the 15<sup>th</sup> June 2023 that with no Premises licence in place they needed to remove or at least cover all alcohol from view Andrew Manhire and Caz Horton saw there were many bottles of white and rose wine including two part bottles clearly in view in a refrigerator next to the bar along with a bottle of champagne and bottles of Tiger beer. In addition, on the lower shelf at the back of the bar there were many bottles of red wine clearly visible. Further checking of the premise revealed a bucket full of approximately 10 partially full bottles of various spirits still with the optic's attached located in the disabled toilet meaning that any customers including children would have unsupervised access. Mr NUMAN was again advised that all alcohol had to be removed or at least covered from sight.

The food team Inspectors wanted to check the flats above as it was indicated that it was used as a rest area by staff, so they were asked for the keys to access the separate door to this area located at the front to the right of the premise and were informed that the keys were behind the bar. A bunch of keys were then located behind the bar which gave access to the flats which Mr Numan claims was being used as a rest area for staff. This bunch of keys also included a Mercedes car key for a black BMW parked directly outside and it transpired that this bunch of keys belonged to Mohammed Iqbal MIAH, which clearly infers he still has considerable control over the business.

It is worthy of note that the company listed as the food provider at this premises is Maneera and Co Nailsea Ltd and company house records show two directors Ashequl Bari NUMAN and Mohammed Iqbal MIAH. (See statement 3 from Jane DAY).

An appointment was made to see Mr NUMAN at the premises at 1pm on Wednesday 27<sup>th</sup> September 2023 to discuss this application and he was informed by Police Liquor Licensing Officer Andrew Manhire that at this meeting he would like to see all the documentary evidence he had to show that he owned the business.

Due to a family issue Mr NUMAN was unable to make the appointment so Andrew Manhire sent him and his agent email correspondence requesting various documents to assist in proving ownership of the business (See attached copy) and knowing that the Immigration Service were due to visit the premise later that day at just before 6pm he attended the premise in company with Caz HORTON where they saw Mr NUMAN. Despite having a week's notice to gather documents together he was unable or unwilling to provide a single document as requested.

When Mr Numan was questioned about the lease, he stated that he was sub-letting from Golap MIAH but paying the money for the lease direct to the premise owner. He was then asked to show his Bank

account which the money came out of and initially got his mobile in order to do this but then stated he didn't have the card, so could not access his account.

He was then asked about payment to Mr Golap MIAH for the fixture and fittings along with the goodwill built up by such an established business which is normal business practice but again claimed that no payment took place and that Mr Golap MIAH just wanted out and had gifted him the business as he was no longer in the Country. He accepted that the equipment in a professional kitchen, along with all the chairs, tables, individually Posh Spice crested tableware etc would cost 10's of thousands of pounds.

In conclusion the Police strongly believe that the Premises Licence holder Mr Golap MIAH still owns the business, and that Mr NUMAN is merely a front man put forward purely for the purpose of obtaining a Premises Licence.

This Licensing Committee made the decision to revoke the previous Premise License after which a further warrant was carried out at the premises on the 20th of September 2023 - when yet again the premises was found to have persons working in breach of Immigration Law.

This is when Mr NUMAN claimed to be the owner and running the business and the Police feel that they have no option but to ask this Committee to reject this application for the reasons highlighted.

N.B If you do make a representation, you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: A J Manhire

Date: 29/09/23

**This form must be returned within the Statutory Period. (With supporting evidence).**



# Statement of witness

(Criminal Procedure Rules, r 16.2, Criminal Justice Act 1967,s.9)

Statement of: Peter Terence HARDMAN

Age of Witness (if over 18 enter 'over 18'): over 18

This statement (consisting of SIX pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I am Peter Terence Hardman. I am an Environmental Health Officer and Principal  
 2 Environmental Health Inspector in the Food, Health Commercial Safety Team, Public  
 3 Health & Regulatory Services, of North Somerset Council. I am duly authorised to  
 4 carry out food hygiene audits and enforcement in accordance with the Food Safety  
 5 Act and Retained Regulation EC No.852/2004.

6 On April 20<sup>th</sup> 2023 I took part in a multi-agency visit to Yatton Tandoori, 65 High  
 7 Street, Yatton BS49 4EQ with Immigration and Licencing Officers. The purpose of  
 8 the visit was for the Immigration Officers to investigate intelligence received that  
 9 employees at the premises did not have the correct rights to work.

10 During the visit I undertook a full food hygiene inspection of the premises whilst  
 11 wearing body-worn camera. I concluded the visual inspection of the premises and  
 12 discussed my findings with Team Leader Jane Day. During the discussion I was  
 13 showing Mrs Day the Food Hygiene training certificates for Mr Shaju Miah when she  
 14 said "That's his brother. Golap's brother".

15 I stopped video recording at 20:20 and waited for the Immigration officers to  
 16 conclude their work. Whilst waiting, I spoke to a man who appeared to be in control  
 17 of the employees and asked his name and whether he was the manager. He

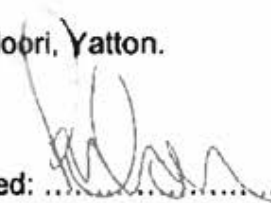
Signature 



18 responded to inform me that his name was Mohamed Miah but he was not the  
19 manager and that he was only looking after the business that evening because he  
20 usually worked at Posh Spice. I asked if he knew where Mr Shaju Miah was or when  
21 he would return to the premises and was told that he did not know where Mr Miah  
22 was or when he would return.

23 I noted the common surname of Miah and asked Mr Mohamed Miah if he was  
24 related to Mr Shaju Miah. He confirmed that Mr Shaju Miah was his father but he  
25 usually worked at Posh Spice with his uncle Mr Golap Miah.

26 I did not feel any need to challenge the information or request proof of identity  
27 because the verbal statement confirmed the information that Mr Shaju Miah, Mr  
28 Golap Miah and Mr Iqbal Miah are brothers, which has been reiterated for many  
29 years when visiting Posh Spice, Nailsea, Britannia Spice, Backwell, or Yatton  
30 Tandoori, Yatton.

31  
32 Signed:  ..... (witness)

33 Date:  .....  
34

# Witness Statement

Criminal Justices Act 1967, section 9  
Magistrates Court Act 1980, sections 5A (3)(a) and 5B  
Criminal Procedure Rules, Rule 16(2)

Statement of Jane Day

Age of Witness (if over 18 enter 'over 18') Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I, Jane Catherine Day, hold the post of Food and Commercial Safety Service Leader  
2 and am an authorised inspector of food safety and health and safety in the food and  
3 commercial safety team in the Regulatory Services division of the Public Health and  
4 Regulatory Services Directorate at North Somerset Council. I have held the post as a  
5 qualified food inspector and inspector of health and safety for over 30 years. I hold a  
6 NEBOSH qualification and am also registered with the Environmental Health Officers  
7 Registration Board and am a voting member of the Chartered Institute of  
8 Environmental Health. Prior to becoming the team manager I was a full time  
9 inspecting officer for over 26 years spending all of my career at North Somerset  
10 Council. I therefore have great knowledge of food businesses in North Somerset and  
11 of their ownership. Posh Spice in Nailsea is particularly rememberable to me as  
12 there is a long history of non-compliance, both in terms of food safety and in relation  
13 to immigration offences. Over the years I have dealt with Posh Spice, Nailsea,

P06


.....

Signature .....



14 Yatton Tandoori, Yatton and Britannia Spice, Backwell. I am aware that the  
15 businesses are owned by three brothers known to me as Golap Miah, Iqbal Miah and  
16 Shaju Miah. Over the years the brothers have each made an appearance at each of  
17 the restaurants, regardless of who its registered to, as they step in if their sibling is  
18 not available. This has been common practice over the last 15 or so years. I have  
19 met all three brothers on many occasions. In 2013 I was approached by PC Gemma  
20 Kirby in relation to offences around 'arranged marriages' and I supplied a section 9  
21 statement for the ensuing successful prosecution. In this statement I clearly state my  
22 knowledge that the three gentlemen are brothers. I exhibit this statement at JCD1. I  
23 also exhibit an email from PC Gemma Kirby following the prosecution hearing. The  
24 email is entitled 'the Miah brothers' and gives a summary of the sentences they  
25 received. This clearly infers that Golap Miah, Iqbal Miah and Shaju Miah are  
26 brothers. I exhibit this email as JCD 2. On 31 October 2016 one of my colleagues  
27 who has now left the authority conducted a food hygiene inspection at Posh Spice in  
28 Nailsea. On his inspection notes he states that he interviewed Mr Iqbal Miah (despite  
29 his brother, Golap Miah, being at that time the registered owner) and states that  
30 Golap Miah was the chef along with the other brother Shaju Miah. This illustrates my  
31 point above that the brothers often interchanged with each other and all oversaw the  
32 running of the businesses collectively despite the registered ownership. I exhibit the  
33 inspection report as JCD 3. On 7 March 2019 my colleague Ray Fox undertook  
34 another food hygiene inspection at Posh Spice in Nailsea and despite Mr Golap Miah  
35 being the registered owner he dealt with Mr Shaju Miah. This further illustrates my  
36 point above. I exhibit this inspection report as JCD 4. I am aware that Mr Iqbal Miah

P06  
.....

