

# Agenda

## Licensing Sub-Committee Meeting

Date: Tuesday, 24 June 2025

Time 10.00 am

Venue: Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

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

Quorum = 3

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### Pages

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- 2. Apologies for Absence
- 3. Notification of Chair and Outline of Procedure
- 4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

- 5. Review of Premises Licence under the Licensing Act 2003 3 - 68  
To review the licence of Mem's Mezze, Halfway House, Halfway Road, Sheerness, Kent, ME12 3AU.

**Issued on Thursday, 12 June 2025**

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**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

<b>Licensing Sub-Committee Meeting</b>	
<b>Meeting Date</b>	24th June 2025
<b>Report Title</b>	Consideration of an application for the review of a premises licence under the Licensing Act 2003
<b>Premises</b>	Mem's Mezze, Halfway House, Halfway, Sheerness, Kent ME12 3AU
<b>Lead Officer</b>	Johanna Thomas, Licensing Team Leader
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	Members are requested to determine the application on its merits and decide whether to take such steps as Members consider appropriate for the promotion of the licensing objectives

## 1 Purpose of Report and Executive Summary

The report advises Members of an application for the review of a premises licence granted under the Licensing Act 2003 made by Carla Samuels on behalf of Home Office Immigration Enforcement Licensing Compliance in respect of Mem's Mezze, Halfway House, Halfway, Sheerness, Kent ME12 3AU

## 2 Background

- 2.1 The Licensing Sub-Committee is asked to determine an application for the review of a premises licence under section 51 of the Licensing Act 2003.
- 2.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
  - the prevention of crime and disorder
  - the protection of public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 2.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies that will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council first adopted its Statement of Licensing Policy in 2004 and it has been regularly reviewed in line with legislative requirements ever since. The latest policy was adopted on 1st April 2021. The policy will be available at the meeting for reference purposes and is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/statement-of-licensing-policy>

- 2.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the guidance, it will need to give full reason for any departure from it. This would be a key consideration for the courts should departure from the guidance result in a determination which might lead to an appeal or judicial review. The Guidance will be available at the hearing for reference purposes.
- 2.5 A copy of the council's approved procedure for hearing of the Licensing Sub-Committee in relation to an application, along with a copy of the Hearings Procedure has been circulated to all parties prior to the meeting.
- 2.6 The Licensing Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence and the protection of private and family life.

### **3 The current Licence**

- 3.1 The current premises licence was originally granted on 31<sup>st</sup> August 2005 to become effective on 24<sup>th</sup> November 2005 when the Licensing Act 2003 became law. At that time the premises licence holder was Mr John Patrick Gannon.
- 3.2 On 15<sup>th</sup> December 2017 the licence was transferred into the name of Ms Elvin Ekis. The Designated Premises Supervisor (DPS) was Mrs Claire Martin. On 21<sup>st</sup> November 2019 Ms Ekis applied to vary the licence under the Licensing Act 2003 to specify herself as DPS. On 25<sup>th</sup> January 2025 Ms Ekis applied to vary premises licence to specify Mr Mehmet Suzgun as DPS. On 4<sup>th</sup> June Ms Ekis applied again to go back on the licence as DPS. The current premises licence which allows for the sale of alcohol for consumption both on and off the premises is attached as **APPENDIX I**.

### **4 The Review Application**

- 4.1 An application for a review of the premises licence was received on 30<sup>th</sup> April 2025 from Carla Samuels on behalf of Home Office Immigration Enforcement Licensing Compliance.
- 4.2 It is a requirement of the Licensing Act 2003, that the licensing authority advertise the review application, inviting representations from any responsible authority or interested party. The application has been correctly advertised with notices posted at the premises, on the council website and the council offices for the required period of 28 days.

- 4.3 The grounds for the review are the failure of the premises licence holder to promote the licensing objective of: Prevention of crime and disorder and follows the result of an immigration enforcement visit to the premises that took place on 16<sup>th</sup> January 2025. During the visit 2 (TWO) members of staff were found to have outstanding claims for protection and 1 (ONE) member of staff had overstayed. The review application is attached as **APPENDIX II**.
- 4.4 The application pack with redacted annex can be viewed as **APPENDIX III**. The unredacted document has been provided to Ms Akis and Members prior to the hearing.
- 4.5 An employer must check the immigration status of persons they employ under section 15 – 25 of the Immigration, Asylum and Nationality Act 2006. The relevant sections of the Act are attached as **APPENDIX IV** and the Home Office guidance referred to in the review application can be viewed on the Gov.uk website [Right to work checks: an employer's guide - GOV.UK](#)
- 4.6 As part of the review application Immigration ask for the following:
- Revocation of the Premises Licence
- 4.7 Members are advised that they may only modify premises licences if it is appropriate to promote the licensing objectives.

## 5 Representations

- 5.1 At any stage during the 28-day consultation period a responsible authority, a Councillor or an interested party may make representations provided that the grounds are relevant to the licensing objectives and are not deemed vexatious, frivolous or repetitive.
- 5.2 Representations from responsible authorities:

Kent & Medway Fire & Rescue Service	No representations
KCC Trading Standards	No representations
KCC Public Health	No representations
Swale BC Environmental Health Protection	No representations

- 5.3 During the consultation period 1 (ONE) was received from a local ward Councillor based on the licensing objective of: Prevention of crime and disorder and is support of Immigration's review application. The representation can be viewed as **APPENDIX V**.

## 6 Determining the application – Options of the Licensing sub-Committee

- 6.1 Members must, having regard to the application and any relevant representations, take such steps mentioned below as they consider appropriate for the promotion of the licensing objectives. The steps are:
- To take no action;
  - To issue a warning or caution;
  - To modify the conditions of the licence;
  - To exclude a licensable activity from the scope of the licence;
  - To remove the designated premises supervisor;
  - To suspend the licence for a period not exceeding 3 months;
  - To revoke the licence.
- 6.2 Relevant sections of the Guidance issued under section 182 of the Licensing Act 2003 that Members should take into account are:
- Chapter 2    Licensing Objectives  
Chapter 10   Conditions attached to Premises Licences and Club Premises Certificates  
Chapter 11   Reviews
- 6.3 Members should also take into account relevant policy statements as contained in the Swale BC Statement of Licensing Policy 2021 – 2026 including specifically section 14: Review of Premises Licence or Club Premises Certificates. This is attached as **APPENDIX VI**.

## 7 Implications

Issue	Implications
Corporate Plan	<p>There are links to:</p> <p>Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.</p> <p>Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p>
Financial, Resource and Property	There are no direct financial requirements at this time. There is the possibility of a challenge by way of an appeal.
Legal, Statutory and Procurement	<p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine this application with a view to promoting the four licensing objectives.</p> <p>In making its decision, the Licensing Sub-Committee is also obliged to have regards to the S182 Guidance that accompanies the Licensing Act 2003 and the council's Statement of Licensing Policy.</p>

	The Licensing Sub-Committee must also have proper regard to the Human Rights Act 1998 in respect to the rights of an individual when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found.
Crime and Disorder	<p>Section 17 of the Crime and Disorder Act requires local authorities to consider the crime and disorder implications of their decisions and it is the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.</p> <p>Section 17 of the Crime and Disorder Act 1998 states:  "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can reasonably can to prevent crime and disorder in its area".</p>
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents
Safeguarding of Children, Young People and Vulnerable Adults	The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications.
Risk Management and Health and Safety	Departure from the Guidance and Statement of Licensing Policy could lead to an increased risk of appeal. Similarly, if any decision made is not evidence based and proportionate
Equality and Diversity	No implications
Privacy and Data Protection	Normal privacy and data protection rules apply

