

Licensing Sub-Committee

Monday, 17th March, 2014

PRESENT: Councillor B Gettings in the Chair

Councillors R Downes

198 Election of the Chair

RESOLVED – Councillor Gettings was elected Chair for the duration of the hearing. In accordance with Licensing Procedure Rule 6 and due to the unanticipated none availability of a Sub-Committee Member (Councillor Bruce) it was agreed by the parties present to proceed with a quorum of two for the business of the sub-committee.

199 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

200 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information therefore there were no resolutions to exclude the public.

201 Late Items

There were no late items.

202 Declarations of Disclosable Pecuniary Interests

There were no declarations of interests.

203 Review of the Premises Licence for Miah's Restaurant, 3 York Place, Leeds, LS1 2DR

The report of the Head of Licensing and Registration informed Members of an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003, sought by Leeds City Council's Health and Environmental Action Service in respect of Miah's Restaurant, 3 York Place, Leeds, LS1 2DR.

The Premises Licence holder, Mr Mohammed Miah, was not present at the hearing, neither was the Designated Premises Supervisor (DPS), Mr Zaheer Dean. There had been no applications from either Mr M Miah or Mr Z Dean to adjourn the hearing, and nobody attended the hearing to speak on their behalf. The Licensing Sub-Committee decided to proceed with the hearing in the absence of the Premises Licence holder, the Members being confident that Mr M Miah had been notified of the hearing, and the Members noting that Mr M Miah had repeatedly failed to respond to any contact from the Council to date, either from the Licensing Department or from the Health and Environmental Action Service.

There were a number of members of the public present, including Mr John Boumphrey, Counsel of Zenith Chambers on behalf of Mr Momtaz Hafeez, the owner of Miah's Restaurant, and Mr Bashir Miah and Mr Shelim Uddin, both employees of Miah's Restaurant.

Two Senior Enforcement Officers were present at the hearing; one of which presented the application. This Senior Enforcement Officer informed the Licensing Sub-Committee that the application for the review was brought by the Health and Environmental Action Service on the grounds of two of the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance

The Members were informed of the continual criminal behaviour by Mr M Miah as Premises Licence Holder by large amounts of food and other waste being illegally deposited on the public highway to the rear of the premises.

The Senior Enforcement Officer informed the Members that the matters relating to Miah's Restaurant first arose in August 2012, when waste was found on the highway and the waste receptacle was overflowing.

The Senior Enforcement Officer informed the Sub-Committee that from April 2013, the problems persisted with waste being left on the highway, which naturally attracted vermin. Despite visits to the premises and speaking to various members of staff and sending numerous letters, there had been no action by the Premises Licence holder to co-operate with the Council. Due to the lack of assistance from the Premises Licence holder, the waste at the rear of the premises had had to be removed by the Council on two occasions, the costs being borne by the local taxpayers.

It was reported that legal notices had been sent to the Premises Licence holder, Mr M Miah, at various addresses, including those obtained from Companies House. Similar letters had also been sent to a Mr Saleem Uddin, an individual found to be connected with the business, again at various addresses. Health and Environmental Action Services had received no response from either Mr Miah or Mr Uddin to these letters. The Senior Enforcement Officer also explained to the Sub-Committee that he had personally visited the premises to deliver notification of the review application; again there was no response.

The Senior Enforcement Officer stated that as long as the business remained open, there was no possibility for the Local Authority to take effective action regarding the persistent breaches because of Mr Miah's total lack of accountability for his actions.

In offering a comment Councillor Downes said that the issue of waste persisted to this date. He reported that on his way to the hearing, he had walked via the rear of the premises and had found food waste (including a cooking oil canister) deposited on the ground and not contained in any bin or other receptacle.

Members carefully considered the information brought to the hearing and the information contained within the submitted report and appendices. Particular concern was raised about the breaches of the licensing objective relating to public nuisance. Members considered conditions and suspension of the licence, but were of the view that anything less than revocation would not be acceptable or appropriate.

RESOLVED – That the premises licence be revoked.