Signature ..... 

37 has applied to become the DPS on the new licence application for liquor sales and  
38 my colleague Caz Horton showed me the photographic evidence which  
39 accompanies this application and I confirm that the likeness is that of the Mr Iqbal  
40 Miah (brother of Shaju and Golap) that I have met on many occasions.

41  
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43  
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45  
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48  
49



50 Signed: (witness)

51 Date: 6 July 2023

52

53 *(To be completed if applicable: ..... being unable to read*  
54 *the above statement I, .....of North Somerset Council, read it*  
55 *to him/her before he/she signed it.*

56 Signed: ..... Date: ..... )



**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN | | | | |

Statement of Jane DAY

Age if under 18 Over 18 (if over insert 'over 18') Occupation Principal Officer of Public Health

This statement (consisting of 6 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature

Date 09/12/13

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and can be contacted at the address overleaf.

I am employed by North Somerset Council as a Principal Officer of Public Health. I have been involved in this sector since 1991 and have always worked within North Somerset Authority.

My role is to ensure compliance with Food Safety and Health and Safety legislation; namely the Food Safety Act 1990 and Health and Safety at Work etc Act 1974 and regulations made there under. This involves proactive inspections of premises and reactive investigations of complaints. We also play an important role in investigating and preventing the spread of infectious diseases in the community. As a team we offer a Chartered Institute of Environmental Health level 2 course in food hygiene and advise that within three months of starting work the person who handles open high risk food is suitably trained and/or supervised in food hygiene matters.

All food businesses must be registered with North Somerset Council 28 days before they start trading. To do this, the Food Business Operator must submit a form entitled "Registration of a Food Business Establishment." The Food Business Operator is the individual or company who has control of the day to day management of the business. If we were to serve notice or prosecute a business for failing to comply with the legislation we enforce, the Food Business Operator is the person liable for this. If the operator is a Limited Company then it is the

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

Continuation of Statement of Jane DAY

Company Secretary who is liable. If the ownership or management of the business changes hands then a new form must be completed to inform us of this.

Regulation 14 of The Food Hygiene (England) Regulations 2006 provides a right of entry to premises in order to carry out compliance inspections. It is an offence to obstruct an officer working within this power. The frequency with which we make unannounced inspections of business premises is very much dependent on how they performed at the previous inspection and if any actions for improvement were set. We take a staged approach to enforcement, with the aim of assisting businesses to comply with the legislation by giving them a defined period of time to improve and meet the required legal standard. However, this depends on the issues encountered upon inspection; for example if I discovered a rodent infestation I would order the immediate closure of the premises, or if a hand wash basin was inaccessible or not fitted I would write a formal letter to the Food Business Operator and/or manager giving them a set time period to rectify this.

Following an inspection the business will be risk assessed to determine when the next inspection should occur. If a business is compliant and rated highly then it might be another 18-24 months before another inspection takes place. The Food Standards Agency has devised a Food Hygiene Rating scheme that gives a business a rating of 1 to 5, 5 being very good, depending on their performance in an inspection.

Records are compiled by officers who had personal knowledge of the matters dealt with in the course of their duties. The details included in this statement have been drawn from systems that I have access to and that hold these records. Some of the records will have been made by me, others by my team colleagues.

Signature:

Signature witnessed by:

Continuation of Statement of Jane DAY

It is whilst carrying out my role as Principal Officer of Public Health that I have come to know Mr Golap MIAH, Mr Iqbal MIAH and Mr Shaju MIAH, three brothers of Asian decent who between them are, or have been, responsible for the following Indian restaurants/takeaways; YATTON TANDOORI, POSH SPICE, BRITANNIA SPICE and PAPRIKA.

I have completed a search of computer and paper based records for the above businesses and, as a result, have been able to provide the following to PC 1287 KIRBY as a result of her Data Protection Act request.

On 1<sup>st</sup> July 2002 Golap MIAH completed an application form to register a food business. He listed himself as the proprietor of YATTON TANDOORI, 65 HIGH STREET, YATTON, BA49 4EQ and the manager as Mizan ALI. On 5<sup>th</sup> April 2004 he submitted a further form to amend the manager to Golap MIAH. However, the form Golap MIAH had submitted didn't reflect the conversation he had had during an inspection on 2<sup>nd</sup> March 2004 where he indicated to the attending officer that the business was owned by a limited company. As a result a letter dated 4<sup>th</sup> August 2004 was sent to Golap MIAH asking him to complete another registration form.

On 8<sup>th</sup> August 2004 Golap MIAH completed this registration form but provided himself as the proprietor and Iqbal MIAH as the manager. On 17<sup>th</sup> November 2011 Shaju MIAH submitted an application form stating that he was now the manager and the proprietor of the business was "MR SHAHIDA NESSA GOLAP MIAH".

The most recent registration form, completed on 16<sup>th</sup> October 2012, lists Shaju MIAH of 20 BANKS CLOSE, CLEVEDON, BS21 5DF, as being the food business operator at YATTON TANDOORI, trading as S.M. YATTON LTD (Company No 6759195). There is no separate manager listed. I have provided PC KIRBY with copies of the above mentioned documents relating to YATTON TANDOORI. They have been exhibited as 1287JD/1.

Signature:

Signature witnessed by:

Continuation of Statement of Jane DAY

Having accessed records relating to POSH SPICE, 86-88 HIGH STREET, NAILSEA, BS48 1AS, I can say that on 22<sup>nd</sup> May 2002 Mr Shaju MIAH was listed as the Food Business Operator. The record was raised following contact made with Shaju MIAH to arrange an appointment to visit before the premises opening. Golap MIAH was recorded as an alternative contact. I have provided records showing Shaju MIAH's involvement in this business in 2002 and 2003 as requested by PC KIRBY. The present Food Business Operator is Golap MIAH, trading as G.M. NAILSEA, and has been since 5<sup>th</sup> May 2005. The documents I have provided to PC KIRBY have been exhibited as 1287JD/2.

The Authority received a registration form for BRITANNIA SPICE, 2-4 DARK LANE, BACKWELL, BS48 3NP, signed by S.MIAH and dated 30<sup>th</sup> October 2009. The form indicated that the Food Business Operator was Iqbal MIAH, the manager was "Saju" MIAH and the intention was to open the business on 25<sup>th</sup> August 2009. A further application form dated 1<sup>st</sup> August 2011 detailed the Food Business Operator as Mr Shaju MIAH of 3 BANKS CLOSE, CLEVEDON, BS21 5DF. There is no separate manager listed. I have provided these documents to PC KIRBY as 1287JD/3.

I have completed numerous inspections over the years at all three of the above restaurants and have therefore met and spoken to Golap, Iqbal and Shaju MIAH in person. For some time these restaurants were performing poorly so visits by my team were fairly frequent. However, there was a sudden turnaround and the businesses now all have a Food Hygiene Rating of 5. Consequently our visits have become less frequent.

Anyone who handles food requires an appropriate certificate in food safety. Although I am a certified Level 2 trainer and assessor, as are my colleagues, workers from these restaurants speak very little English and tend to go to Bengali speaking courses in Easton, Bristol.

Signature:

Signature witnessed by:



Continuation of Statement of Jane DAY

Therefore, I have not been directly involved in the training of any of the MIAH brothers or their employees. This language barrier also presents a problem when we conduct inspections as it is invariably one of the MIAH brothers that will act as an interpreter and they clearly know the answers to the questions we pose.

I can recall a time when, during two separate visits to POSH SPICE, two different individuals tried to present themselves as being the holder of the same certificate. Due to this we went through a phase of taking photos of each individual employee whilst they were holding their own food safety certificate. It appeared to me that the employees were trying to use one another's identities, possible in an attempt to avoid action being taking by my department.

I have never encountered a female employee, whether a waitress, chef, or cleaning staff, at any of the three businesses above. Our inspections can be carried at any time, although as we like to see the restaurants in operation with food preparation and service taking place, they tend to take place during opening hours.