## 8 Appendices

8.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current premises licence – ref: SHE/SWALE/189/0165
- Appendix II: Review Application
- Appendix III: Review Application Pack with redacted annex
- Appendix IV: Extract of the Immigration, Asylum and Nationality Act 2006.
- Appendix V: Representation from local ward Councillor
- Appendix VI: Extract of Swale BC Statement of Licensing Policy 2021 - 2026

## **9 Background Papers**

Licensing Act 2003

Home Office Guidance issued under s.182 of the Licensing Act 2003 (as amended)

Swale BC Statement of Licensing Policy 2021 - 2026





Swale Borough Council, Swale House, East Street,  
Sittingbourne, Kent, ME10 3HT

**Premises licence number**  
SHE/SWALE/189/0165

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
Mem's Mezza  
Halfway House  
Halfway

<b>Post town</b>	Sheerness, Kent	<b>Post code</b>	ME12 3AU
<b>Telephone number</b>	01795 666636		

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Sale of alcohol.  
Indoor Sporting Events.  
Live/Recorded Music (Indoors)  
Late Night Refreshments(Indoors)

**The times the licence authorises the carrying out of licensable activities**

**Sale of alcohol**  
Sunday – Thursday 10:00 – 23:30  
Friday – Saturday: 10:00 – 00:30  
New Years Eve: 10:00 – 03:00

**The times the licence authorises the carrying out of licensable activities**

**Indoor Sporting Events**

Sunday – Thursday: 10:00 – 00:00 (midnight)

Friday – Saturday: 10:00 – 01:00

**Live Music**

Friday – Saturday 20:00 – 00:00 (midnight)

Sunday 20:00 – 23:00

**Recorded Music**

Sunday – Thursday: 10:00 – 23:30

Friday – Saturday: 10:00 – 00:30

New Years Eve: 10:00 – 03:00

**Late Night Refreshment**

Friday – Saturday 23:00 – 00:30

**The opening hours of the premises**

**Sunday – Thursday** 10:00hrs – 00:00 (midnight)

**Friday – Saturday** 10:00hrs – 01:00

**New Year's Eve** 10:00hrs – 03:30

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Both on and off the premises

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Ms Elvin Akis  
16 Common Creek Wharf  
Rochester  
Kent  
ME1 1GE

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Ms Elvin Akis  
16 Common Creek Wharf  
Rochester  
Kent  
ME1 1GE

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

Licence number: SWALE-PL-0593  
Issuing Authority: Swale Borough Council

## **Annex 1 – Mandatory Conditions**

### **Condition 1**

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### **Condition 2**

Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)
- (b) Outbreaks of disorder
- (c) Damage

### **Condition 7**

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**Condition 8**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**Condition 9**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**Condition 10**

The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **Condition 11**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
  - (b) “permitted price” is the price found by applying the formula:-  $P = D + (D \times V)$  where:-
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 - Conditions consistent with the Operating Schedule**

**Condition 1**

A Proof of age' scheme shall be in operation.

**Condition 2**

Music levels to be accessed by the DPS/Duty Manager to avoid excessive breakout that may cause a nuisance to neighbours.

**Condition 3**

Accompanied children only allowed into the restaurant area, no children in the bar area.

**Condition 4**

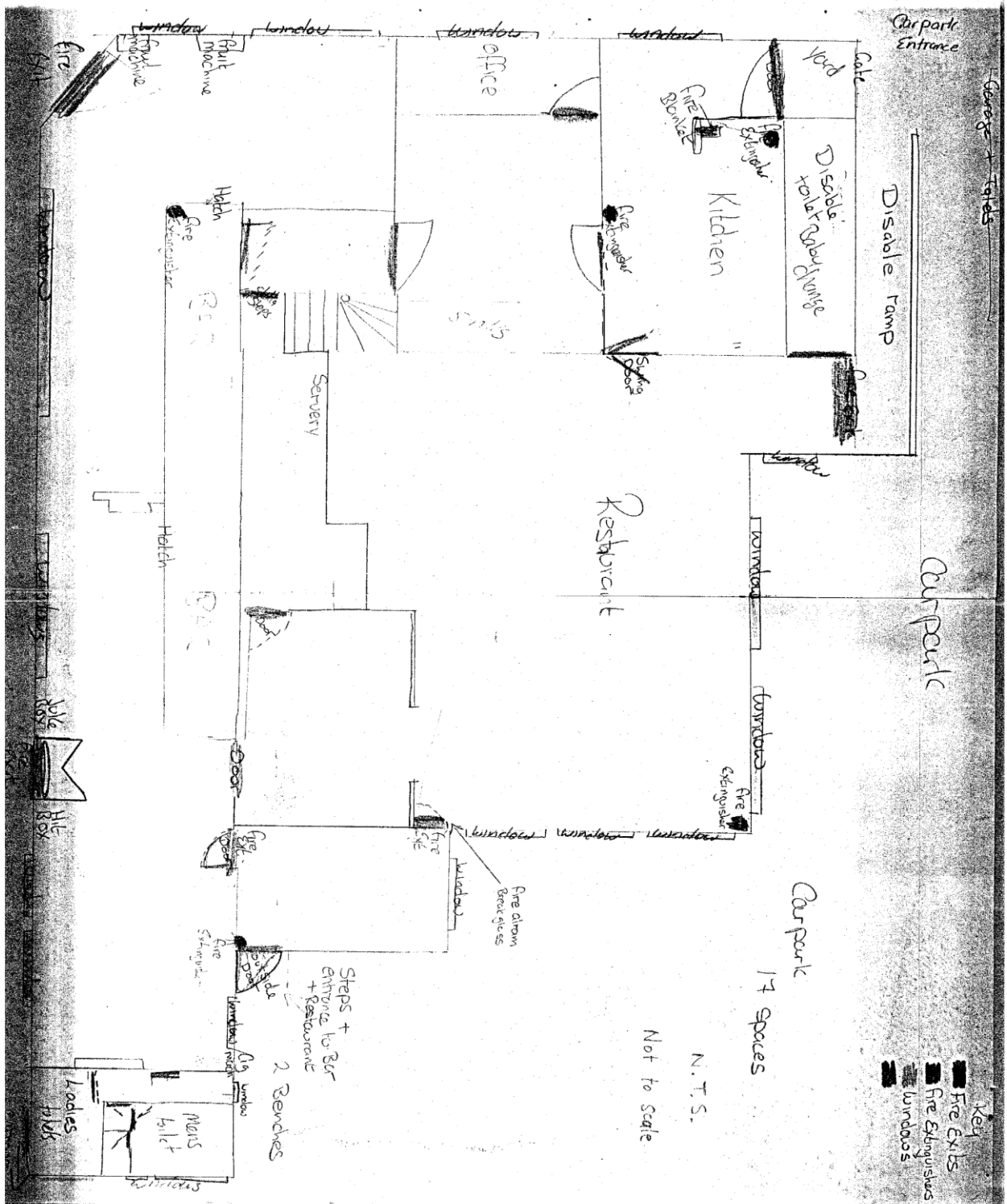
Electrical/fire equipment checks shall be maintained annually.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A



## Annex 4 – Plans



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Licensing Authority: Swale Borough Council  
 Email Address: [licensing@swale.gov.uk](mailto:licensing@swale.gov.uk)  
 Reference: PI

**Application for the review of a premises licence or club premises certificate 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  
 that 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 Home Office Immigration Enforcement**

**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**

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Mem's Mezza Halfway House Halfway	
Post town Sheerness, Kent	Post code (if known) ME12 3AU

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Ms Elvin Akis

<b>Number of premises licence or club premises certificate (if known)</b>
SHE/SWALE/189/0165

**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)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates  
(please complete (A) below)

☐

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

Please tick ✓ yes

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**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Home Office <b>Immigration Enforcement Licensing Compliance Team (IELCT)</b> 6 <sup>th</sup> Floor, 2 Ruskin Square Dingwall Road Croydon CR0 2WF
Telephone number (if any)
E-mail address (optional) IE.Alcoholreviews@homeoffice.gov.uk

**This application to review relates to the following licensing objective(s)**

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

Please tick one or more boxes ✓

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 2)

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

**Please provide as much information as possible to support the application (please read guidance note 3)**

Please refer to accompanied review pack for detailed information

**Please tick ✓ yes**

Have you made an application for review relating to the premises before?

