

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee

Tuesday, 20 May 2025



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Paul Fellows
Councillor Robert Leadenham
Councillor Philip Knowles
Councillor Patsy Ellis

Officers

Licensing Officers (Elizabeth Reeve, Chris Clarke)
Licensing Manager, Heather Green
Legal Advisor (LSL), Kim Robertson
Democratic Officer, Lucy Bonshor

18. Apologies for absence

Apologies for absence were received from Councillor Helen Crawford, Councillor Jane Kingman and Councillor Nikki Manterfield.

19. Disclosures of interests

None disclosed.

20. Minutes of the meeting held on 11 February 2025

The minutes of the meeting held on 11 February 2025 were proposed, seconded and **AGREED**.

21. **Licensing Act 2003: Review of Premise Licence - Zorbas, 40 Broad Street, Stamford, PE9 1PX**

Decision

The Committee decided to include the conditions set out by Mr Craig in his email of 19th May 2025 and modified during the hearing to the premises licence and based on the information before them, the Committee decided to suspend the premises licence for a period of three months.

The Chairman introduced those present and confirmed who would be speaking in respect of the review before the Committee. Lincolnshire Police confirmed that Sergeant Adams would be speaking for Lincolnshire Police and Craig Duncan, Barrister would be speaking on behalf of Seyit Ali Dogan the current Premises Licence holder and Caner Kaya who was Mr Dogan's brother-in-law, both of whom were present at the hearing.

The Licensing Officer presented the report which concerned an application for a review of the premises licence in respect of Zorbas, 40 Broad Street, Stamford PE9 1PX. An application for review of the premise licence had been received from Lincolnshire Police together with supporting documentation as appended to the report at Appendix 1. It was noted that due to elements within the supporting supplementary documentation the Police had asked that they be discussed in private session, excluding the press and public. The review had been brought under the following licensing objectives:

- Prevention of Crime and Disorder
- Protection of Children from Harm
- Public Safety
- Prevention of Public nuisance

The Police had advised that they had obtained evidence which indicated that the management of the premises had been operating in such a manner that amounted to criminal activity and therefore undermined the licensing objectives. This included:

- Allegations of criminal offences that had taken place at the premises
- Breach of hours authorised for licensable activities
- Breach of Annex 2 and Annex 3 premise licence conditions
- Concerns over the management involved in the premises

No representations had been received from any of the other responsible authorities. A number of comments had been received from members of the public in support of the premises and these were appended at Appendix 3.

A copy of the current Premises Licence 5001 was appended at Appendix 4. The Licence permitted Late Night Refreshment from 23:00 to 00:30 Sunday to Tuesday and 23:00 to 02:30 Wednesday to Saturday, with the same opening

hours. The licence had been in force since it was transitioned over in November 2005. The current licence holder was Seyit Ali Dogan who had held the Premises Licence since May 2016.

There had been previous enforcement regarding the premise, included a review application and historic rejected paperwork, due to inaccuracies contained within them and these were detailed within the report at paragraph 2.7.

It was also noted that there had been a history of Temporary Event Notices (TENS) on record submitted between 2010 and 2020, for the extension of the Late Night Refreshment at the premises but there had been no TENS submitted since March 2020.

The Committee were referred to the key considerations to consider for the promotion of the licensing objectives as outlined in the Licensing Act 2003 at section 167(6) and referred to at paragraph 3.1 and 3.2 of the report.

It was noted that the removal of a Designated Premises Supervisor (DPS) was not relevant as there was no licence to sell alcohol at the premises.

The Police gave notice that there were elements of their report which needed to be addressed in private and this had been agreed with the applicant.

The Police began their representation in public session. The review had been requested on grounds that the management of the premises had been operating in a manner that amounted to criminal activity and undermined the licensing objectives of:

- The prevention of Crime and Disorder
- The protection of children from harm
- Public Safety and the prevention of Public nuisance.

In December 2024 the Police had received two separate allegations of serious criminal offences directly connected to the premises. The details of the first offence couldn't be disclosed publicly. When Police approached the premises for CCTV coverage which was crucial to the investigation, the CCTV could not be reviewed or retrieved. The Police Officer had requested the footage within the 28 day retention period as per Annex 3 of the premises licence however, the officer suspected that the coverage had been purposely deleted which posed serious integrity concerns.