There is a fourth restaurant linked to the MIAH brothers but I have had less personal involvement with inspections at this business. We became aware that PAPRIKA, 2 BROAD STREET, CONGRESBURY, BS49 5DG, was being operated by Mr Iqbal MIAH on 1 September 2012. Mr Iqbal MIAH informed my colleague Mr Peter HARDMAN of this when he conducted a routine unannounced inspection of the business. The most recent visit to this business was conducted by my colleague Peter HARDMAN at 1645 hours on 26<sup>th</sup> March 2013. The records he made as a result of this visit are accessible to me. From MR HARDMAN's records it appears the main food handler was Iqbal MIAH but it was not clear who was the Food Business Operator or manager. It appears that my colleague was informed that Mr Jan KOVAC was now the operator/proprietor of the business. Following this visit Mr

Signature:

Signature witnessed by:

Continuation of Statement of: Jane DAY

HARDMAN wrote a letter dated 2<sup>nd</sup> April 2013 to Mr KOVAC at PAPRIKA asking him to complete the food premises registration form so that he could then obtain the 5 rating sticker and certificate to display in the restaurant. A food registration form was subsequently received for this business indicating that Mr Jan KOVAC became the food business operator on 27 March 2013. Mr HARDMAN would be able to provide more detail about this particular visit if required. I have supplied documents relating to PAPRIKA to PC KIRBY as 1287JD/4.

Signature:

Signature witnessed by:

**Caz Horton**

---

**From:** Kirby Gemma <Gemma.Kirby@homeoffice.gsi.gov.uk>  
**Sent:** 24 February 2014 10:17  
**To:** Jane Day, George Rowe, Andy Manhire  
**Subject:** MIAH brothers

Hello

Golap and Iqbal MIAH appeared at Bristol Crown Court on Friday 21<sup>st</sup> February for sentencing. The fact that they are both personal licence holders was highlighted by the prosecution barrister but this wasn't mentioned further by the judge during sentencing.

Golap received an 18 month custodial sentence and Iqbal 16 months. The maximum sentence for this offence is 2 years and the judge took 25% off due to their guilty pleas, so overall it wasn't a bad result.

As I informed you previously, Shaju MIAH's case was discontinued and therefore it would appear that he will have to manage the businesses. He is not a personal licence holder to my current knowledge.

Thank you again for your assistance in this case.

Gemma

**Gemma KIRBY**  
Police Constable 1287  
Criminal & Financial Investigations (Immigration)  
Wales & South West

**Home Office**  
First Floor | Unit B1 | Portishead Office Park | Conference Avenue | Portishead |  
BS20 7LZ

T: +44 (0)1275 841570  
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M: +44 (0)7824 473066

\*\*\*\*\*  
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# Inspection report



Development and Environment  
Food Safety and  
Trading Standards Team  
North Somerset Council  
Town Hall  
Weston-super-Mare BS23 1UJ  
Tel: 01275 884 634  
food.safety@n-somerset.gov.uk

Trading name: POSMI SPICE

Address: 86 High Street,  
Paulton  
BS48 3AS.

Date: 31/10/2016

Time: 7pm

Operator/Proprietor: G. Miah

Areas inspected (part/whole): All

### Key points discussed/Action to be taken:

- ① Ensure all members of staff read & sign the SFBS document.
- ② Clean behind your cooking range and maintain as clean
- ③ Replace or repair broken freezer lids.
- ④ Replace split hinged freezer seals.
- ⑤ Varnish exposed wood edges on shelves in the kitchen

Records Examined: SFBS, Pest control, temp.

Samples Taken:

This report only covers the areas inspected at the time of the visit.  
It does not indicate compliance with current legal provisions.

Signed: [Signature]

Name: Michael Holt

Authorised officer

Signed: [Signature]

Name: Mr Lalal Miah

Food business representative

(5)



Jan 2016

### FOOD HYGIENE AUDIT REPORT

The Food Safety and Hygiene (England) Regulations 2013

Date <u>31/10/2016</u>	Type of premises/business <u>Restaurant</u>
Name and Address of Food Business / Head Office <u>Posh Spice, 86 High Street, Nailsea, BS48 1AB</u>	
Tel No. <u>01275 856627</u>	No. of Employees <u>4</u> U16's Yes / <u>No</u>
Email: <u>www.poshspicenailsea.co.uk</u>	
Person Seen/Position: <u>Iqbal Miah</u>	
Main Food Handler: <u>Gdip Miah</u>	
Food Business Operator: <u>Ala</u>	Confirmed <u>Y/N</u>
Type of intervention or AES carried out? <u>Inspection</u>	Broadly Compliant at that time? <u>Y/N</u>
<b>NEXT Intervention / alternative enforcement strategy (AES)</b>	
<i>Suggest one of the following actions for consideration at the next due date, indicate as follows:</i>	
<input checked="" type="checkbox"/> Inspection/ audit : [Optional - you may also wish to suggest Full <input checked="" type="checkbox"/> Partial <input type="checkbox"/> ]	
<input type="checkbox"/> Other (official control) intervention (where permitted by code) - suggest which -	
<input type="checkbox"/> Non official control intervention (where permitted by code) - suggest which -	
<input type="checkbox"/> Alternative Enforcement Strategy (AES) (where permitted by code) - suggest what -	
RED FLAG: Clearly state any areas of concern upon which next officer must focus attention.	
Where a partial audit/ inspection/other intervention is suggested - any particular area(s) to focus on:	
Facebook page liked? <input type="checkbox"/>	

External issues - addressed.  
 - rodents activity outside  
 - Pestkill chew bait in site

Cross Contamination	Satisfactory	Comments
Bacterial	✓	Food Covered. Separation Good.
Physical	✓	Colander used for food wash - Separate sink food wash.
Chemical	✓	Handwash sink used.
Pest control	✓	Pest Control Contract - Pestokill - no internal
Over-clothing? Worn?	✓	Is over-clothing changed between raw/cooked? <b>NO</b> Facilities for storage? <b>Aprons. Uniforms.</b> issues seen - last insp 18/10 - no internal issues
Return to work policy	✓	48 hrs 5 pnce discussed.
Cloths Type	✓	Laundered above 90 degrees/ separate Boiled each day - sanitiser used
Cooking		Number of meals / beds - More / Less than 20 per day (rating) - 2 stage de ↳ > 100.
Cooking _____ °C Knowledge	✓	long cook time. No flash fry of raw meat. Small portions only. No Marinade/bone cuts.
Hot Holding _____ °C	✓	Gravy kept - bubbling.
Cooling method	✓	on side, covered, in fridge in 2 hrs.
Reheat _____ °C	✓	As cook - boiling hot
Method of checking	✓	(probe occasionally) Visual main
Disinfection / calibration	✓	Minced meat product probe disinfection partial cook?
Ultra high risk foods-shellfish/eggs	✓	Vacuum Packing Shelf Life ... <b>NO</b>
Imported foods	✓	YES / <b>NO</b> Food Safety Implications? Sampling requirement?

Extractors in kitchen Good ✓  
 Food debris build up to left of cool range X

<b>Chilling</b>	Satis	
Freezing -22 °C	✓	Freezer storage temperatures. Lids read high!
Defrosting method	✓	Only raw meat - on side
Chilled Storage 2-6 °C	✓	temperatures satisfactory at time. Records taken
Shelf life		2 days max. - thermometers / read outs.
Chilled Display °C	✓	Zero Tolerance on Raw/RTE display? No food - beverages only
Delivery / transport	✓	Reputable Suppliers.

<b>Cleaning</b>	Satis	
Hand Washing	✓	NHS/DOH followed- E coli guidance WHSB / HW / Soap / air dryer
Cleaner/ disinfectant Dilution	✓	BS EN 1276:1997 OR BS EN 13697:2001 Ready to use / auto system / dilute by hand Mr Muscle . Antibac . (Advised use non-target product)
Cleaning Schedule	✓	Completed in SFBB <input checked="" type="checkbox"/>
Cleaning facilities	✓	Dishwasher (temps) - Sep sinks/practice potwash only - not food in this
Satisfactory - to prevent	✓	Areas requiring attention one - only potwash. Generally v Good. - Advised wash raw meat utensils separately
E coli risk - RTE/Raw?		

**Structure** Does structure / layout encourage or impact upon food safety procedures?

Rear Storage area - Steel Container - Good -  
 Cooling has v clean - Good lighting. ✓  
 Fix Chest freezer in dry storage and kitchen.  
 Altro floor in kitchen worn in places.

Seals in fridge split X      stainless surfaces ✓  
 Ceiling Good ✓  
 wall tiles good ✓  
 unsealed wood on shelves  
 in kitchen. X

**Management**

Basis for rating conclusion, comments on overall approach to food safety procedures.

Is the Documented Food Safety Management System in place / not on site are records up to date?