☐

If yes, please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises, please state what they were and when you made them**

**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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant, please state in what capacity.**

Signature    C. SAMUELS

.....

Date                    **30 April 2025**

.....

Capacity    **Responsible Authority**.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Immigration Enforcement Licensing Compliance Team 6<sup>th</sup> Floor, 2 Ruskin Square Dingwall Road</b>	
<b>Post town</b> <b>Croydon</b>	<b>Post Code</b> <b>CR0 2WF</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> IE.Alcoholreviews@homeoffice.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.

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Home Office

## Premises Licence Review

Mem's Meze  
Halfway House  
Halfway  
Sheerness  
Kent  
ME12 3AU

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## Case Summary

At 16:40 on 16 January 2025, the South East ICE Team visited Mem's Meze, Halfway House, Halfway, Sheerness, Kent, ME12 3AU following intelligence that the premises employed illegal workers. Entry was gained to the premises using Section 179 Licensing Act 2003 and officers encountered 3 immigration offenders and made 2 arrests.

A referral was made to the civil penalty compliance team in relation to the illegal working at the premises and a civil penalty was issued for £120,000 to EDT Meze Ltd on 21 March 2025.

## Licensed Premises History

The premises license is held by [REDACTED] and is also listed as the designated premises supervisor (DPS). The premises licence number is SHE/SWALE/189/0165 and was issued on 21 November 2019.

Companies House records show that Mem's Meze, Halfway House, Halfway, Sheerness, Kent, ME12 3AU has been registered under the name EDT Meze Ltd since 25 January 2022. The company number is 13870270. According to Companies House, [REDACTED] was a company director until 01 January 2025.

The licensable activities permitted are sale of alcohol;

Sunday – Thursday 10:00 – 23:30,

Friday – Saturday: 10:00 – 00:30,

New Year's Eve: 10:00 – 03:00am

Late night refreshment from Friday to Saturday 23:00 – 00:30.

## Enforcement Visit: 16 January 2025

Entry was gained to the premises at 16:40. Upon entering, immigration officers encountered the following individuals:

[REDACTED]

Immigration officers encountered [REDACTED] working in the kitchen in chef's uniform. [REDACTED] appeared extremely nervous to the presence of immigration officers. When questioned [REDACTED] acknowledged that he had overstayed his visa.

An illegal working interview was completed with the assistance of an interpreter. [REDACTED] confirmed that he worked as the assistant chef at the premises for approximately three months. He worked 2 - 3 days a week, maximum 4 hours a day. He received free food, accommodation and roughly £300 per week in cash in return for his work. [REDACTED] stated that the employer did not check any documents or conduct a right to work checks. When questioned if the employer was aware that he did not hold the right to work [REDACTED] replied 'No, I just told him I was allowed and he believed me'.



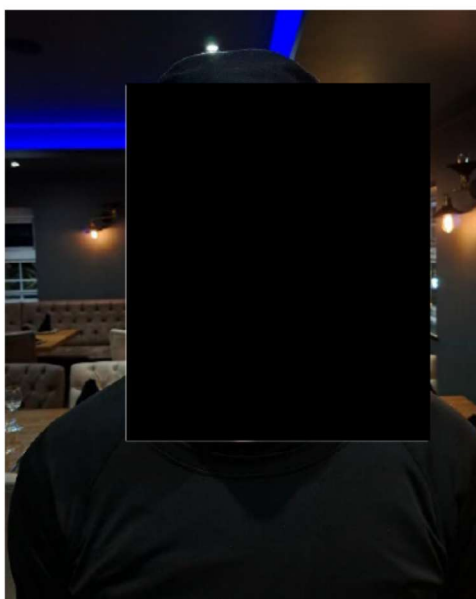
[REDACTED] when encountered in chef's uniform.

Home Office checks showed [REDACTED] last entered the UK in June 2022 using a temporary work (seasonal worker) migrant work visa which expired in December 2022. At the time of the enforcement visit, he was an overstayer with no right to work in the UK.

[REDACTED]

[REDACTED] was encountered by officers in the kitchen, dressed in chef's clothing. When questioned by immigration officers [REDACTED] stated he was preparing food and assisting his brother, who is the head chef. [REDACTED] claimed he started working at the premises on 07 January 2024 and works an average of 4 hours a day, 4 days a week. [REDACTED] stated he does not get paid for working. [REDACTED] said "[REDACTED] gives me accommodation, supports me with all my food and clothes in return for my help". [REDACTED] is the head chef at the restaurant.

██████████ confirmed that the employer was aware that he did not hold the right to work and did not check any documents or conduct any right to work checks prior to being offered the job.



██████████ in chef's uniform.

Home Office checks showed ██████████ had an outstanding claim for protection which was submitted on 15 July 2024. His bail conditions did not permit him the right to work in the UK, Therefore, ██████████ was found working in breach of his bail conditions.

██████████

██████████ was seen by immigration officers attempting to leave the premises via a side exit door wearing a chef's uniform. During the illegal working interview ██████████ confirmed that he had worked at the premises roughly for a year and assists the head chef in preparing and cooking food. He worked 5 hours a day, 3 days a week. When immigration officers asked how he was remunerated for the work ██████████ replied, "The manager ██████████ pays me with food and refreshments when I help work here". When questioned if he provided the employer any documents to prove his right to work ██████████ replied, 'Yes my asylum card with no work permitted'.



An example of an ARC card stating, "NO WORK".

Home Office checks showed [REDACTED] entered the UK illegally by small boats in June 2021 and claimed for protection. At the time of the enforcement visit his claim for protection was being appealed. [REDACTED] bail conditions did not permit him the right to work in the UK. Therefore, [REDACTED] was found working in breach of his bail conditions.



[REDACTED] in full chef's uniform when encountered.



## Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Three illegal workers were encountered at the premises during the enforcement visit. In this case two of the workers had outstanding claims for protection and one was an overstayer. A simple check of their ARC cards would have shown that they did not hold the right to work in the UK. During the interviews one of the worker's stated that he had shown his ARC card to gain employment. Therefore, it is considered that the license holder and its agents knowingly employed an illegal worker. The premises license holder and designated premises supervisor has failed to comply with the relevant right to work procedures. This calls in to question the license holder's ability to effectively uphold the licensing objectives and has fallen below the expected standards of a responsible licence holder.

Further concerns include the lack of wages paid to the workers. During the interviews, two of the workers confirmed that they only received food and accommodation in return for their work. Actions such as this exploits workers as well as providing an unfair competitive advantage over businesses that adhere to wage regulations.

Whether by negligence or wilful blindness illegal workers were engaged in activity on the premises, yet it is a simple process for an employer to ascertain what documents they should check before a person can work. Right to work checks are a process that should take place immediately on all potential employees before they undertake employment. These checks are necessary regardless of the employment contract set in place. The Home Office have published guidance which is available online - Right to work checks: an employer's guide on the GOV.UK website. It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ illegal workers where there is reason to believe this is the case.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed illegal workers and a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to review the premises licence.



## Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be considered and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Mem's Meze under the control of [REDACTED] (licence holder and DPS) has failed to uphold the licensing objectives. The license holder would have been aware of his responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application.