The seconded alleged offence in December 2024 involved the report of a sexual assault. Upon the Officer making enquiries into CCTV at the premises, they were informed that the footage was only retained for 21 days, the retrieval of the footage would have been crucial to the investigation and may have captured the offence had the CCTV been operating correctly.

The victim of the first offence alleged in December 2024, had disclosed that the premises had been operating and serving hot food at 3:00hrs on a Saturday morning which had lead the Police and the South Kesteven Licensing Team to investigate whether the premises was regularly exceeding its authorised hours.

Reference was made to previous investigations which had been carried out and when the Police had interviewed Mr Dogan in June 2017, he had admitted offences under Section 136 of the Licensing Act of unauthorised licensable activity, serving after hours in April 2017, in addition to non-compliance with licence conditions (CCTV not recording for the number of days specified) in May 2017. The premises had also benefitted for two separate premises licences, one for alcohol and one for late-night refreshment. The alcohol licence had been revoked by the Committee in 2012 following illegal and poisonous vodka being seized from the premises by Trading Standards.

The Police and the South Kesteven District Council Licensing Team had conducted an unannounced compliance check on 27 February 2025.

Mr Dogan was present at the premises and Members were referred to Appendix 1 of the report and PC Braithwaite's statement. Mr Dogan was questioned and he could not provide a copy of the full premises licence, nor was the summary on display, which was an offence under Section 57 of the Licensing Act. Mr Dogan could not recall any of his licence conditions and but acknowledged the timings for the Late Night Refreshment hours once these had been read out to him. During the compliance check it was noticed that no notices were displayed within the premises requesting customers to respect the needs of the local residents and leave the premises quietly and dispose of rubbish responsibly these were conditions in Annex 2 of the premises licence which were being contravened and an offence under Section 136 of the Licensing Act 2003.

When the Police attempted to check the CCTV footage to ensure that it was compliant with Annex 3 conditions of the licence, they were unable to achieve this. Various requests by email were sent in relation to CCTV footage and these were shown within the papers appended to the report. Although some small clips of footage were sent this did not comply with that requested and the Police felt that Mr Dogan had not learnt from the previous offences in 2017.

During the premises inspection on 27 February 2025 Mr Dogan showed those carrying out the compliance check the floors directly above the premise. Mr Dogan confirmed that he leased the whole building and several bedrooms contained various beds were located within the three floors. When asked what they were used for Mr Dogan was evasive about who occupied the rooms. A fire safety referral was submitted due to concerns that were presented and following a visit by Lincolnshire Fire a prohibition notice had been issued in respect of the accommodation which had been found unsafe for people to sleep on the premises and it was intended that an enforcement notice was also to be issued for the premises. The Police felt that this highlighted Mr Dogan's inability to follow safe practices.

The Police then made reference to CCTV footage taken on three occasions by South Kesteven District Council CCTV operatives at the premises and outlined within the report. Footage appeared to show food being served outside of the authorised hours. Also it could be seen that large amounts of litter were seen on the street and overflowing from litter bins next door to the premises. There appears to be no attempt by staff to clear the litter away which contravenes conditions in Annex 3 of the premise licence.

The Police felt that the premises was not being run where the licensing objectives were being promoted. Police Officers had found the CCTV to be not working correctly, notices were not being displayed correctly, conditions of the premises licence were being breached. Reference was made to conditions put forward by Mr Craig which appeared to have the wrong Police authority on them and references within the conditions did not appear to be in respect of premises licence building and it was felt they were not fit for purpose and had been lifted from elsewhere. The Police felt that the conditions on the premises licence were being continually breached and they had no confidence in how the premise was being run and asked the Committee to consider revoking the premises licence.

Members questioned how many breaches had been found to which the Police responded.

To enable the Police to conclude their representation, it was proposed, seconded and agreed by the Committee to go into closed session at this point in the meeting.