SFBB used ✓  
 Safe Methods Complete ✓  
 Day sheets completed ✓  
 Fridge temps taken + recorded ✓

Sali Ahmed trained  
 Sali Ahmed not trained

Opening / Closing checks	<input checked="" type="radio"/> Y <input type="radio"/> N	
Temperature records (chilled/hot)	<input checked="" type="radio"/> Y <input type="radio"/> N	Fridges
Stock Control System (day dots etc)		2-day rotation system.
Stock Storage Off Site Y <input checked="" type="radio"/> N <input type="radio"/>		Inspected? Y/N Safe? Y/N Where?
Waste Oil Disposal Procedure		Contract in place with Central business
Clinical/Waste Transfer Agreement		Would you be interested in Commercial waste collection service by North Somerset Council? If so we will arrange for somebody to contact you. Y/N
Co? <u>Medin</u>		

Name: <u>Iqbal Miah</u>	Position: <u>chef</u>
SFBB / In-house / <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	
Name: <u>Shajin Miah</u>	Position: <u>chef</u>
SFBB / In-house / <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	
Name: <u>Rafiq Miah</u>	Position: <u>chef / owner</u>
SFBB / In-house / <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	

**ALERGEN INFORMATION:**

Any information available for customers? Written / signage / verbal  
 Any knowledge of allergen risk by food handlers?  
 Any need for labelling advice?  
 Comments on correct labelling

} discussed  
 matrix  
 - FSA guidance left



**Alde Memoir Hygiene Minor / Major Non-compliance (delete as appt)**

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**Structure Minor / Major Non-compliance**

freezer lids / seals  
cleaning

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**Management Minor / Major Non-compliance**

staff need to sign SFBS

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COMPLIANCE / STRUCTURE		CONFIDENCE IN MANAGEMENT	
High Standard	00 / A	00 / A	00 / A
Minor Contraventions	05 / B	05 / B	05 / B
Some Non-compliance	10 / C	10 / C	10 / C
Some Major N.C.	15 / D	15 / D	20 / D
General Failure	20 / E	20 / E	30 / E
Almost Total N. C.	25 / F	25 / F	TOTAL
			10

Rating 5	0 - 15 (< 5)	<b>Type of Food Safety Policy in place</b> SFBB in place with records ✓ Advised required Caterers / Retail English/Chinese/Asian ✓ Company policy H.A.C.C.P. / other
Rating 4	20 (< 10)	
Rating 3	25-30 (< 15)	
Rating 2	35-40 (< 15)	
Rating 1	45-50 (< 20)	
Rating 0	55 >	

Officer: <u>M. Hall</u>	Revisit Req'd <u>no</u>	Change of Risk Category <u>no</u> From Category _____ To Category _____
Time:	Duration:	Signed Food Safety Manager _____

Notes

A large rectangular box with a black border, containing 25 horizontal lines for writing. The lines are evenly spaced and extend across most of the width of the box. The word "Notes" is printed in the top-left corner of the box.



# Inspection report

Development and Environment  
The Food and Safety Service  
North Somerset Council  
Town Hall  
Weston-super-Mare BS23 1UJ  
Tel: 01934 634 634  
food.safety@n-somerset.gov.uk

Trading name: POSH SPICE

Address: 86 HIGH STREET  
NAILSEA  
BS48 1AS

Date: 7 | 3 | 2019

Operator/  
Proprietor: MR GOLAP MIAN.

Time: 18.35 - 20.25

Areas inspected (part/whole): - Remove redundant to let ~~air~~ <sup>be</sup> ~~circulate~~ <sup>circulate</sup>

Key points discussed/action to be taken: - Repair <sup>broken</sup> replace damaged/cracked tiles

- Areas in kitchen below/belind equipment / floor/wall surfaces require cleaning
- Items of equipment require cleaning ie hot cabinets and fridges
- Rear yard needs cleaning - pest contracted also mentioned 18.10
- Advised to record more hot food temperatures
- Ensure foods are kept refrigerated after than left out
- Provide evidence of food hygiene training for all food handlers - staff training records in SFSS pack <sup>must be completed</sup>

Records examined: SFSS | TRAINING CERTIFICATES

Samples taken: ---

This report only covers the areas inspected at the time of the visit.  
It does not indicate compliance with current legal provisions.

Signed: [Signature]

Name: RAYMOND FOX

Authorised officer

Signed: [Signature]

Name: SHAJI MIAN

Business representative

**Avon & Somerset Constabulary**  
**Representations Licensing Act 2003.**



Your Name Save	Andrew John Manhire
Job Title	Police Liquor Licensing Officer
Postal and email address	North Somerset Police Centre Weston Gateway Business Park Filers Way Weston-super-Mare North Somerset BS24 7JP
Contact telephone number	07889656022

Name and address of the premises you are making representations about.	Posh Spice, 86 High Street, Nailsea, North Somerset, BS48 1AS.
--	--

Which of the four licensing Objectives does your representation relate to? Please state yes or no.		
The Prevention of harm to children	X	
To prevent Public Nuisance		
To prevent crime and disorder	X	
Public Safety		
Would this be suitable for resolution	No	

without a hearing if all parties agree?.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

The Police has a Responsible Authority oppose the application for a Premise License for Posh Spice as they believe the applicant will not promote the Crime and Disorder Licensing Objective. The premise itself was a Licensed Indian Restaurant for many years with a Mr Golap MIAH holding the license but following two enforcement visits to the premise on the 24<sup>th</sup> June 2022 and 18<sup>th</sup> February 2023 by the Immigration service when on both occasions illegal workers were discovered a Civil Penalty was served on the then Premise License Holder Mr Golap MIAH.

The Immigration Service then also called a review of the Premise License and following the hearing before this Licensing Committee on the 17<sup>th</sup> April 2023 the Premise License was Revoked.

A new application was received in June 2023 from a Ashequl Bari NUMAN for a Premise License at this premise. In the application it states that Mr Numan is the new owner of the business and shall have 100% control over the business and take all the decisions. Following receipt of this application Police Licensing Officer Andrew Manhire arranged a joint visit to the premise in company with Caz HORTON from North Somerset Council Licensing on Thursday 15<sup>th</sup> June to meet the applicant Mr Numan who police were aware had been working at Posh Spice at the time of the last Immigration Enforcement Visit.

On arrival they were not only met by Mr Numan but his proposed Designated Premise Supervisor Mohammed Iqbel MIAH who Mr Numan introduced as his uncle and business partner which clearly contradicts the statement on the application paperwork indicating that he was going to be the sole owner.

A discussion took place about Mr Numan's previous involvement at the premise and he indicated that he had worked there for about 12 months part time.

Mr Miah was asked if had any previous involvement with the business and whether he was related or had any previous connection with Mr Golap MIAH which he denied. It was then pointed out to him that it appeared he was connected with Golap MIAH from court records which he continued to deny. It was only after it was pointed out to him that both of them were convicted of Immigration Offences at Bristol Crown Court on the 21<sup>st</sup> February 2014 that he stated that there were so many defendants involved in that case and that was the reason he

gave the answer he did. (It was noted that despite both persons speaking good English when this was raised they started communicating in a foreign language). They have also both been resident at the same home address of 2 Banks Close, Clevedon.

Following this meeting it was confirmed by Peter HARDMAN and Jane DAY from North Somerset Council that far from not knowing each other Golap MIAH and Mohamed Iqbal MIAH were actually brothers (See attached statement from Peter HARDMAN and statement 1 and 2 from Jane DAY).

Mr Numan was asked when he took over the business and indicated it was roughly the end of May but when pushed was unable or unwilling to give an exact date. He was asked to provide any bank statements etc to show his purchase of the business but stated that no money was involved! He was then asked to provide a copy of the insurance certificate for the business, a copy of the lease and any other legal paperwork to evidence that he was the legal owner of the business as claimed but stated that he had this but it was not at the business premise at present but would forward these documents to me.

He later provided an insurance certificate for the business which was valid from the day after the meeting held with the Police and Council Licensing Officers and a Lease in his name.

This matter went before a Licensing Committee hearing on the 20<sup>th</sup> July 2023 but Mr Numan's solicitor withdraw the application at this hearing.

At the end of August 2023 a further Premise License application was received for the premise. This application was largely a copy of the withdrawn application with the exception that the nominated Designated Premise Supervisor had been changed from Mohammed Iqbal MIAH to Ashequl Bari NUMAN.

