

# Public Document Pack

## Licensing Sub-Committee

**MINUTES** of the Meeting held in the Committee Room - Swale House on Tuesday, 24 June 2025 from 10.14 am - 11.57 am.

**PRESENT:** Councillors Derek Carnell, Simon Clark and Lee-Anne Moore.

**OFFICERS PRESENT:** Jo Thomas and Helen Ward.

**OFFICERS PRESENT (VIRTUALLY):** Lorraine Crowley.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillor Tony Winckless.

### 88     **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 89     **Notification of Chair and Outline of Procedure**

### 90     **Declarations of Interest**

Councillor Simon Clark Declared a Non-Pecuniary interest as he knew one of the character references that had supported the respondents case. He had not discussed any information about the premises hearing with this person and was able to participate in the debate with a clear and open mind.

### 91     **Review of Premises Licence under the Licensing Act 2003**

The Licensing Team Leader introduced the report which asked Members to consider a review of premises licence under the Licensing Act 2003 at Mem's Mezze, Halfway House, Halfway Road, Sheerness, Kent, ME12 3AU.

The Chair invited the Home Office Immigration Enforcement officer to present his case.

The Home Office Immigration officer said that the premises was visited by the Home Office in January 2025, and during the visit discovered that there were three illegal workers at the address. At the time of the visit the Designated Premises Supervisor (DPS) was not running the business hands on, but was an experienced licence holder and knew the responsibilities of running a business in line with the licensing law.

The Chair invited Members and the Senior Lawyer Contentious to ask questions.

The Chair invited the Respondent to present their case.

Mr Gary Grant, the Respondent's barrister, addressed the sub-committee and said that Ms Elvin Akis, his client, was an experienced Licence holder in Swale for more than 20 years and was currently operating a successful off-licence in Sheerness, Isle of Sheppey. Mr Grant said that his client was not the employer of the illegal workers at the time of the visit. Ms Akis, had agreed a lease with Mr Erhan Delikitas to carry out the day-to-day tasks of the business as she was focusing on other businesses and her family. Upon agreeing the lease, Ms Akis was advised by a firm of solicitors to remain the DPS even though she was not running the day-to-day activities at the premises. Ms Akis now recognises that this was a mistake and she should have given full

responsibility to Mr Deliklitas when he took over the lease.

Mr Grant pointed out to Members that before the Home Office had instigated the Review, Ms Akis had instructed Paradigm Solicitors to terminate Mr Deliklitas' lease in March 2025 as she had discovered he had employed illegal immigrants to work at the premises. Currently, Ms Akis and her partner were in full operational control of the business.

Mr Grant referred to a number of character references that proved his client was a trustworthy person and referred to the Independent Licensing review carried out by Adrian Studd who did not find Ms Akis to be responsible for the employment of illegal immigrants.

Mr Grant read out some conditions to propose to the sub-committee for consideration. These included:

- a. Mr. Erhan Deliklitas shall not be permitted to work at the premises, either directly or indirectly.
- b. All right to work checks of employees shall be the responsibility of the licence holder.
- c. For a period of no less than 18 months, the licence holder shall arrange for independent professional inspections of the premises without warning at least once every 3 months. The inspector shall check compliance with licence conditions and confirm the right to work of all employees and make a written report after each visit. These reports shall be kept at the premises and made available for inspection on the request of an authorised officer of a Responsible Authority.

The Chair invited Member and the Senior Lawyer Contentious to ask questions.

The Chair asked Home Office Immigration Officer to summarise his closing remarks.

The Chair asked the Respondent to summarise her closing remarks.

Members of the Sub-Committee adjourned at 11.25 am to make their decision.

Members of the Sub-Committee, the Senior Lawyer Contentious returned to the meeting at 11.55 am and the decision, attached as Appendix I to these minutes, was announced.

***Resolved:***

- (1) The Sub-Committee imposed additional conditions as set out in the decision notice on the premises licence and a written warning be issued to Elvin Akis.***

92 **Adjournment of Meeting**

The meeting was adjourned from 10.37 am until 10.39 am.

**Annex 1**

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel

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**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

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Applicant: Home Office Immigration Enforcement

Regarding **Mem's Mezze, Halfway House, Halfway, Sheerness, Kent  
ME12 3AU**

Date(s) of hearing: 24 June 2025

Date of determination: 24 June 2025

Licensing Sub Committee Members: Councillor Derek Carnell (Chair)  
Councillor Simon Clark  
Councillor Lee-Anne Moore

Legal Advisor in attendance at hearing(s): Helen Ward, Senior Lawyer, MKLS

Licensing Officer in attendance at hearing(s): Johanna Thomas

Democratic Services Officer in attendance at hearing(s): Billy Attaway

**This was an application for Review of a Premises Licence under s.51 Licensing Act 2003.**

### **A: Representations, evidence and submissions:**

The Sub-Committee considered the representations, evidence and submissions of the following parties:

#### **Applicant**

- Harry Taylor, Home Office Immigration Officer

#### **Responsible Authorities**

None

#### **Interested Parties**

None

#### **Premises Licence Holder**

- Elvin Akis (Premises Licence Holder and Designated Premises Supervisor)
- Gary Grant (Barrister, Francis Taylor Buildings)
- Adrian Studd (Expert Witness)
- Fabien Simms (Licensing Consultant)

#### **Representations considered in the absence of a party to the hearing:**

Those contained within the Report prepared for the Licensing Sub Committee

### **B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Swale Borough Council**

The Sub-Committee has taken into account the Licensing Act 2003 and the Regulations thereto.

The Sub-Committee has taken into account the Guidance under section 182 of the Act:

The Sub-Committee has taken into account its Statement of Licensing Policy:

### **C: Determination:**

#### **The Sub-Committee has decided to:**

- 1) Modify the premises licence to add the conditions set out in **section E** of this decision.
- 2) Issue a written warning to Elvin Akis as set out in **section F** of this decision.

## Reasons for determination:

### ■ Prevention of Crime and Disorder

Reasons (state in full):

The Licensing Sub Committee considered the evidence provided by the Home Office and were extremely disappointed to hear of the circumstances surrounding illegal working at the premises. They noted the evidence of the Home Office that Erhan Deliklitas was considered primarily responsible for the illegal workers' presence at Mem's Mezze however the Home Office were unable to provide any further detail regarding the decision to issue a civil penalty notice to EDT Meze Ltd, being a company unrelated to the premises licence holder. They noted that the Home Office were concerned with the failure of Elvin Akis to either vary the DPS or take suitable responsibility at the premises, and the Licensing Sub Committee considered this to be the relevant matter for their consideration as part of the Review.

The Licensing Sub Committee considered the evidence of the premises licence holder and noted in particular that Elvin Akis accepted failings in not having sufficient oversight of the premises and in not taking steps to ensure a responsible DPS was specified on the premises licence. The Licensing Sub Committee also considered evidence of her prior trading of the premises and of another licensed premises within Swale, without concern or enforcement action. They noted the steps that had been taken since the Home Office enforcement visit, including varying the DPS and subsequently taking steps to terminate the lease held by Erhan Deliklitas, who no longer has any involvement in the business.

Given the seriousness of the matter, and in accordance with the Guidance, the Licensing Sub Committee did consider revocation of the licence. However, they determined that in the circumstances of this matter Elvin Akis had demonstrated a track record of compliance and had taken prompt steps to remove Erhan Deliklitas from the business. In addition, they noted that the Home Office had issued the civil penalty to an unrelated company and they also accepted that Elvin Akis' role in employing illegal workers was not evidenced. They considered the evidence of Adrian Studd and the character references provided. The Licensing Sub Committee did not consider in this particular matter that revocation was an appropriate or proportionate step.

The Licensing Sub Committee did consider it appropriate and proportionate to impose conditions offered by the premises licence holder with slight amendment to clarify the responsibilities. In addition, they determined to issue Elvin Akis with a written warning regarding her failure to take appropriate steps to ensure promotion of the licensing objectives, given the responsibility she had retained as premises licence holder and Designated Premises Supervisor.

■ **Public Safety**

Reasons (state in full):

The Licensing Sub Committee noted that the Review did not engage this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Licensing Sub Committee noted that the Review did not engage this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Licensing Sub Committee noted that the Review did not engage this licensing objective.

**D: Appeal**

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003. An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Magistrates' Court within 21 days beginning on the day on which the appellant was notified by the licensing authority in writing of the decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

**E: Conditions Imposed by the Licensing Sub-Committee**

1. Erhan Deliklitas shall not be permitted to work at the premises either directly or indirectly.
2. Ensuring compliance with and completion of right to work checks of employees shall be the responsibility of the premises licence holder.
3. For a period of no less than 18 months [from 24 June 2025] the premises licence holder shall arrange for independent professional inspections of the premises, without warning, at least once every 3 months. The inspector shall check compliance with licence conditions and confirm the right to work of all employees and make a written report after each visit. These reports shall be kept at the premises and made available for inspection on the request of an authorised officer of a Responsible Authority and sent to the Licensing Authority within 7 days of receipt by the licence holder.



**F: Written Warning**

**To: ELVIN AKIS**

**Take Note That: The Licensing Sub Committee consider your actions as Designated Premises Supervisor have fallen below the expected standards. You must ensure you are familiar with your responsibilities as a retailer of alcohol and as an employer within the hospitality industry.**

A handwritten signature in black ink, appearing to read 'Derek Carnell', written in a cursive style.

Signed:  
Cllr Derek Carnell (CHAIR):

Date: 26.06.2025

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