Right to work checks should be carried out on all prospective employees prior to their first day, the checks are also irrespective of the length of the engagement or employment contract. Guidance is available online and the Home Office have published "Right to work checks: an employer's guide" which can be found on the GOV.UK website.

Immigration Enforcement asks that the premises licence is **revoked**. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from employing illegal workers and facilitating disqualified immigrants to work illegally.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the subcommittee with a sound and defensible rationale as to why it should **revoke** the licence.

## Appendix – Supporting Evidence

Illegal Working - Employee [REDACTED] 1  
Illegal Working - Employer [REDACTED] 2

Freetext Passport [REDACTED]  
Illegal Working - Employee [REDACTED]  
Illegal Working - Employer [REDACTED]

Encounter [REDACTED]  
Illegal Working - Employee [REDACTED]

Illegal Working - Employee	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED] - Ethiopia
Subject CIDPID/CEPR	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	Ethiopia
Subject gender	Male
Time	17:14
Created at geolocation	<div> <div>Easting</div> <div>593161</div> </div> <div> <div>Northing</div> <div>172890</div> </div>
Creation date	16-01-2025 17:14:36
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Obligation</b>	
How long have you been working at this business?	Ive been helping here for roughly a year now
What is your job role/ what are your duties?	I help out the main chef cook and prepare food here
What days/ hours do you work each week?	I work here 3 days a week and normaly work from 2pm till 7pm on mixed days
Do you work the same hours/ days every week?	Mixed days but normally 3 days a week
is this your only job ?	Yes
<b>Control</b>	
Who gave you this job (name and role in business)?	The manager [REDACTED]
Who tells you what days/ hours to work?	The manager [REDACTED]

Who tells you what tasks/ duties to do each day?	The manager [REDACTED]
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	The manager [REDACTED] pays me with food and refreshments when i help work here
Do you pay income tax or have a National Insurance number?	No
<b>Pre-employment Checks</b>	
What name does the employer know you as?	My name
Did the employer check your right to work or immigration status before they offered you the job?	No
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	Yes my asylum card with no work permitted
Does your employer know you're not allowed to work in the UK?	Yes
did the owner do any checks with the home office to see if you are allowed to work here	No
<b>Additional Questions</b>	
have you understood all my questions in English	Yes i have understood all your questions in English

## Photographs

subject



Exhibit Ref

Illegal working - chefs uniform

## Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature

[Redacted Signature]

[Redacted Signature]

16-01-2025 17:38:15

## Observations

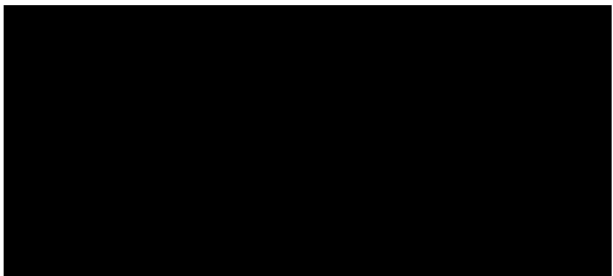
Observations

Chefs uniform and declared he works here for roughly one year

Do you suspect this person of illegal working?

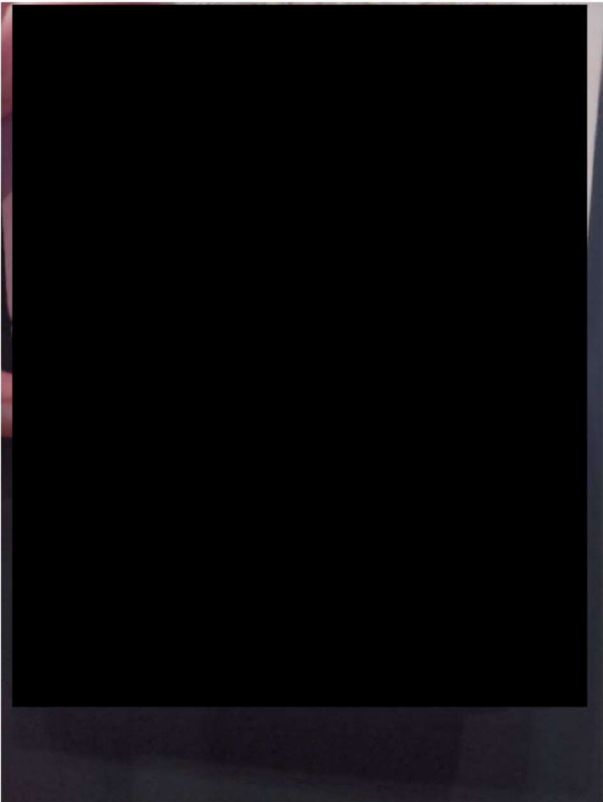
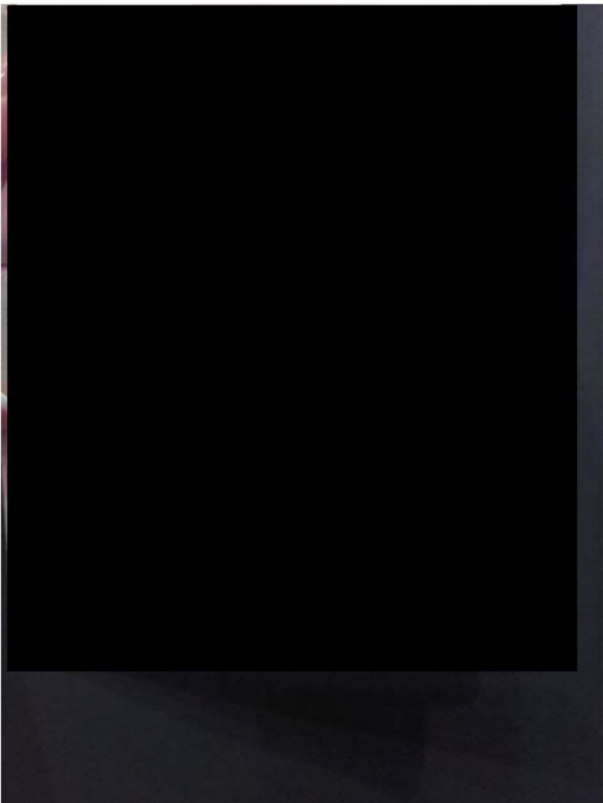
Yes

Illegal Working - Employer	
<b>Details</b>	
Type of work	Visit
Visit reference	██████████
Created by	██████████
Prontold	██████████ - Ethiopia
Subject CIDPID/CEPR	██████████
Employer	██████████
Subject DOB	██████████
Subject nationality	Ethiopia
Subject gender	Male
Time	17:26
Created at geolocation	<div> <div>Easting</div> <div>593154</div> </div> <div> <div>Northing</div> <div>172893</div> </div>
Creation date	16-01-2025 17:26:28
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Employer Details</b>	
What is the name of the business?	Mems Meze
If the business is owned by a company what is the name of the company?	Meze LTD Mems
What is your position here?	Manager of Restaurant
How much do you pay for someone to work in your shop?	I do not know
Do you have a rota for staff working at the restaurant?	No, they all know what they are doing.
How do staff know when to work?	They just know.
Do you tell people what to do?	The chef tells him what do.
How many hours does ██████ work?	A couple of hours a day on Thutoday, Friday, and Saturday.
How long has ██████ worked here?	A couple of weeks and goes to college.
How does he get paid?	I don't know.