At just before 6pm on Wednesday 20<sup>th</sup> September 2023 a warrant was carried out on the premise under Immigration legislation by the Immigration service who were accompanied by staff from North Somerset Council Licensing and Food Teams along with Police Licensing Officer Andrew Manhir

Initially persons attempted to run from the premise via the rear doors but were detained. The premise was due to open at 6pm and there were no customers present, among the persons on the premise at the time were the Premise License applicant Ashequl Bari NUMAN and Mohammed Iqbal MIAH. Checks of the other persons present revealed two persons in breach of Immigration Law who were subsequently arrested. A closure order was therefore placed on the premises and the following morning the Immigration Service were successful in obtaining a Compliance Order at North Somerset Magistrates Court which allows them to make a visit every month for the next 6 months with a power of entry attached to the order.

Despite being told by Police and Council Licensing Officers at their meeting at the premise on the 15<sup>th</sup> June 2023 that with no license in place they needed to remove or at least cover all alcohol from view Andrew Manhire and Caz Horton saw there were many bottles of

white and rose wine including two part bottles clearly in view in a refrigerator next to the bar along with a bottle of champagne and bottles of Tiger beer. In addition on the lower shelf at the back of the bar there were many bottles of red wine clearly visible. Further checking of the premise revealed a bucket full with approx. 10 partially full bottles of various spirits still with the optic's attached located in the disabled toilet meaning that any customers including children would have unsupervised access. Mr NUMAN was again advised that all alcohol had to be removed or at least covered from sight.

The food team Inspectors wanted to check the flats above as it was indicated that it was used as a rest area by staff so they were asked for the keys to access the separate door to this area located at the front to the right of the premise and were informed that the keys were behind the bar. A bunch of keys were then located behind the bar which gave access to the flats which Mr Numan claims was being used as a rest area for staff. This bunch of keys also included a car key for a black Mercedes which belongs to Mohammed Iqbal MIAH, which clearly infers he still have considerable control over the business.

It is worthy of note that the company listed as the food operator at this premise is Maneera and Co Nailsea Ltd and company house records show two directors Ashequl Bari NUMAN and Mohammed Iqbal MIAH. (See statement of Jane DAY).

An appointment was made to see Mr NUMAN at the premise at 1pm on Wednesday 27<sup>th</sup> September 2023 to discuss this application and he was informed by Police Liquor Licensing Officer Andrew Manhire that at this meeting he would like to see all the documentary evidence he had to show that he owned the business.

Due to a family issue Mr NUMAN was unable to make the appointment so Andrew Manhire sent him and his agent a "e" male requesting various documents to assist in proving ownership of the business (See attached copy) and knowing that the Immigration Service were due to visit the premise later that day at just before 6pm he attended the Premise in company with Caz HORTON where they saw Mr NUMAN. Despite having a week's notice to gather documents together he was unable or unwilling to provide a single document requested.

When questioned about the lease he stated that he was sub- letting from Golap MIAH but paying the money for the lease direct to the premise owner. He was then asked to show his Bank account which the money came out of and initially got his mobile in order to do this but then stated he didn't have the card so could not access his account!

He was then asked about payment to Mr Golap MIAH for the fixture and fittings along with the goodwill built up by such an established business which is normal business practice but again claimed that no payment took place and that Mr Golap MIAH just wanted out and had gifted him the business as he was no longer in the Country. He accepted that the equipment in a professional kitchen, along with all the chairs, tables, individually Posh Spice crested tableware etc would cost 10,s of thousands of pounds!

	<p>In conclusion the Police strongly believes that the previous Premise License Holder Mr Golap MIAH still owns the business and that Mr Numan is merely a front man put forward purely for the purpose of obtaining a Premise Liquor License following this Licensing Committee decision to revoke the previous Premise License, in addition to which following the warrant carried out at the premise on the 20th September 2023 when yet again the premise were found to have persons working in breach of Immigration Law this being when Mr NUMAN is running the business and claiming to be the owner and therefore the Police feel that they have no option but to ask this Committee to reject this application.</p>
--	--

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: *AS Mantri*

Date: *29/9/23*

**This form must be returned within the Statutory Period. (With supporting evidence).**



~~XXXXXXXXXX~~

## Statement of witness

(Criminal Procedure Rules, r 16 2, Criminal Justice Act 1967, s 9)

Statement of: Peter Terence HARDMAN

Age of Witness (if over 18 enter 'over 18'): over 18

This statement (consisting of SIX pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I am Peter Terence Hardman. I am an Environmental Health Officer and Principal  
2 Environmental Health Inspector in the Food, Health Commercial Safety Team, Public  
3 Health & Regulatory Services, of North Somerset Council. I am duly authorised to  
4 carry out food hygiene audits and enforcement in accordance with the Food Safety  
5 Act and Retained Regulation EC No.852/2004.

6 On April 20<sup>th</sup> 2023 I took part in a multi-agency visit to Yatton Tandoori, 65 High  
7 Street, Yatton BS49 4EQ with Immigration and Licencing Officers. The purpose of  
8 the visit was for the Immigration Officers to investigate intelligence received that  
9 employees at the premises did not have the correct rights to work.

10 During the visit I undertook a full food hygiene inspection of the premises whilst  
11 wearing body-worn camera. I concluded the visual inspection of the premises and  
12 discussed my findings with Team Leader Jane Day. During the discussion I was  
13 showing Mrs Day the Food Hygiene training certificates for Mr Shaju Miah when she  
14 said "That's his brother. Golap's brother".

15 I stopped video recording at 20:20 and waited for the Immigration officers to  
16 conclude their work. Whilst waiting, I spoke to a man who appeared to be in control  
17 of the employees and asked his name and whether he was the manager. He

P06 / 19

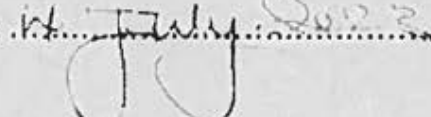
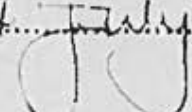
Signature .....  
Page 65

18 responded to inform me that his name was Mohamed Miah but he was not the  
19 manager and that he was only looking after the business that evening because he  
20 usually worked at Posh Spice. I asked if he knew where Mr Shaju Miah was or when  
21 he would return to the premises and was told that he did not know where Mr Miah  
22 was or when he would return.

23 I noted the common surname of Miah and asked Mr Mohamed Miah if he was  
24 related to Mr Shaju Miah. He confirmed that Mr Shaju Miah was his father but he  
25 usually worked at Posh Spice with his uncle Mr Golap Miah.

26 I did not feel any need to challenge the information or request proof of identity  
27 because the verbal statement confirmed the information that Mr Shaju Miah, Mr  
28 Golap Miah and Mr Iqbal Miah are brothers, which has been reiterated for many  
29 years when visiting Posh Spice, Nailsea, Britannia Spice, Backwell, or Yatton  
30 Tandoori, Yatton.

31  
32 Signed:  ..... (witness)

33 Date:  .....  
34 

# Witness Statement

Criminal Justices Act 1967, section 9  
Magistrates Court Act 1980, sections 5A (3)(a) and 5B  
Criminal Procedure Rules, Rule 16(2)

## Statement of Jane Day

Age of Witness (if over 18 enter 'over 18') Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I, Jane Catherine Day, hold the post of Food and Commercial Safety Service Leader  
2 and am an authorised inspector of food safety and health and safety in the food and  
3 commercial safety team in the Regulatory Services division of the Public Health and  
4 Regulatory Services Directorate at North Somerset Council. I have held the post as a  
5 qualified food inspector and inspector of health and safety for over 30 years. I hold a  
6 NEBOSH qualification and am also registered with the Environmental Health Officers  
7 Registration Board and am a voting member of the Chartered Institute of  
8 Environmental Health. Prior to becoming the team manager I was a full time  
9 inspecting officer for over 26 years spending all of my career at North Somerset  
10 Council. I therefore have great knowledge of food businesses in North Somerset and  
11 of their ownership. Posh Spice in Nailsea is particularly rememberable to me as  
12 there is a long history of non-compliance, both in terms of food safety and in relation  
13 to immigration offences. Over the years I have dealt with Posh Spice, Nailsea,

P06  
.....

Signature .....  


