



REV1

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

Application for a review of a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Wayne Tonks apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Miah's Restaurant 3 York Place	
Post town: Leeds	Post code: LS1 2DR

Name of premises licence holder or club holding club premises certificate (if known)
Mr Mohammed Miah

Number of premises licence or club premises certificate (if known)
Prem/00905/003

Part 2 – Applicant details

- | | | |
|---|---|-------------------------------------|
| | I am | Please tick ✓ yes |
| 1 | An individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | A member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over

Please tick ✓ Yes

Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name: Mr Wayne Tonks : Senior Enforcement Officer
Address: Leeds City Council, Health and Environmental Action Service, Millshaw Office, Millshaw Park Way, Churwell, LS11 0LS
Telephone number: 0113 222 4406
E-mail: Env.health@leeds.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1. the prevention of crime and disorder
- 2. public safety
- 3. the prevention of public nuisance
- 4. the protection of children from harm

Please state the ground(s) for review.

This review is in relation to seeking a closure or temporary suspension of the licence for the business of Miah's Kitchens that is at 3 York Place, Leeds for offences committed against the Crime and Disorder and also the Prevention of Public Nuisance objectives.

The decision to request a closure of the business is not taken lightly but the continued criminal behaviour by such large amounts of food and other waste being illegally deposited on the Highways is not acceptable and despite being summonsed to attend the Leeds Magistrates courts the defendants have not made any efforts to contact either ourselves, the legal team or the courts service and continue to flout the law.

The circumstances of this request are that on 28th August 2012 I found waste on the Highway to the rear of Miah's Kitchens that is located at 3 York Place, Leeds, the waste receptacle was also overflowing. The premises were visited and a message left for the owner to contact me. On my return to the office I received a telephone call from a Mr Saleem Uddin who stated he was the owner and had just taken over the business. Mr Uddin apologised to which I explained a legal notice would be served to ensure that waste is kept contained in the future. (Photographs were taken)

It was confirmed that the receptacle in question was on contract to Miah's Kitchens by the owners Biffa.

On the 11th April 2013 Brenda Cope a City Centre Liaison Officer found waste again on the ground around the receptacle that included food and the bin was overflowing. A report was sent to the City Centre team for investigation and allocated to Victoria Whalley.

On the 12th April 2013 a letter was sent to Mr Uddin at the premises of Miah's Kitchens to request that he contact this department to arrange an interview in accordance with the Police and Criminal Evidence Act 1984 in relation to the offence of the 'Illegal deposit of controlled waste on land'. To date no response has been received.

A report was also sent to Biffa to ask if there was a problem with the account, a response stated that

the account was on stop due to outstanding invoices.

On the 17th April 2013 the premises was visited by Ms Whalley and found the waste still present on the Highway, investigation of the waste revealed it had originated from Miah's Kitchens. A member of staff was handed a letter for the attention of Mr Uddin again requesting that he contact this office. To date no response has been received.

On the 18th April 2013 Ms Whalley re-visited the location and found the waste still present (Photographs taken) and posted a Section 80 Abatement Notice, under the Environmental Protection Act 1990 requesting that the waste be removed and to arrange the receptacle to be emptied. A period of 48hrs was given. To date no response has been received.

On the 21st April 2013 Lee Hayward a City Centre Cleansing Supervisor visited the area and found bags and waste strewn around on the highway. The Biffa receptacle that was still overflowing.

On the 23rd April 2013 Ms Whalley requested that Rob Tindall the second City Cleansing Supervisor have his team visit the site and remove all the waste, which was completed and evidence of the removal recorded. This was at the cost to the taxpayer.

On the 25th April 2013 Ms Cope re-visited the area and again found waste on the ground and the receptacle to be overflowing with waste.

On the 26th April 2013 Ms Whalley wrote again to Mr Uddin at York Place to further request that he contact this team to discuss the previous and on-going offences being committed.

On the 28th April 2013 Mr Hayward re-visited and found that a vast amount of waste that included food waste was on the Highway around the Biffa receptacle.

On the 5th May 2013 Mr Hayward on a further visit found that the amount of waste on the Highway had increased further and mirrored the previous amount removed by our cleansing crews. Mr Hayward arranged that his own crews remove the uncontained food waste. Photographs were taken.

On the 6th May 2013 I visited the premises and saw the vast amount of waste remaining and that the Biffa receptacle had been removed. Evidence recovered from the waste revealed it had originated from Miah's Kitchens. The evidence was recorded and photographs taken. A member of staff was spoken to and informed of the on-going investigation and the reasons why.

On the 7th May 2013 I re-visited the location and found the waste had been removed with the exception of a few cardboard boxes.

A legal notice issued under Section 34 of the Environmental Protection Act 1990 was sent to Mr Uddin to request proof of the lawful disposal of trade waste that had gone from the premises on the 7th May 2013. To date there has been no response.

On the 8th May 2013 I checked the internet to see who had organised the placement of the website that advertised the business and found it to be Mr Miah using the business of Miah's Kitchen. A letter was also sent to Mr Miah at the registered office address at Scunthorpe to request that he contacts this team to arrange an interview to be conducted for the offences of Flytipping at the site of Miah's Kitchen.

On the 9th May 2013 I visited the site at Back York Place and found that the area was still clear but that a new green 'Forge' bin was on the site.

On the 10th May 2013 I checked the 192 computer information system that revealed that Mr Mohammed Miah was the managing director of Miah's Kitchen (Leeds) Ltd and that the companies address was in Oldham with a second address for Mr Miah in Ashby High Street, Scunthorpe.