Does the owner check to make sure [REDACTED] could work in the business?	I don't know if checks have been.
How does he get paid?	I don't know how he gets paid
Who is the owner?	[REDACTED], he has owned the business for 3 years.
Is there a rota for staff?	No there isn't.
Have you understood all the questions I have you today?	Yes
Do you have any questions for me?	No.
<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by [REDACTED]	 16-01-2025 17:46:31
<b>Observations</b>	
Observations	

<b>Freetext</b>	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	Mem's Meze Restaurant, Halfway Rd, Minster on Sea, Sheerness , Kent, ME12 3AU (Visit Address)
Subject CIDPID/CEPR	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	Uzbekistan
Subject gender	Male
Time	17:48
Created at geolocation	<div>Easting 593152</div> <div>Northing 172906</div>
Creation date	16-01-2025 17:48:38
Is this entry related to a Critical Incident?	No
<b>Entry</b>	
Title	Passport
Text	National passport and expired visa



Photographs	
passport	
expired visa	

Illegal Working - Employee	
<b>Details</b>	
Type of work	Visit
Visit reference	██████████
Created by	██████████
Prontold	████████████████████ - Uzbekistan
Subject CIDPID/CEPR	██████████
Subject name	██████████████
Subject DOB	██████████
Subject nationality	Uzbekistan
Subject gender	Male
Time	17:25
Created at geolocation	<div> <div>Easting</div> <div>593159</div> </div> <div> <div>Northing</div> <div>172896</div> </div>
Creation date	16-01-2025 17:24:59
<b>Language of Interview</b>	
What language is the interview carried out in?	Uzbek
Interpreter used?	Yes
Details of interpreter	Same as encounter
Does the individual understand the interpreter?	Yes
<b>Obligation</b>	
How long have you been working at this business?	Not long, around 3 months, i help in the evenings
What days/ hours do you work each week?	2 or 3 days a week for 3 or 4 hours from 6-10pm
What is your job role/ what are your duties?	Im the assistant chef
Do you work the same hours/ days every week?	Yes
<b>Control</b>	
Who gave you this job (name and role in business)?	I asked for the job, i just turned up and asked if there were any jobs. The owner gave me the job. ██████████ is his name.

Who tells you what days/ hours to work?	The owner
Who tells you what tasks/ duties to do each day?	The owner
<b>Remuneration</b>	
How are you paid (money, accommodation, food)?	Only a little Cash in hand, i get to eat the restaurant food for free and i live upstairs for free, i dont pay rent
who provided your uniform	The owner
If money, how much and how do you receive it?	£250-300 per week
Who pays you?	The owner
Do you pay income tax or have a National Insurance number?	No
<b>Pre-employment Checks</b>	
What name does the employer know you as?	██████
does the owner know you are not allowed to work in the uk	No, i just told him i was allowed and he believed me
Did the employer check your right to work or immigration status before they offered you the job?	No
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No

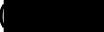
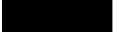
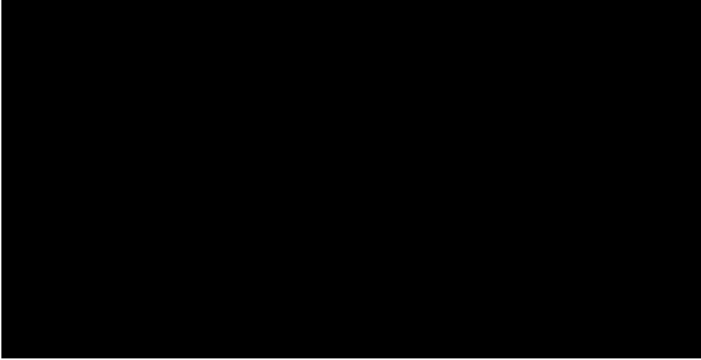
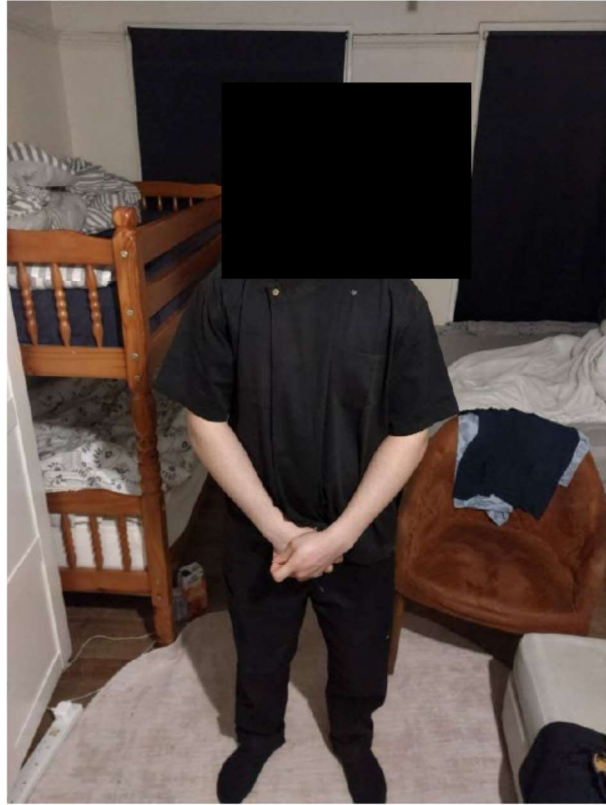
<b>Additional Questions</b>	
No details provided.	
<b>Photographs</b>	
No photographs.	
<b>Declaration</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
<b>Interviewee signature</b>  	  16-01-2025 17:39:51
<b>Observations</b>	
<b>Observations</b>	Individual was working in the kitchen on immigration arrival and is wearing a chefs uniform. Individual has admitted to illegal working
<b>Do you suspect this person of illegal working?</b>	Yes


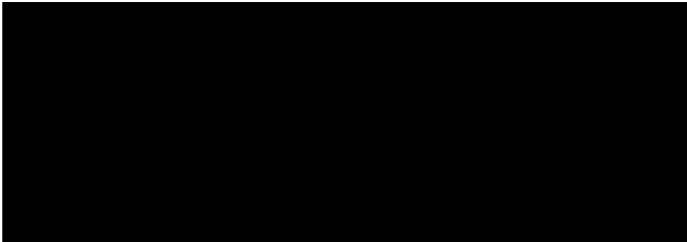

Photo 1



Caption

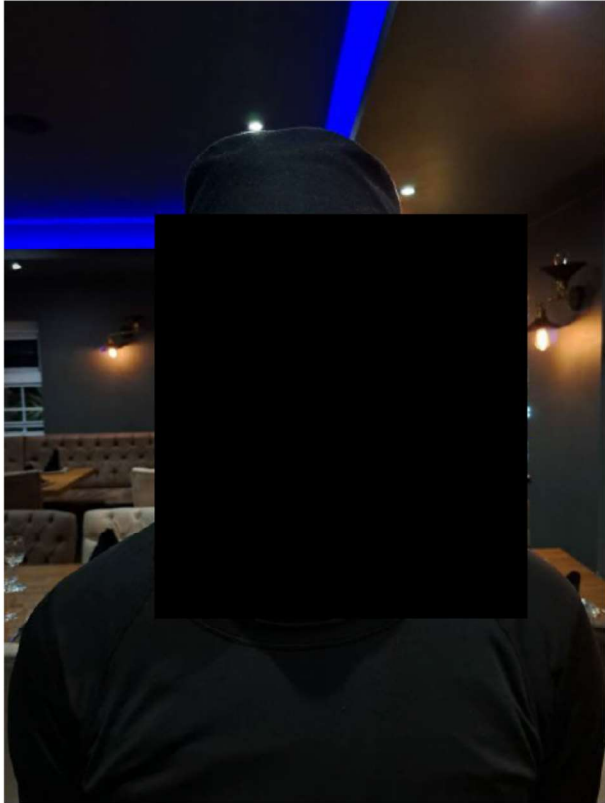
photo

Illegal Working - Employer	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED] Uzbekistan
Subject CIDPID/CEPR	[REDACTED]
Employer	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	Uzbekistan
Subject gender	Male
Time	17:47
Created at geolocation	<div> <div>Easting</div> <div>593154</div> </div> <div> <div>Northing</div> <div>172893</div> </div>
Creation date	16-01-2025 17:47:09
<b>Language of Interview</b>	
What language is the interview carried out in?	English
Interpreter used?	No
<b>Employer Details</b>	
What is the name of the business?	EDT Meze Ltd
What is your position here?	I am the restaurant manager
Do you have a rota for staff working at the restaurant?	No
How do you know [REDACTED] ?	He has worked he a couple of work?
How do staff know when to work?	They just get told to work and know
Do you tell people what to do?	No, the kitchen manager tells them.
Do you tell people what to do?	No, I don't
Who is the owner?	[REDACTED]
How does [REDACTED] get paid?	I don't know.
Does the owner complete right to work checks?	I don't know.
How many days does [REDACTED] work?	He works a couple of days a week, Thursday, Friday, and Saturday.
How does he get paid?	I don't know