Page 67

14 Yatton Tandoori, Yatton and Britannia Spice, Backwell. I am aware that the  
15 businesses are owned by three brothers known to me as Golap Miah, Iqbal Miah and  
16 Shaju Miah. Over the years the brothers have each made an appearance at each of  
17 the restaurants, regardless of who its registered to, as they step in if their sibling is  
18 not available. This has been common practice over the last 15 or so years. I have  
19 met all three brothers on many occasions. In 2013 I was approached by PC Gemma  
20 Kirby in relation to offences around 'arranged marriages' and I supplied a section 9  
21 statement for the ensuing successful prosecution. In this statement I clearly state my  
22 knowledge that the three gentlemen are brothers. I exhibit this statement at JCD1. I  
23 also exhibit an email from PC Gemma Kirby following the prosecution hearing. The  
24 email is entitled 'the Miah brothers' and gives a summary of the sentences they  
25 received. This clearly infers that Golap Miah, Iqbal Miah and Shaju Miah are  
26 brothers. I exhibit this email as JCD 2. On 31 October 2016 one of my colleagues  
27 who has now left the authority conducted a food hygiene inspection at Posh Spice in  
28 Nailsea. On his inspection notes he states that he interviewed Mr Iqbal Miah (despite  
29 his brother, Golap Miah, being at that time the registered owner) and states that  
30 Golap Miah was the chef along with the other brother Shaju Miah. This illustrates my  
31 point above that the brothers often interchanged with each other and all oversaw the  
32 running of the businesses collectively despite the registered ownership. I exhibit the  
33 inspection report as JCD 3. On 7 March 2019 my colleague Ray Fox undertook  
34 another food hygiene inspection at Posh Spice in Nailsea and despite Mr Golap Miah  
35 being the registered owner he dealt with Mr Shaju Miah. This further illustrates my  
36 point above. I exhibit this inspection report as JCD 4. I am aware that Mr Iqbal Miah

37 has applied to become the DPS on the new licence application for liquor sales and  
38 my colleague Caz Horton showed me the photographic evidence which  
39 accompanies this application and I confirm that the likeness is that of the Mr Iqbal  
40 Miah (brother of Shaju and Golap) that I have met on many occasions.

41  
42  
43  
44  
45  
46  
47  
48  
49



50 Signed: (witness)

51 Date: 6 July 2023

52

53 *(To be completed if applicable: ..... being unable to read*  
54 *the above statement I, .....of North Somerset Council, read it*  
55 *to him/her before he/she signed it.*

56 Signed: ..... Date: ..... )

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN | | | |

Statement of Jane DAY

Age if under 18 Over 18 (if over insert 'over 18') Occupation Principal Officer of Public Health

This statement (consisting of 6 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true

Signature

Date 09/12/13

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person and can be contacted at the address overleaf.

I am employed by North Somerset Council as a Principal Officer of Public Health. I have been involved in this sector since 1991 and have always worked within North Somerset Authority. My role is to ensure compliance with Food Safety and Health and Safety legislation; namely the Food Safety Act 1990 and Health and Safety at Work etc Act 1974 and regulations made there under. This involves proactive inspections of premises and reactive investigations of complaints. We also play an important role in investigating and preventing the spread of infectious diseases in the community. As a team we offer a Chartered Institute of Environmental Health level 2 course in food hygiene and advise that within three months of starting work the person who handles open high risk food is suitably trained and/or supervised in food hygiene matters.

All food businesses must be registered with North Somerset Council 28 days before they start trading. To do this, the Food Business Operator must submit a form entitled "Registration of a Food Business Establishment." The Food Business Operator is the individual or company who has control of the day to day management of the business. If we were to serve notice or prosecute a business for failing to comply with the legislation we enforce, the Food Business Operator is the person liable for this. If the operator is a Limited Company then it is the

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

Continuation of Statement of Jane DAY

Company Secretary who is liable. If the ownership or management of the business changes hands then a new form must be completed to inform us of this.

Regulation 14 of The Food Hygiene (England) Regulations 2006 provides a right of entry to premises in order to carry out compliance inspections. It is an offence to obstruct an officer working within this power. The frequency with which we make unannounced inspections of business premises is very much dependent on how they performed at the previous inspection and if any actions for improvement were set. We take a staged approach to enforcement, with the aim of assisting businesses to comply with the legislation by giving them a defined period of time to improve and meet the required legal standard. However, this depends on the issues encountered upon inspection; for example if I discovered a rodent infestation I would order the immediate closure of the premises, or if a hand wash basin was inaccessible or not fitted I would write a formal letter to the Food Business Operator and/or manager giving them a set time period to rectify this.

Following an inspection the business will be risk assessed to determine when the next inspection should occur. If a business is compliant and rated highly then it might be another 18-24 months before another inspection takes place. The Food Standards Agency has devised a Food Hygiene Rating scheme that gives a business a rating of 1 to 5, 5 being very good, depending on their performance in an inspection.

Records are compiled by officers who had personal knowledge of the matters dealt with in the course of their duties. The details included in this statement have been drawn from systems that I have access to and that hold these records. Some of the records will have been made by me, others by my team colleagues.

Signature:

Signature witnessed by:

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It is whilst carrying out my role as Principal Officer of Public Health that I have come to know Mr Golap MIAH, Mr Iqbal MIAH and Mr Shaju MIAH, three brothers of Asian decent who between them are, or have been, responsible for the following Indian restaurants/takeaways; YATTON TANDOORI, POSH SPICE, BRITANNIA SPICE and PAPRIKA.

I have completed a search of computer and paper based records for the above businesses and, as a result, have been able to provide the following to PC 1287 KIRBY as a result of her Data Protection Act request.

On 1<sup>st</sup> July 2002 Golap MIAH completed an application form to register a food business. He listed himself as the proprietor of YATTON TANDOORI, 65 HIGH STREET, YATTON, BA49 4EQ and the manager as Mizan ALI. On 5<sup>th</sup> April 2004 he submitted a further form to amend the manager to Golap MIAH. However, the form Golap MIAH had submitted didn't reflect the conversation he had had during an inspection on 2<sup>nd</sup> March 2004 where he indicated to the attending officer that the business was owned by a limited company. As a result a letter dated 4<sup>th</sup> August 2004 was sent to Golap MIAH asking him to complete another registration form.

On 8<sup>th</sup> August 2004 Golap MIAH completed this registration form but provided himself as the proprietor and Iqbal MIAH as the manager. On 17<sup>th</sup> November 2011 Shaju MIAH submitted an application form stating that he was now the manager and the proprietor of the business was "MR SHAHIDA NESSA GOLAP MIAH".

The most recent registration form, completed on 16<sup>th</sup> October 2012, lists Shaju MIAH of 20 BANKS CLOSE, CLEVEDON, BS21 5DF, as being the food business operator at YATTON TANDOORI, trading as S.M. YATTON LTD (Company No 6759195). There is no separate manager listed. I have provided PC KIRBY with copies of the above mentioned documents relating to YATTON TANDOORI. They have been exhibited as 1287JD/1.

Signature:

Signature witnessed by:



Continuation of Statement of Jane DAY

Having accessed records relating to POSH SPICE, 86-88 HIGH STREET, NAILSEA, BS48 1AS, I can say that on 22<sup>nd</sup> May 2002 Mr Shaju MIAH was listed as the Food Business Operator. The record was raised following contact made with Shaju MIAH to arrange an appointment to visit before the premises opening. Golap MIAH was recorded as an alternative contact. I have provided records showing Shaju MIAH's involvement in this business in 2002 and 2003 as requested by PC KIRBY. The present Food Business Operator is Golap MIAH, trading as G.M. NAILSEA, and has been since 5<sup>th</sup> May 2005. The documents I have provided to PC KIRBY have been exhibited as 1287JD/2.

The Authority received a registration form for BRITANNIA SPICE, 2-4 DARK LANE, BACKWELL, BS48 3NP, signed by S.MIAH and dated 30<sup>th</sup> October 2009. The form indicated that the Food Business Operator was Iqbal MIAH, the manager was "Saju" MIAH and the intention was to open the business on 25<sup>th</sup> August 2009. A further application form dated 1<sup>st</sup> August 2011 detailed the Food Business Operator as Mr Shaju MIAH of 3 BANKS CLOSE, CLEVEDON, BS21 5DF. There is no separate manager listed. I have provided these documents to PC KIRBY as 1287JD/3.

I have completed numerous inspections over the years at all three of the above restaurants and have therefore met and spoken to Golap, Iqbal and Shaju MIAH in person. For some time these restaurants were performing poorly so visits by my team were fairly frequent. However, there was a sudden turnaround and the businesses now all have a Food Hygiene Rating of 5. Consequently our visits have become less frequent.

Anyone who handles food requires an appropriate certificate in food safety. Although I am a certified Level 2 trainer and assessor, as are my colleagues, workers from these restaurants speak very little English and tend to go to Bengali speaking courses in Easton, Bristol.

Signature:

Signature witnessed by:

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Continuation of Statement of Jane DAY

Therefore, I have not been directly involved in the training of any of the MIAH brothers or their employees. This language barrier also presents a problem when we conduct inspections as it is invariably one of the MIAH brothers that will act as an interpreter and they clearly know the answers to the questions we pose.