Press and public excluded from the meeting between 11:05 – 11:30

With the meeting back in open session Mr Craig made reference to the suite of conditions that had been proposed in respect of the premise and stated that the reference to West Midlands Police should read Lincolnshire Police. Reference was also made to modify some of the conditions proposed so it was clear that they were in respect of the premise before the committee and that conditions relating to the sale of alcohol should be deleted. The current premises licence holder had owned the premises for the last 20 years and had operated under this licence since November 2005. Until the current events there had been no issues since 2017 when Mr Dogan had received his caution. Mr Craig reminded the Committee that the application was in respect of a late night refreshment licence. Late Night Refreshment Licences were for the sale of hot food and beverages between the hours of 11pm until 5am and this was regulated under Section 136 of the Licensing Act 2003. The visit by the Police on 27 February 2025 took place at 17:25 which was not during the Late Night Refreshment Licence period which was after 11pm at night. Mr Craig then spoke about the assertion that hot food was being sold outside of the premises licence; however they had no evidence to support this. He accepted that his clients had been less than perfect in responding to the Police's requests for CCTV footage. It was felt that the wording of the condition in respect of CCTV need to be modified. He then referred to other conditions within Annex 2 and Annex 3 of the licence which

need to be modified. He confirmed that his clients had recently installed new CCTV which had a larger hard drive capacity to enable CCTV footage to be retained and he proposed conditions that were precise and enforceable in respect of the CCTV with members of staff being able to produce footage as required. Other conditions proposed were that no unaccompanied children on the premises after 6pm.

Mr Craig then referred to the CCTV footage that had been submitted which allegedly showed food being sold outside the permitted hours. All staff had been dismissed from the premises which was now being run by family members since April 2025. He asked that the representative that had been submitted by members of the public in respect of the premise be considered and he spoke of the work that his clients did in respect of the community.

Mr Craig asked that conditions be added to the licence rather than revoking the licence as requested by the Police. He stated that removing licensable activity was not relevant as if that was decided it would be the same as revoking the licence. Mr Craig then went through the conditions as outlined within his email dated 19 May modifying them as required so that they reflected the premise before the Committee, he concluded by stating that the business was clearly supported by the local community and any decision made by the Committee had to be proportionate and must promote the licensing objectives.

The Police asked for clarity around who was in charge during the incidents if the premise licence holder was not present to which Mr Craig replied. Further questions were asked in relation to the conditions proposed and amendments offered to ensure they were fit for purpose to which Mr Craig replied.

Various questions were raised by Members including the following to which Mr Craig responded:

- references to the sale of food outside hours and whether the management were aware of this and what happened to any monies taken from the sales made
- who used the upstairs rooms
- whether the CCTV now had sufficient hard drive space
- whether staff that had been involved in the alleged incidents were still employed

The Licensing Officer asked for clarification in respect of who the licence holder was, it was confirmed that Mr Seyit Ali Dogan was the licence holder and Mr Caner Kaya was his brother-in-law who helped Mr Dogan when applying for licences. The Licensing Officer also asked about why applications for TENS had ceased since covid and it was confirmed that the nightlife in Stamford wasn't as busy since covid.

The Licensing Manager asked about the proposed condition in respect of no unaccompanied children and their age and how this would be enforced and it was stated that they would be ID'd.

The Police then gave their closing statement stating that the licensing objectives were not being upheld by the licence holder due to the number of breaches found on the premise. Activity had been taking place outside of normal operating hours which contravened the premises licence.

Reference was made to the history of the premises when the alcohol licence had been revoked and the Police asked why changes to the CCTV system had only been made once a review had been submitted. Guidance issued under Section 182 was read out to the Committee and the Police asked for the premises licence to be revoked.

Mr Craig then gave their closing statement reminding the Committee of what evidence they had and what was being alleged. He stated that his clients would accept some sanctions due to the breach of conditions and asked that the conditions be modified as suggested in his email 19 May 2025 and amended during the course of the meeting so that the conditions were clear and precise and he asked the Committee to consider suspending the premise licence for a period of four weeks.

The Licensing Officer gave their closing statement reminding the Committee of the key conditions to be considered for the promotion of the licensing objectives at outlined in the Licensing Act 2003 and as outlined within the report with the exclusion of the removal of the designated premises supervisor as this was not relevant in respect of the licence before the Committee.