<b>Declaration by Employer</b>	
I confirm that I have understood all the questions and that the details are true and correct.	
Signed by 	  16-01-2025 17:57:21
<b>Observations</b>	
Observations	
<b>Management Checks Complete</b>	
Date management checks complete	03-02-2025 10:37:34
Reviewer(s)	

Encounter	
<b>Details</b>	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Prontold	[REDACTED] - Uzbekistan
Time	17:02
Created at geolocation	<div>Easting 593152</div> <div>Northing 172904</div>
Creation date	16-01-2025 17:02:14
<b>Chosen Identity</b>	
Identity source/type	Declared
Name	[REDACTED]
DOB	[REDACTED]
Gender	Male
Nationality	Uzbekistan
<b>Languages</b>	
Languages spoken	English
Interpreter used?	No
<b>Encounter</b>	
Encountering officer	[REDACTED] - Officer
Is this encounter related to a Small Boats event?	No
Is this person the subject of the visit?	No
Do you suspect an immigration offence?	Yes
Why do you suspect the person of an immigration offence?	subject encountered working dressed in chefs clothing. encountered in kitchen.
Where was the person located?	Kitchen
Declared immigration status	Asylum
How and when did the subject last enter the UK?	
CIDPID/CEPR	[REDACTED]
Are there any vulnerabilities/trafficking/safeguarding issues?	No



Are you taking enforcement action?	Yes
References (Person ID, HO Ref, Port Ref, BRP)	
Biographic search results	<p>Systems checked Atlas</p> <p>Result of checks Asylum applicant. No right to work.</p> <p>Does the person have an open absconder status on Atlas Person Alerts? No</p> <p>Status returned by system checks</p>
<b>Photo of Subject</b>	
Do you want to take a photograph of the subject?	Yes
Powers used	Paragraph 18(2) Schedule 2 Immigration Act 1971
Photo of subject	

<b>Identity Documentation</b>
No documentation provided.
<b>Notes</b>
No notes entered.

## Illegal Working - Employee

### Details

Type of work	Visit
Visit reference	██████████
Created by	██████████
Prontold	██████████████████████ - Uzbekistan
Subject CIDPID/CEPR	██████████
Subject name	██████████████████████
Subject DOB	██████████
Subject nationality	Uzbekistan
Subject gender	Male
Time	17:16
Created at geolocation	<div> <div>Easting</div> <div>593152</div> </div> <div> <div>Northing</div> <div>172905</div> </div>
Creation date	16-01-2025 17:16:38

### Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

### Obligation

How long have you been working at this business?	Since January 7th 2024
What is your job role/ what are your duties?	I help my brother by preparing the restaurant food. Im just learning.
What days/ hours do you work each week?	Average of 4 hours per day 4 days per week
Do you work the same hours/ days every week?	Yes
what is the name business you worked at	Mems restaurant

### Control

Who gave you this job (name and role in business)?	██████████
What does ██████████ do here	Head chef.

Who tells you what days/ hours to work?	██████
Who tells you what tasks/ duties to do each day?	██████
<b>Remuneration</b>	
how do you support yourself here in the UK	██████
If money, how much and how do you receive it?	I dont get paid money. ██████ gives me accommodation, supports me with all my food and clothes in return for my help.
do you receive asylum support money also	No
<b>Pre-employment Checks</b>	
What name does the employer know you as?	██████
Did the employer check your right to work or immigration status before they offered you the job?	No
Did you show documents or share a code with the employer to prove your right to work before being offered the job? If so, what did you show and were they originals?	No
Does your employer know you're not allowed to work in the UK?	Yes
<b>Additional Questions</b>	
do you understand that by being here and helping prepare food in the kitchen and by doing activities under the instruction of ██████ in return for accommodation, clothing and all living expenses that you are effectively working at Mems Meze restaurant	Yes but i am learning here. If you say so.

## Photographs

No photographs.

## Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature

16-01-2025 17:34:43

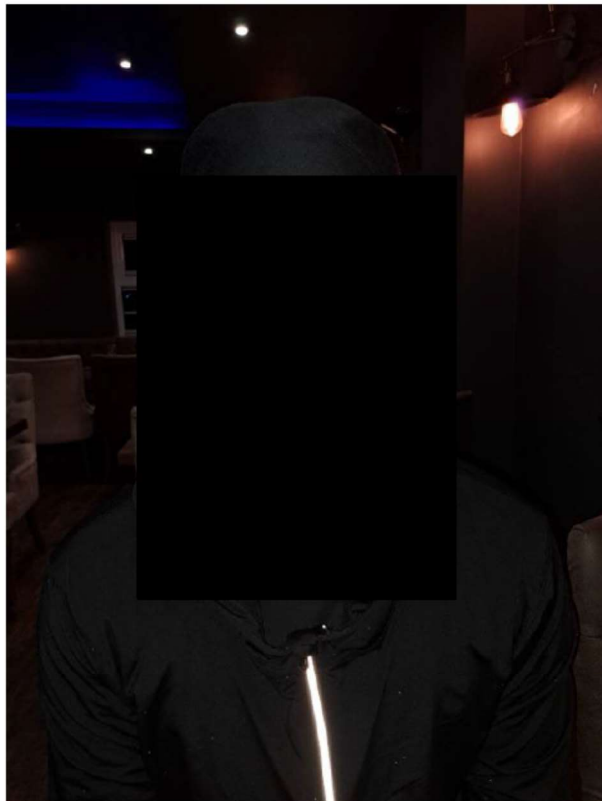
## Observations

## Observations

**Do you suspect this person of illegal working?**

Yes

**Photo 1**



	Caption	
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# Immigration, Asylum and Nationality Act 2006

## Sections 15 to 24

### 15 Penalty

- (1) It is contrary to this section to employ an adult subject to immigration control if—
- (a) he has not been granted leave to enter or remain in the United Kingdom, or
  - (b) his leave to enter or remain in the United Kingdom—
    - (i) is invalid,
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
    - (iii) is subject to a condition preventing him from accepting the employment.
- (2) The Secretary of State may give an employer who acts contrary to this section a notice requiring him to pay a penalty of a specified amount not exceeding the prescribed maximum.
- (3) An employer is excused from paying a penalty if he shows that he complied with any prescribed requirements in relation to the employment.
- (4) But the excuse in subsection (3) shall not apply to an employer who knew, at any time during the period of the employment, that it was contrary to this section.
- (5) The Secretary of State may give a penalty notice without having established whether subsection (3) applies.
- (6) A penalty notice must—
- (a) state why the Secretary of State thinks the employer is liable to the penalty,
  - (b) state the amount of the penalty,
  - (c) specify a date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,
  - (d) specify how the penalty must be paid,
  - (e) explain how the employer may object to the penalty **[F1** or make an appeal against it], and
  - (f) explain how the Secretary of State may enforce the penalty.
- (7) An order prescribing requirements for the purposes of subsection (3) may, in particular—
- (a) require the production to an employer of a document of a specified description;

- (b) require the production to an employer of one document of each of a number of specified descriptions;
- (c) require an employer to take specified steps to verify, retain, copy or record the content of a document produced to him in accordance with the order;
- (d) require action to be taken before employment begins;
- (e) require action to be taken at specified intervals or on specified occasions during the course of employment.