I can recall a time when, during two separate visits to POSH SPICE, two different individuals tried to present themselves as being the holder of the same certificate. Due to this we went through a phase of taking photos of each individual employee whilst they were holding their own food safety certificate. It appeared to me that the employees were trying to use one another's identities, possible in an attempt to avoid action being taking by my department.

I have never encountered a female employee, whether a waitress, chef, or cleaning staff, at any of the three businesses above. Our inspections can be carried at any time, although as we like to see the restaurants in operation with food preparation and service taking place, they tend to take place during opening hours.

There is a fourth restaurant linked to the MIAH brothers but I have had less personal involvement with inspections at this business. We became aware that PAPRIKA, 2 BROAD STREET, CONGRESBURY, BS49 5DG, was being operated by Mr Iqbal MIAH on 1 September 2012. Mr Iqbal MIAH informed my colleague Mr Peter HARDMAN of this when he conducted a routine unannounced inspection of the business. The most recent visit to this business was conducted by my colleague Peter HARDMAN at 1645 hours on 26<sup>th</sup> March 2013. The records he made as a result of this visit are accessible to me. From MR HARDMAN's records it appears the main food handler was Iqbal MIAH but it was not clear who was the Food Business Operator or manager. It appears that my colleague was informed that Mr Jan KOVAC was now the operator/proprietor of the business. Following this visit Mr

Signature:

Signature witnessed by:

Continuation of Statement of: Jane DAY

HARDMAN wrote a letter dated 2<sup>nd</sup> April 2013 to Mr KOVAC at PAPRIKA asking him to complete the food premises registration form so that he could then obtain the 5 rating sticker and certificate to display in the restaurant. A food registration form was subsequently received for this business indicating that Mr Jan KOVAC became the food business operator on 27 March 2013. Mr HARDMAN would be able to provide more detail about this particular visit if required. I have supplied documents relating to PAPRIKA to PC KIRBY as 1287JD/4.

Signature:

Signature witnessed by:

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# Inspection report



Development and Environment  
Food Safety and  
Trading Standards Team  
North Somerset Council  
Town Hall  
Weston-super-Mare BS23 1UJ  
Tel: 01275 884 634  
food.safety@n-somerset.gov.uk

Trading name: POSTAL SPICE

Address: 86 High Street,  
Paulton  
BS48 3AS.

Date: 31/10/2016

Time: 7pm

Operator/Proprietor: G. Miah

Areas inspected (part/whole): All

Key points discussed/Action to be taken:

- ① Ensure all members of staff read & sign the SFBC document.
- ② Clean behind your cooking range and maintain as clean
- ③ Replace or repair broken freezer lids
- ④ Replace split hinge of freezer seals.
- ⑤ Varnish exposed wood edges on shelves in the kitchen

Records Examined: SFBC, Pest control, temp.

Samples Taken:

This report only covers the areas inspected at the time of the visit.  
It does not indicate compliance with current legal provisions.

Signed: [Signature]

Name: Michael Holt  
Authorised officer

Signed: [Signature]

Name: Mr Lalal Miah  
Food business representative



# Inspection report

Development and Environment  
The Food and Safety Service  
North Somerset Council  
Town Hall  
Weston-super-Mare BS23 1UJ  
Tel: 01934 634 634  
food.safety@n-somerset.gov.uk

Trading name: POSH SPICE

Address: 86 HIGH STREET  
NAILSEA  
BS48 1AS

Date: 7 | 3 | 2019

Operator/  
Proprietor: MR GOPAL MIATH.

Time: 18.35 - 20.25

Areas inspected (part/whole): - Remove redundant to let

Key points discussed/action to be taken: - by replacing damaged/cracked tiles  
- Repair replace damaged/cracked tiles  
- Areas in kitchen ie below/behind equipment / floor/wall  
surfaces require cleaning  
- Items of equipment require cleaning ie hot cabinets  
and fridges  
- Rear yard needs cleaning - pest contracted also  
mentioned iBSW  
- Advise to record more hot food temperatures  
- Ensure foods are kept refrigerated rather than left out  
- Provide evidence of food hygiene training for all  
food handlers - staff training records in SFSS packs  
must be completed

Records examined: SFSS | TRAINING CERTIFICATES

Samples taken: —

This report only covers the areas inspected at the time of the visit.  
It does not indicate compliance with current legal provisions.

Signed: [Signature]

Name: Raymond Fox

Authorised officer

Signed: [Signature]

Name: Shaji MIM

Business representative

In case of dispute, call the Food and Safety Manager on 01934 634 634  
Please refer to the reverse of this form to read the privacy statement.

(5)



Jan 2016

### FOOD HYGIENE AUDIT REPORT

The Food Safety and Hygiene (England) Regulations 2013

Date <u>31/10/2016</u>	Type of premises/business <u>Restaurant</u>
Name and Address of Food Business / Head Office <u>Pooh Spice, 56 High Street, Nailsea, BS48 1AB</u>	
Tel No. <u>01275 856627</u>	No. of Employees <u>4</u> U16's Yes/No <u></u>
Email: <u>www.poohspice.co.uk</u>	
Person Seen/Position: <u>Iqbal Miah</u>	
Main Food Handler: <u>Godap Miah</u>	
Food Business Operator: <u>AIA</u>	Confirmed <u>Y/N</u>
Type of intervention or AES carried out? <u>Inspection</u>	Broadly Compliant at that time? <u>Y/N</u>

#### NEXT intervention / alternative enforcement strategy (AES)

Suggest one of the following actions for consideration at the next due date, indicate as follows:

Inspection/ audit : [Optional - you may also wish to suggest Full  Partial  ]

Other (official control) intervention (where permitted by code) - suggest which -

Non official control intervention (where permitted by code) - suggest which -

Alternative Enforcement Strategy (AES) (where permitted by code) - suggest what -

RED FLAG: Clearly state any areas of concern upon which next officer must focus attention.

Where a partial audit/ inspection/other intervention is suggested - any particular area(s) to focus on:

Facebook page liked?

External issues - addressed.  
 - rodents outside  
 - pestkill crew log

Cross Contamination	Sanitary	Comments
Bacterial	✓	Food covered. Separation Good.
Physical	✓	Colander used for food wash - Separate sink food wash.
Chemical	✓	Handwash sink used.
Pest control	✓	Pest Control Contract - Pestokill - no internal
Over-clothing? Worn?	✓	Is over-clothing changed between raw/cooked? <b>NO</b> Facilities for storage? <b>Aprons. Uniforms.</b> issues seen - last insp 18/10 - no internal issues
Return to work policy	✓	45 hrs 5/hrs discussed.
Cloths Type	✓	Laundered above 90 degrees/ separate Boiled each day - sanitizer used
Cooking		Number of meals / beds - More / Less than 20 per day (rating) - 2 stage de
Cooking _____ °C Knowledge	✓	long cook time. No flash fry of raw meat. Small portions only. No marinade/bone cuts. to > 100.
Hot Holding _____ °C	✓	Gravy stock - bubbling.
Cooling method	✓	on side, covered, in fridge in 2 hrs.
Reheat _____ °C	✓	As cook - boiling hot
Method of checking	✓	(probe occasionally) Visual main
Disinfection / calibration	✓	Minced meat product probe disinfection partial cook?
Ultra high risk foods- shellfish/eggs	✓	Vacuum Packing Shelf Life ... <b>NO</b> ...
Imported foods	✓	YES / <b>NO</b> Food Safety Implications? Sampling requirement?

Chilling	Satis	
Freezing -22 °C	✓	Freeze storage temperatures. Lids need being!
Defrosting method	✓	Only raw meat - on side
Chilled Storage 2-6 °C	✓	temperatures satisfactory at time. Records taken - thermometers / read outs.
Shelf life		2 days max.
Chilled Display °C	✓	Zero Tolerance on Raw/RTE display? No food - beverages only
Delivery / transport	✓	Reputable Suppliers.

Extractors in kitchen hood ✓  
Food debris build up to left of case range X

Cleaning	Satis	
Hand Washing	✓	NHS/DOH followed- E coll guidance WTB / HW / Soap / air dryer
Cleaner/ disinfectant Dilution	✓	BS EN 1276:1997 OR BS EN 13697:2001 Ready to use / auto system / dilute by hand Mr Muscle. Antibac. (Advised use non-toxic product)
Cleaning Schedule	✓	Completed in SFBB <input checked="" type="checkbox"/>
Cleaning facilities	✓	Dishwasher (temps) - Sep sinks/practice potwash only - not food in this
Satisfactory - to prevent	✓	Areas requiring attention one - only potwash. Generally v Good. - Advised wash raw meat utensils separately
E coll risk - RTE/Raw?		

