

Licensing Sub-Committee Meeting	
Meeting Date	24th June 2025
Report Title	Consideration of an application for the review of a premises licence under the Licensing Act 2003
Premises	Mem's Mezze, Halfway House, Halfway, Sheerness, Kent ME12 3AU
Lead Officer	Johanna Thomas, Licensing Team Leader
Key Decision	No
Classification	Open
Recommendations	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 31st August 2005 to become effective on 24th November 2005 when the Licensing Act 2003 became law. At that time the premises licence holder was Mr John Patrick Gannon.
- 3.2 On 15th December 2017 the licence was transferred into the name of Ms Elvin Ekis. The Designated Premises Supervisor (DPS) was Mrs Claire Martin. On 21st November 2019 Ms Ekis applied to vary the licence under the Licensing Act 2003 to specify herself as DPS. On 25th January 2025 Ms Ekis applied to vary premises licence to specify Mr Mehmet Suzgun as DPS. On 4th 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 30th 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 16th 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