



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
LICENSING SUB-COMMITTEE  
15 JUNE 2023**

**APPLICATION FOR A REVIEW OF A PREMISES LICENCE - MALDON KING KEBAB,  
169 HIGH STREET, MALDON, ESSEX**

**1. PURPOSE OF THE REPORT**

- 1.1 The Committee is requested to consider an application to review a premises licence made by the Essex Police under section 51 of the Licensing Act 2003 and to have regard to the representations made during the consultation period that followed in line with the promotion of the licensing objectives:
- a) The prevention of crime and disorder;
  - b) Public safety;
  - c) The prevention of public nuisance;
  - d) The protection of children from harm.

**2. RECOMMENDATIONS**

Members are advised that they have the following options when determining this application:

- (a) to modify the conditions of the licence; (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- (b) to exclude a licensable activity from the scope of the licence; for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- (c) to suspend the licence for a period not exceeding three months;
- (d) to revoke the licence.

**3. SUMMARY OF KEY ISSUES**

- 3.1 Maldon King Kebab is a fast-food takeaway outlet situated in Maldon High Street near to both commercial and residential properties.
- 3.2 The premises is licenced for Late Night refreshments only which allows for the sales of hot food and drink after 23:00. Full details of the licensable activities are detailed on the current licence as attached to this report as **APPENDIX A**.

- 3.3 The original licence was first granted back in 2005 and has been transferred several times over the years. The current premises licence holder is Mr Mehmet Gigil who has held the licence for only a short period of time since 16 March this year.
- 3.4 On 20 April 2023 the Licensing Authority received an application for a review of the premises licence for Maldon King Kebab at 169 High Street, Maldon, Essex, CM9 5BS, made by Essex Police on the grounds of prevention of crime and disorder.
- 3.5 The Committee is also requested to consider the application (**APPENDIX B**) having regard to representations received and the requirement to promote the four licensing objectives.
- 3.6 The grounds for review are that the crime and disorder objective of the Licensing Act has been undermined in that Immigration Compliance and Enforcement officers of the Home Office discovered four disqualified persons working illegally on the premises. The statutory crime prevention objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. In particular, employing a person who is disqualified from work by reason of their immigration status is a criminal activity which, according to the Home Office Guidance to the Licensing Act 2003, should be treated particularly seriously.
- 3.7 The application has been properly made in accordance with the Licensing Act 2003 and all procedures correctly followed.
- 3.8 A Public notice was displayed on the premises advertising the review after the day following receipt of the application and all responsible authorities were notified of the application. Closing date for representations was 18 May 2023.
- 3.9 On 21 April 2023 all responsible authorities were notified of the application for the review of the premises licence at Maldon King Kebab and invited to make representation should they choose to do so.
- 3.10 On 26 April 2023 the licensing authority received two supplementary evidence bundles from Essex Police to support their application for the review of the premises licence. These are attached as **APPENDIX C**.
- 3.11 On 2 May 2023 the licensing authority received representation from the Home Office. Full details are attached as **APPENDIX D**. There were no other representations.
- 3.12 It should be noted that because there are no licensable activities for the sales of alcohol by retail, therefore there is no requirement to have a Designated Premises Supervisor (DPS) at the premises.

#### **4. CONCLUSION**

- 4.1 The relevant sections of the Statement of Licensing Policy are brought to the attention of Members and are as follows:
- (27) Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to various authorisations, to secure promotion of the licensing objectives.
- 4.2 This application has been correctly submitted.

4.3 At the conclusion of this hearing Members are advised to consider the options as previously recommended.

## 5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

5.1 Reports need to have regard to the following six priorities, which underpin the Council's vision for the district:

- Supporting our communities;
- Enhancing and connecting our place;
- Helping the economy to thrive Smarter finances;
- A greener future;
- Provide good quality services.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – Temporary Closure or Restriction of Business, Disruption of Service, Quality and Consistency, Trust and Reputation, Increased Scrutiny and Compliance Measures, Legal Consequences.
- (ii) **Impact on Equalities** – Employment Discrimination, Exploitation and Vulnerability, Impact on Local Communities, Access to Job Opportunities, Social and Economic Impacts, Response and Enforcement.
- (iii) **Impact on Risk** – Legal and Regulatory Risk, Reputational Risk, Financial Risk, Operational Risk, Supply Chain Risk, Compliance Risk:
- (iv) **Impact on Resources (financial)** – Fines and Penalties, Legal Expenses, Operational Disruptions, Recruitment and Training, Rebuilding Trust and Reputation, Compliance Measures.
- (v) **Impact on Resources (human)** – Workforce Changes, Increased Workload, Training and Education, Recruitment and on boarding, Employee Morale and Engagement, Compliance Management.

### Background Papers:

Statement of licencing policy

Section 51 Licensing act 2003

Premises Licence held by Licensing Authority.

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