**Structure** Does structure / layout encourage or impact upon food safety procedures?

Rear Storage area - Steel Container - Good -  
Cooking hob v clean - Good lighting ✓  
Fix Chest freezer in dry storage and kitchen.  
Attra floor in kitchen worn in places ✓

Seals in fridges split X      stainless surfaces ✓  
Ceiling Good ✓  
wall tiles good ✓  
Unsealed wood on shelves in kitchen X



**Management**

Basis for rating conclusion, comments on overall approach to food safety procedures.  
Is the Documented Food Safety Management System in place / not on site are records up to date?

SFBB used ✓  
Safe Methods Complate ✓  
Dry sheets Complate ✓  
Fridge temps taken + recorded ✓

\* Sali Ahmed trained  
 \* Co's not same

Opening / Closing checks	<input checked="" type="radio"/> Y <input type="radio"/> N	
Temperature records (chilled/hot)	<input checked="" type="radio"/> Y <input type="radio"/> N	Fridges
Stock Control System (day dots etc)		2-day rotation system.
Stock Storage Off Site Y <input checked="" type="radio"/> N <input type="radio"/>		Inspected? Y/T/N Sats? Y/T/N W/fere?
Waste Oil Disposal Procedure		Contract in place with Central business
Clinical/Waste Transfer Agreement Co? <u>veedion</u>		Would you be interested in Commercial waste collection service by North Somerset Council? If so we will arrange for somebody to contact you. Y / N

Name: <u>Iqbal Miah</u>	Position: <u>chef</u>
SFBB / In-house <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	
Name: <u>Shajin Miah</u>	Position: <u>chef</u>
SFBB / In-house <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	
Name: <u>Salar Miah</u>	Position: <u>chef (owner)</u>
SFBB / In-house <u>level 2</u> / intermediate / advanced / HACCP / Date (last trained): <u>2015</u>	

ALERGEN INFORMATION: Any information available for customers? Written / signage / verbal Any knowledge of allergen risk by food handlers? Any need for labelling advice? Comments on correct labelling	} discussed matrix - FSA guidance left
--	--

**Aide Memoir Hygiene Minor / Major Non-compliance (delete as appt)**

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**Structure Minor / Major Non-compliance**

major lids / seals  
cleaning

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**Management Minor / Major Non-compliance**

staff read + sign SFBS

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COMPLIANCE / STRUCTURE		CONFIDENCE IN MANAGEMENT									
High Standard	00 / A	00 / A	00 / A								
Minor Contraventions	05 / B	05 / B	05 / B								
Some Non-compliance	10 / C	10 / C	10 / C								
Some Major N.C.	15 / D	15 / D	15 / D								
General Failure	20 / E	20 / E	20 / E								
Almost Total N. C.	25 / F	25 / F	25 / F								
<b>Rating 5</b>	0 - 15 (< 5)	<b>TOTAL</b>	<b>10</b>								
Rating 4	20 (< 10)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Type of Food Safety Policy in place</th> </tr> <tr> <td>SFBB in place with records</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Advised required Caterers / Retail English/Chinese/Asian</td> <td></td> </tr> <tr> <td>Company policy H.A.C.C.P. / other</td> <td></td> </tr> </table>		Type of Food Safety Policy in place		SFBB in place with records	✓	Advised required Caterers / Retail English/Chinese/Asian		Company policy H.A.C.C.P. / other	
Type of Food Safety Policy in place											
SFBB in place with records	✓										
Advised required Caterers / Retail English/Chinese/Asian											
Company policy H.A.C.C.P. / other											
Rating 3	25-30 (< 15)										
Rating 2	35-40 (< 15)										
Rating 1	45-50 (< 20)										
Rating 0	55 >										
Officer: <u>W.H.</u>	Revisit Req'd <u>no</u>	Change of Risk Category <u>no</u> From Category _____ To Category _____									
Time:	Duration:	Signed Food Safety Manager _____									

## **Andy Manhire**

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**From:** Andy Manhire  
**Sent:** 27 September 2023 08:55  
**To:** m.kapoor@personallicencecourse.com  
**Cc:** Caz Horton; Andrew Jones (WSM); ashequ0@gmail.com  
**Subject:** Posh Spice Application

Mr Kapoor,

I had a meeting booked with your client this afternoon but due to a family emergency he as had to cancel. I have always had concerns around the ownership of the business and last weeks joint visit as done nothing to lessen this, so to demonstrate his ownership I am looking for copies of any documents to show who currently owns the business such as,

1. Business rate bill,
2. Proof of purchase for the fixture and fittings along with the good will of established business.
3. Water Bill.
4. Gas/Electricity Bill
5. Copy of Bank Statement showing payment of above and staff wages.
6. Any legal paperwork from solicitor showing purchase of business.
7. Any other paperwork he can produce to show his ownership.

Clearly time is short and unless I receive satisfactory proof by the end of play on Thursday I will be left with no option but to submit Police representations in relation to this application.

Regards,  
Andy Manhire  
North Somerset Police Liquor Licensing Officer

**Mobile:** 07889656022

**Email:** [andy.manhire@avonandsomerset.police.uk](mailto:andy.manhire@avonandsomerset.police.uk)

# Witness Statement

Criminal Justices Act 1967, section 9  
Magistrates Court Act 1980, sections 5A (3)(a) and 5B  
Criminal Procedure Rules, Rule 16(2)

Statement of Jane Day

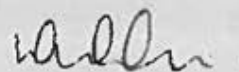
Age of Witness (if over 18 enter 'over 18') Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I, Jane Catherine Day, hold the post of Food and Commercial Safety Service Leader  
2 and am an authorised inspector of food safety and health and safety in the food and  
3 commercial safety team in the Regulatory Services division of the Public Health and  
4 Regulatory Services Directorate at North Somerset Council. I have held the post as a  
5 qualified food inspector and inspector of health and safety for over 30 years. I hold a  
6 NEBOSH qualification and am also registered with the Environmental Health Officers  
7 Registration Board and am a voting member of the Chartered Institute of  
8 Environmental Health. Prior to becoming the team manager I was a full time  
9 inspecting officer for over 26 years spending all of my career at North Somerset  
10 Council. I therefore have great knowledge of food businesses in North Somerset and  
11 of their ownership. On Wednesday 20<sup>th</sup> September 2023 I visited Posh Spice, 86  
12 High Street, Nailsea with immigration and licensing colleagues. The business is  
13 currently 'unrated' for food safety and awaiting inspection as a new food registration

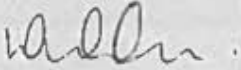
P06

Signature .....



14 was received on 16 June 2023. The food registration indicates that the business is  
15 operated by a company called Nameera and Co (Nailsea) Ltd. Companies house  
16 records show that this business was incorporated on 2 June 2023. Company house  
17 records also confirm two directors of the company, Mohammed Iqbal Miah and  
18 Ashequi Bari Numan. Both Mr Miah and Mr Numan were present when I visited Posh  
19 Spice and sat together at one of the restaurant tables. I have met both gentleman  
20 before on numerous occasions. Mr Iqbal Miah is the brother of Golap and Shaju  
21 Miah. During the course of the visit it was indicated to me that the accommodation  
22 above the restaurant is used for staff resting. I asked to see this accommodation  
23 which is accessed via a separate door to the right of the restaurant main door. We  
24 were told that the keys were located behind the bar. The key to the flat  
25 accommodation was on the same set of keys belonging to a black Mercedes car. Mr  
26 Iqbal Miah confirmed that the car and the keys were his. This infers that Mr Iqbal  
27 Miah still has considerable control over the business. On viewing the  
28 accommodation I noted a set of stairs directly in front which led to 4 rooms. Access to  
29 3 of these rooms was possible and in total 6 beds and paraphenlia akin to living  
30 accommodation was seen.

31

32 Signed:  (witness)

33 Date: 25 September 2023



# Nailsea Town Council

Past, Present & Future

Tithe Barn, Church Lane, Nailsea  
North Somerset, BS48 4NG  
01275 855277  
clerk@nailseatowncouncil.gov.uk

Licensing Office  
North Somerset Council  
The Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ

28 September 2023

Dear Sir/Madam

**Re. Application Reference NSC/063184 - Posh Spice Grant of Premises Licence**

I am writing on behalf of Nailsea Town Council. At a meeting of the Council's Planning Committee held on 27 September 2023, the committee considered the request for the supply of alcohol and the provision of a late-night refreshment licence for Posh Spice, 86 High Street, Nailsea.

The committee have significant concerns that following recent raids by Immigration Officials, that the owners of the premises are unsuitable to hold a licence for the activities listed, as they continue to flout the UK Immigration law and employ individuals who have no right to work in the UK.

Yours sincerely,

Jo Duffy  
Nailsea Town Clerk