(12:25 the Licensing Officers and all parties left the meeting)

(12:26 -12:30 a short adjournment took place)

Members discussed the review before them having regard to the representations made, all relevant guidance, legislation and policies. Members expressed concern about the number of breaches to the premise licence conditions and the alleged incidents that had occurred and lack of CCTV footage. Members acknowledged that a new system was now in place and the conditions that had been put forward and subsequently amended during the Committee proceedings. Continued concern was expressed by Members about the management of the premises and the lack of compliance with the conditions of the premise licence and what appeared to be the serving of hot food outside of the licence hours. Members discussed revoking the premise licence, however, it was stated that there was no evidence that hot food had been purchased outside the licenced hours as no test purchases had been carried out. Further discussion followed and it was proposed that the licence conditions be amended as submitted by Mr Craig in his email of 19 May and subsequently amended during the course of the meeting and that a suspension of the maximum three months be given. The proposal was seconded and on being put to the vote agreed.

(12:53 Councillor Patsy Ellis left the meeting)

(12:55 the Licensing Officers and all parties returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee had read all the paperwork before them including the Section 182 Guidance and South Kesteven District Council's Licensing Policy and the representations made during the meeting from all parties.

Lincolnshire Police advised that the premises had historically had two licences - one for sale of alcohol and another for late night refreshment. The alcohol licence was revoked in 2012 following a review by trading standards. Lincolnshire Police advised the committee that following allegations of serious criminal offence connected with the premises, CCTV had been requested for two separate offences at different times but the CCTV could not be viewed or retrieved. The police advised that there was evidence to show the licence had been trading outside of its authorised hours. Further there were breach of Annex 2 and Annex 3 premise licence conditions. The police also expressed concerns over the management involved in the premises

Mr Craig on behalf of the premises licence holder advised the Committee that the premises had operated under the licence since 2005. There had been no issues raised since the issue in 2017 until recently. The non compliances suggested by the Police under s136 Licensing Act were set out by the Police to have been established during a compliance visit at 17:25 on 27th February 2025. However, the licence was a late night refreshment licence and as such the licence was in effect at 11pm and there was no evidence of non-compliance during the licensable hours. In terms of the CCTV footage there was no evidence to say the food being passed to members of the public was hot food and therefore, subject to the licence. In terms of the CCTV there was acceptance that the client had been less than diligent in passing on footage and that there had been problems with the CCTV and there was now new CCTV in place. There was no evidence of violence at the premises and the evidence regarding the upstairs flat did not relate to the premises licensed under the premise licence. Mr Craig offered additional conditions as set out in his email of 19th May and modified during the hearing. Further he suggested to allow the conditions to be embedded at the premises, for the CCTV to be fully operational, and to reflect the previous issue with the CCTV, that a period of suspension for a maximum of four weeks be given.

The Committee considered all options available to them. With a view to promoting the licensing objectives they decided to include the conditions set out by Mr Craig in his email of 19th May 2025 and modified during the hearing.

The Committee considered excluding a licensable activity however, this would be the same as revoking the licence.

The Committee decided based on the information before them that a maximum suspension of three months was appropriate to promote the licensing objectives.

There was a right of appeal to the Magistrates' Court within 21 days of the decision being received.

22. "Ask Angela"

The Committee agreed to defer the item to the next meeting of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee.

23. Dates of Future Meetings

The date of future meetings of the Committee was discussed.

The next schedule of meetings 2025/26 would be approved at the Council AGM on Thursday 22 May 2025. The date of Licensing Committees/Alcohol, Entertainment and Late Night Refreshment Licensing Committees had been scheduled to be held on a Tuesday from June 2025 rather than a Friday.

Members felt that the proposed decision to move the Committee had been taken without the Committee being given the opportunity to voice a preferred date as Fridays were no longer available to hold meetings, Members acknowledged the reasons for a change of date from Friday.

It was stated that Planning Committees were held on Thursday so this date was not available. Monday, as a possible date was raised but of the Members present it was felt that Tuesday was a preferred date with a start time of 10:00am, although this did impact a particular Members ability to attend the meeting, they stated that they would make alternative arrangements.

The consensus of the Members present was that the Tuesday meetings should start at 10:00am.

24. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

As this was the last meeting before the Council AGM the Vice-Chairman, Councillor Elvis Stooke stated that it had been a pleasure to be the Vice-Chairman of the Committee as it was unknown whether this would continue after the AGM and he wished to place his thanks on record.

25. Close of meeting

The meeting closed at 1:10pm.