<b>Textual Amendments</b>	
<b>F1</b>	Words in s. 15(6)(e) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 61; S.I. 2014/1820, art. 3(cc)
<b>Commencement Information</b>	
<b>I1</b>	S. 15 in force at 5.11.2007 for specified purposes by S.I. 2007/3138, art. 2(a)
<b>I2</b>	S. 15 in force at 29.2.2008 in so far as not already in force by S.I. 2008/310, art. 2(1)(a) (with art. 5(2))

## 16 Objection

- (1) This section applies where an employer to whom a penalty notice is given objects on the ground that—
  - (a) he is not liable to the imposition of a penalty,
  - (b) he is excused payment by virtue of section 15(3), or
  - (c) the amount of the penalty is too high.
- (2) The employer may give a notice of objection to the Secretary of State.
- (3) A notice of objection must—
  - (a) be in writing,
  - (b) give the objector's reasons,
  - (c) be given in the prescribed manner, and
  - (d) be given before the end of the prescribed period.
- (4) Where the Secretary of State receives a notice of objection to a penalty he shall consider it and—
  - (a) cancel the penalty,
  - (b) reduce the penalty,
  - (c) increase the penalty, or
  - (d) determine to take no action.
- (5) Where the Secretary of State considers a notice of objection he shall—



- (a) have regard to the code of practice under section 19 (in so far as the objection relates to the amount of the penalty),
- (b) inform the objector of his decision before the end of the prescribed period or such longer period as he may agree with the objector,
- (c) if he increases the penalty, issue a new penalty notice under section 15, and
- (d) if he reduces the penalty, notify the objector of the reduced amount.

### Commencement Information

- I1 S. 16 in force at 5.11.2007 for specified purposes by S.I. 2007/3138, art. 2(b)
- I2 S. 16 in force at 29.2.2008 in so far as not already in force by S.I. 2008/310, art. 2(1)(a) (with art. 5(2))

## 17 Appeal

- (1) An employer to whom a penalty notice is given may appeal to the court on the ground that—
    - (a) he is not liable to the imposition of a penalty,
    - (b) he is excused payment by virtue of section 15(3), or
    - (c) the amount of the penalty is too high.
  - (2) The court may—
    - (a) allow the appeal and cancel the penalty,
    - (b) allow the appeal and reduce the penalty, or
    - (c) dismiss the appeal.
  - (3) An appeal shall be a re-hearing of the Secretary of State's decision to impose a penalty and shall be determined having regard to—
    - (a) the code of practice under section 19 that has effect at the time of the appeal (in so far as the appeal relates to the amount of the penalty), and
    - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware);

and this subsection has effect despite any provision of rules of court.
- [F1]** (4A) An appeal may be brought only if the employer has given a notice of objection under section 16 and the Secretary of State—
- (a) has determined the objection by issuing to the employer the penalty notice (as a result of increasing the penalty under section 16(4)(c)),
  - (b) has determined the objection by—

- (i) reducing the penalty under section 16(4)(b), or
- (ii) taking no action under section 16(4)(d), or
- (c) has not informed the employer of a decision before the end of the period that applies for the purposes of section 16(5)(b).
- (4B) An appeal must be brought within the period of 28 days beginning with the relevant date.
- (4C) Where the appeal is brought under subsection (4A)(a), the relevant date is the date specified in the penalty notice issued in accordance with section 16(5)(c) as the date on which it is given.
- (4D) Where the appeal is brought under subsection (4A)(b), the relevant date is the date specified in the notice informing the employer of the decision for the purposes of section 16(5)(b) as the date on which it is given.
- (4E) Where the appeal is brought under subsection (4A)(c), the relevant date is the date on which the period that applies for the purposes of section 16(5)(b) ends.】
- (6) In this section “the court” means—
  - (a) where the employer has his principal place of business in England and Wales, **【F2 the county court】**,
  - (b) where the employer has his principal place of business in Scotland, the sheriff, and
  - (c) where the employer has his principal place of business in Northern Ireland, a county court.

#### Textual Amendments

**F1** S. 17(4A)-(4E) substituted for s. 17(4)(5) (28.7.2014) by Immigration Act 2014 (c. 22), ss. 44, 75(3); S.I. 2014/1820, art. 3(p) (with art. 5) (as amended by S.I. 2014/2771, art. 14)

**F2** Words in s. 17(6)(a) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### Commencement Information

**I1** S. 17 in force at 29.2.2008 by S.I. 2008/310, art. 2(1)(a) (with art. 5(2))

## 18 Enforcement

**【F1** (1) This section applies where a sum is payable to the Secretary of State as a penalty under section 15.

- (1A) In England and Wales the penalty is recoverable as if it were payable under an order of the county court.
- (1B) In Scotland, the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (1C) In Northern Ireland the penalty is recoverable as if it were payable under an order of a county court in Northern Ireland.

- (1D) Where action is taken under this section for the recovery of a sum payable as a penalty under section 15, the penalty is—
- (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc ) as if it were a judgment entered in the county court;
- (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 ( S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order. ]
- (3) Money paid to the Secretary of State by way of penalty shall be paid into the Consolidated Fund.

**Textual Amendments**

**F1** S. 18(1)-(1D) substituted for s. 18(1)(2) (28.7.2014) by Immigration Act 2014 (c. 22), ss. 45, 75(3); S.I. 2014/1820, art. 3(q) (with art. 6) (as amended by SI 2014/2771, art. 14)

**Commencement Information**

**I1** S. 18 in force at 29.2.2008 by S.I. 2008/310, art. 2(1)(a) (with art. 5(2))

**19 Code of practice**

- (1) The Secretary of State shall issue a code of practice specifying factors to be considered by him in determining the amount of a penalty imposed under section 15.
- (2) The code—
- (a) shall not be issued unless a draft has been laid before Parliament, and
- (b) shall come into force in accordance with provision made by order of the Secretary of State.
- (3) The Secretary of State shall from time to time review the code and may revise and re-issue it following a review; and a reference in this section to the code includes a reference to the code as revised.

**Commencement Information**

**I1** S. 19 in force at 31.8.2006 by S.I. 2006/2226, art. 3, Sch. 1

**20 Orders**

- (1) An order of the Secretary of State under section 15, 16 or 19—
- (a) may make provision which applies generally or only in specified circumstances,
- (b) may make different provision for different circumstances,
- (c) may include transitional or incidental provision, and
- (d) shall be made by statutory instrument.

- (2) An order under section 15(2) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (3) Any other order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I1 S. 20 in force at 5.11.2007 by S.I. 2007/3138, art. 2(c)

**21 Offence**

- (1) A person commits an offence if he employs another ("the employee") knowing that the employee is **[F1]** disqualified from employment by reason of the employee's immigration status.]

**[F2]** (1A) A person commits an offence if the person—

(a) employs another person ("the employee") who is disqualified from employment by reason of the employee's immigration status, and

(b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

- (1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

(a) the person has not been granted leave to enter or remain in the United Kingdom, or

(b) the person's leave to enter or remain in the United Kingdom—

(i) is invalid,

(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

(iii) is subject to a condition preventing the person from accepting the employment.]