A new check of companies house was carried out that showed that the previous companies house address in Scunthorpe had been changed to the one in Oldham and that the same address of Ashby

High Street was with his personal details on the register.

An email was also sent to the Forge recycling company to request information as to when they were contacted for the waste disposal arrangements they had set up at the premises located in York Place.

On 10th May 2013 a response was received from Forge to say that the account had been set up on Sunday 5th May 2013 and the bin delivered to the premises on York Place on 7th May 2013, the email also mentioned that the other business had been discussed.

On the 14th May 2013, I checked companies house to obtain details of the company details for Miah's Kitchens that revealed five companies: Miah's Kitchens (Leeds) Ltd that had the company secretary of Mr Saleem Uddin with the company address being at 74 Broadway Street, Oldham.

A second Miah's Kitchen Ltd with the company director of Mr Mohammed Zakir Miah with the same companies address at Oldham.

A third Miah's Kitchen (Doncaster) Ltd with Mohammed Zakir Miah as the company secretary and the companies address at Oldham.

A fourth Miah's Kitchen (Scunthorpe) Ltd, Company secretary as Mohammed Zakir Miah and the companies address at Oldham.

A fifth Miah's Kitchen (Grimsby) Ltd again with the same company secretary and companies address.

The same day two Pace caution letters were prepared that included questions that related to the offences being investigated and a copy was sent to both Mr Mohammed Miah and Mr Saleem Uddin. The questions related to the premises at York Place, Leeds.

On the 3rd June 2013 it was seen that a junction near to the M621 Motorway had a sign advertising 'Miah's Kitchens' to which an enquiry revealed the sponsor to be Mohammed Miah and had been for two years.

On the 4th June 2013 a second email was sent to Forge recycling to request specific details as to the contract details in place at York Place.

On the 5th June 2013 a response was received from Forge that revealed Mr Miah as the person responsible for the contract being arranged at York Place and a copy of the contract was attached to the email.

A check was also carried out this day on the Leeds City Councils 'Uniform' database that showed Mr Mohammed Miah was the account holder at 3 York Place, Leeds.

To date no responses of any description have been received by this department to any letters or visits made and sent that related to either premises.

The premises of York Place, Leeds are within a business environment some of which are also food related however these companies are complying with the lawful requirements and disposing of trade waste lawfully.

The health issues associated with uncontained and flytipped waste are obvious and the vermin and odours produced are preventable by adopting the same methods of containing trade waste and disposing of it lawfully as the other businesses. It is also evident that due to the amount of time spent sending letters to various addresses and visits to the premises that the company have shown a total disregard for the law and any associated duty of care involved and continued to add to the problems when the issue was raised with the company.

Legal proceedings have been instigated, resulting in twelve summons being raised for offences committed at Miah's Kitchens, the latest update as of 7th January 2014 is that warrants of arrest have been issued for both Mr Uddin and Mr Miah.

The lack of assistance, co-operation and total disregard for any laws is to such an extent that on 7th January 2014 due to a report received from other businesses in the area of York Place that waste was blocking the Highway I again visited the site of Miah's Kitchen and saw that a vast amount of waste that again included food waste was illegally deposited on the Highway. Evidence found amongst the waste included the details of Mr Mohammed Miah at an address at Wells Street, Scunthorpe. Photographs were taken and details recorded.

Please provide as much information as possible to support the application

A list of documents are attached as below:

- 1) Photographs taken 28/8/12
- 2) Photograph taken 18/4/13
- 3) Photograph taken 21/4/13
- 4) Photographs taken 5/5/13
- 5) Photograph taken 6/5/13
- 6) Photographs taken 7/1/14
- 7) Statement Of Brenda Cope dated 16/5/13
- 8) Statement of Wayne Tonks dated 6th June 2013 and 7th January 2014
- 9) Statement of Victoria Whalley dated 10th June 2013
- 10) Copy of Section 47 Notice dated 3/9/12
- 11) Copy of letter sent to Miah's Kitchen dated 12/4/13
- 12) Copy of Section 80 Notice dated 18/4/13
- 13) Copy of Section 34 Notice dated 8/5/13
- 14) Copy of Letter sent To Mr Miah at companies house address dated 8/5/13
- 15) Copy of Letter sent to new companies house address dated 14/5/13
- 16) Copy of PACE caution letter sent to Mr Uddin dated 22/5/13
- 17) Copy of PACE caution letter sent to Mr Miah dated 22/5/13

There are numerous other photographs taken during the separate visits that form part of the prosecution pack along with other exhibits used during the course of the Investigation.

The exhibit numbers mentioned in each of the statements are not necessarily part of the this package.

Have you made an application for review relating to this premises before? Please tick ✓ yes

If yes please state the date of that application

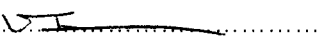
Day	Month	Year					

- Please tick ✓ Yes
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
 - I understand that if I do not comply with the above requirements my application will be rejected ✓

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.

Part 3 – Signatures

Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature 

Date: 22/1/2014

Capacity: Senior Enforcement Officer

Contact Name (where not previously given) and address for correspondence associated with this application	
Mr W Tonks City Centre Cleansing & Enforcement Team Millshaw Park Way Millshaw	
Post town : Leeds	Post code: LS11 0LS
Telephone number: 0113 3367596	
If you would prefer us to correspond with you by e-mail your e-mail address:	
Wayne.tonks@leeds.gov.uk	

Notes for guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.