- (2) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment—

(i) to imprisonment for a term not exceeding **[F3 five]** years,

(ii) to a fine, or

(iii) to both, or

(b) on summary conviction—

(i) to imprisonment for a term not exceeding 12 months in England and Wales or 6 months in Scotland or Northern Ireland,

- (ii) to a fine not exceeding the statutory maximum, or
  - (iii) to both.
- (3) An offence under this section shall be treated as—
- (a) a relevant offence for the purpose of sections 28B and 28D of the Immigration Act 1971 (c. 77) (search, entry and arrest), and
  - (b) an offence under Part III of that Act (criminal proceedings) for the purposes of sections 28E, 28G and 28H (search after arrest).
- (4) In relation to a conviction occurring before **[F4 2 May 2022]** the reference to 12 months in subsection (2)(b)(i) shall be taken as a reference to 6 months.

Textual Amendments	
<b>F1</b>	Words in s. 21(1) substituted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(2), 94(1); S.I. 2016/603, reg. 3(f)
<b>F2</b>	S. 21(1A)(1B) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(3), 94(1); S.I. 2016/603, reg. 3(f)
<b>F3</b>	Word in s. 21(2)(a)(i) substituted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(4), 94(1); S.I. 2016/603, reg. 3(f)
<b>F4</b>	Words in s. 21(4) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), Sch. Pt. 1
Commencement Information	
<b>I1</b>	S. 21 in force at 29.2.2008 by S.I. 2008/310, art. 2(1)(b) (with art. 5(2))

## 22 Offence: bodies corporate, &c.

- (1) For the purposes of section 21(1) a body (whether corporate or not) shall be treated as knowing a fact about an employee if a person who has responsibility within the body for an aspect of the employment knows the fact.
- [F1 (1A)]** For the purposes of section 21(1A) a body (whether corporate or not) shall be treated as having reasonable cause to believe a fact about an employee if a person who has responsibility within the body for an aspect of the employment has reasonable cause to believe that fact.】
- (2) If an offence under section 21(1) **[F2 or (1A)]** is committed by a body corporate with the consent or connivance of an officer of the body, the officer, as well as the body, shall be treated as having committed the offence.
- (3) In subsection (2) a reference to an officer of a body includes a reference to—
- (a) a director, manager or secretary,
  - (b) a person purporting to act as a director, manager or secretary, and
  - (c) if the affairs of the body are managed by its members, a member.
- (4) Where an offence under section 21(1) **[F3 or (1A)]** is committed by a partnership (whether or not a limited partnership) subsection (2) above shall have effect, but as if a reference to an officer of the body were a reference to—

- (a) a partner, and
- (b) a person purporting to act as a partner.

**Textual Amendments**

- F1** S. 22(1A) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(6), 94(1); S.I. 2016/603, reg. 3(f)
- F2** Words in s. 22(2) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(7), 94(1); S.I. 2016/603, reg. 3(f)
- F3** Words in s. 22(4) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(7), 94(1); S.I. 2016/603, reg. 3(f)

**Commencement Information**

- I1** S. 22 in force at 29.2.2008 by S.I. 2008/310, art. 2(1)(b) (with art. 5(2))

**23 Discrimination: code of practice**

- (1) The Secretary of State shall issue a code of practice specifying what an employer should or should not do in order to ensure that, while avoiding liability to a penalty under section 15 and while avoiding the commission of an offence under section 21, he also avoids contravening—
  - (a) **[F1]** the Equality Act 2010, so far as relating to race<sup>1</sup>, or
  - (b) the Race Relations (Northern Ireland) Order 1997 (S.I. 869 (N.I. 6)).
- (2) Before issuing the code the Secretary of State shall—
  - (a) consult—
    - (i) the Commission for Equality and Human Rights,
    - (ii) the Equality Commission for Northern Ireland,
    - (iii) such bodies representing employers as he thinks appropriate, and
    - (iv) such bodies representing workers as he thinks appropriate,
  - (b) publish a draft code (after that consultation),
  - (c) consider any representations made about the published draft, and
  - (d) lay a draft code before Parliament (after considering representations under paragraph (c) and with or without modifications to reflect the representations).
- (3) The code shall come into force in accordance with provision made by order of the Secretary of State; and an order—
  - (a) may include transitional provision,
  - (b) shall be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A breach of the code—
  - (a) shall not make a person liable to civil or criminal proceedings, but

- (b) may be taken into account by a court or tribunal.
- (5) The Secretary of State shall from time to time review the code and may revise and re-issue it following a review; and a reference in this section to the code includes a reference to the code as revised.
- (6) Until the dissolution of the Commission for Racial Equality, the reference in subsection (2)(a)(i) to the Commission for Equality and Human Rights shall be treated as a reference to the Commission for Racial Equality.

**Textual Amendments**

**F1** Words in s. 23(1)(a) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 86 (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 1 para. 6) (see S.I. 2010/2317, art. 2)

**Commencement Information**

**I1** S. 23 in force at 31.8.2006 by S.I. 2006/2226, art. 3, Sch. 1

**24 [F1 Immigration bail]**

Where a person is at large in the United Kingdom by virtue of **[F2 a grant of immigration bail to the person under Schedule 10 to the Immigration Act 2016]** —

(a) he shall be treated for the purposes of sections 15(1) and **[F3 21(1B)]** as if he had been granted leave to enter the United Kingdom, and

(b) any restriction as to employment imposed under **[F4 that Schedule as a condition of that person's immigration bail]** shall be treated for those purposes as a condition of leave.

**Textual Amendments**

**F1** S. 24 heading substituted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 10 para. 39(a); S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

**F2** Words in s. 24 substituted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 10 para. 39(b); S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

**F3** Word in s. 24(a) substituted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 35(8), 94(1); S.I. 2016/603, reg. 3(f)

**F4** Words in s. 24(b) substituted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 10 para. 39(c); S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

**Commencement Information**

**I1** S. 24 in force at 29.2.2008 by S.I. 2008/310, art. 2(1)(c) (with art. 5(2))

**25 Interpretation**

In sections 15 to 24—

(a) “adult” means a person who has attained the age of 16,

(b) a reference to employment is to employment under a contract of service or apprenticeship, whether express or implied and whether oral or written,

(c) a person is subject to immigration control if under the Immigration Act 1971 he requires leave to enter or remain in the United Kingdom, and

(d) “prescribed” means prescribed by order of the Secretary of State.

**Modifications etc. (not altering text)**

C1 S. 25 excluded (8.2.2008) by Immigration, Asylum and Nationality Act 2006 (Commencement No.8 and Transitional and Saving Provisions) Order 2008 (S.I. 2008/310), art. 5(2)

**Commencement Information**

I1 S. 25 in force at 5.11.2007 by S.I. 2007/3138, art. 2(c)



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**From:** Mike Whiting (Cllr)

**Sent:** Wednesday, April 30, 2025 6:52 PM

**To:** Licensing (SBC)

**Subject:** Re: Review: Mem's Meze, Halfway House, Halfway Road, Sheerness, ME12 3AU

Good afternoon,

Thanks for letting me have sight of this.

I very much oppose illegal working. It does, in some cases, link directly to organised crime.

This is a very popular and, seemingly successful restaurant.

However, if it's success and profitability is founded on illegal workers then I do not think it should be allowed to continue trading without major restructuring of its management.

Regards

Mike

MIKE WHITING

Independent Member serving Queenborough, Halfway and Rushenden

Swale Borough Council

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**EXTRACT FROM SWALE BC STATEMENT OF LICENSING POLICY UNDER THE  
LICENSING ACT 2003 – 2021 - 2026**

**14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

- 14.1 The Licensing Authority acknowledges that at any stage following the grant of a premises licence matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is:
- relevant to one or more of the licensing objectives and
  - not frivolous, vexatious or repetitious.
- 14.6 In every review case an evidential basis for the allegations made will need to be submitted to the Council as the Licensing Authority.
- 14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings as appropriate.
- 14.9 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

- 14.10 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that that a revocation of the licence will be considered.