

Minutes

Alcohol, Entertainment & Late Night Refreshment Licensing Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Tuesday, 11 February 2025, 10.00 am

Committee Members present

Councillor Elvis Stooke (Vice-Chairman)

Councillor Harrish Bisnauthsing

Councillor Helen Crawford

Councillor Paul Fellows

Councillor Robert Leadenham

Councillor Philip Knowles

Councillor Patsy Ellis

Officers

Heather Green (Licensing Manager)

James Welbourn (Democratic Services Manager, Deputy Monitoring Officer)

Kim Robertson (Legal Advisor, Legal Services Lincolnshire)

Amy Pryde (Democratic Services Officer)

PC Kath Braithwaite (Lincolnshire Police)

Sergeant Amy Adams (Lincolnshire Police)

12. Apologies for absence

Apologies for absence were received from Councillors Pam Bosworth, Jane Kingman, Nikki Manterfield and Steven Cunningham.

Councillor Elvis Stooke acted as Chairman, for this meeting only.

13. Disclosures of interests

There were none.

14. Minutes of the meeting held on 6 December 2024

It was proposed, seconded and **AGREED** to approve the minutes of the meeting held on 6 December 2024 subject to minor amendments.

15. Licensing Act 2003: Review of Premise Licence - Istanbul Grill, 26 High Street, Grantham, NG31 6PH

The Legal Advisor introduced those present and confirmed who was present from Lincolnshire Police, Sergeant Adams and PC Braithwaite as well as the Applicant.

The Licensing Manager presented the report which concerned a review of Premise Licence for Istanbul Grill, 26 High Street, Grantham, NG31 6PH.

On Thursday 19th December 2024 an application for the review of the premise licence for Istanbul Grill, Grantham was received from Lincolnshire Police along with supporting documents.

The application for review related to the following licensing objectives: -

- Prevention of crime and disorder.
- Protection of Children from harm.

Lincolnshire Police advised that they had obtained evidence which indicates that the management of this premises had been operating in such a manner that amounts to criminal activity and thus undermines the licensing objectives:

- Employment of two illegal workers
- Breach of its annex 2 premise licence conditions.

On 23rd December 2024 a representation was received from Immigration officers in support of the police review.

On 30th December 2024, the Licensing Officer, attempted to erect a notice at the premises, however the premises was shut.

On 7th January 2025 a notice was erected on the outside of the premises by the Licensing Officer following numerous attempts to gain entry since 30th December 2024.

No further representations had been received.

The current licence holder had held the premise licence for this premises since March 2022. This was a new premise licence application at the time.

There has been no previous recorded incidents at this premise in the past.

The next steps were for the Committee to decide whether to:

- modify the conditions of the licence;
- exclude a licensable activity from the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding 3 months; or

- revoke the licence.

There were no questions to the Licensing Manager at this stage.

Lincolnshire Police had no questions for the Licensing Manager.

Linconshire Police provided their representation.

On the 1st August 2024, Immigration officers attended Istanbul Grill following information received that the premises was employing illegal workers. Two illegal workers were located working in the kitchen. Both had outstanding asylum claims and no permission to work having previously been served notices as overstayers.

Immigration Officers were informed that the owner of the business was away on holiday with his family. A civil penalty referral notice (CPRN) was completed and left with the front of house worker who said he was in charge at that time. He was the only legal worker at the premises at the time and due to being unable to find other staff to operate the business, he closed the restaurant. This proved the reliance on the illegal workforce.

The premises licence holder (PLH) and designated premises supervisor (DPS) was a Ms Zohreh Hosseini. Ms Hosseini held the premises licence since 2020 and had been the DPS since March 2022.

On the 4th October 2024 Immigration issued a Civil Penalty Notice for £90,000 to Hos Cateing Ltd, which was due for payment on the 5th November 2024. No objection was made to the Penalty Notice and as it stands, Lincolnshire Police are informed that the payment remains outstanding.

Ms Zohreh Hosseini has been the sole director of 'HOS Catering Ltd' (company number 12122091) since its incorporation on the 25th July 2019.

On the 9th October 2024 Police Licensing Officers attended the premises unannounced to complete a licensing inspection. The purpose of the visit was to ensure the premises was operating within the remit of its premises licence and associated conditions. Mr Amir Nazar was present and described himself as being in charge of the business. He stated Ms Hosseini was his wife and she was not present at the time.

During the inspection, multiple annex 1 and 2 conditions of the licence were not being complied with which amount to s.136 offences under the Licensing Act 2004. PC Braithwaite's statement outlined details of the inspection and all the areas of non-compliance.

Included within the annex 2 conditions, is a requirement for the premises to ensure a personal licence holder is at the premises at all times during licensable activities. This was not being adhered to. Mr Nazar had initially given reassurance that

alcohol was never served unless his wife was present, however a re-visit around 1 hour later, found customers present at tables with pints of beer who Mr Nazar admitted he had served the alcohol without his wife or another personal licence holder being present. This casted serious doubt over Mr Nazar's integrity.

On the 15th October 2024 PC Braithwaite sent an email to Ms Hosseini highlighting the many areas of non-compliance discovered on the 9th October 2024. The email was sent to the personal email address of Ms Hosseini provided by Mr Nazar on the 9th October 2024. The email requested Ms Hosseini respond with her proposed actions to address the issues raised. To date, Ms Hosseini has failed to respond at all.

In addition to the recent issues presented to Lincolnshire Police, historically there had been concerns surrounding Mr Nazar and Ms Hosseini which were outlined:

- In 2018 Mr Nazar was convicted for 8 offences committed in relation to counterfeit cigarettes and tobacco:
- 2 offences under the Proceeds of Crime Act 2002 - facilitate the acquisition/acquire/possess criminal property and 6 offences under the Trades Marks Act 1994
- 6 offences of possession of goods with a false trademark for sale.

These convictions followed a compliance visit to a shop in Grantham for which Ms Hosseini was the Director, and where counterfeit cigarettes and tobacco were discovered. Another individual was the Licence Holder and DPS for this premises at the time, but during the inspection, Ms Hosseini and Mr Nazar were present. Also at the time, Mr Nazar was working in the shop with no right to work.

Lincolnshire Police previously submitted a premises licence review for this particular premises. The premises licence was revoked by the committee. This highlights Ms Hosseini's and Mr Nazar's links previously to criminality. In conjunction with the latest criminal activity discovered at Ms Hosseini's current premises, the police have no confidence in Ms Hosseini's ability to uphold the licensing objective of the prevention of crime and disorder.

Lincolnshire Police have also not been assured that the premises will uphold the licencing objective of the protection of children from harm, in light of their apparent lack of age verification policy, appropriate staff training and signage. None of these conditions listed within the premises licence could be evidenced at all during the recent police visit to the premises.

Lincolnshire Police respectfully requested that the committee seriously consider the revocation of this premises licence.

Following question from Lincolnshire Police, the Applicant provided their statement which outlined the following:

- That two individuals who work on the premises had provided their Visas and Passports.
- The Applicant was unaware that the licence holder being present was a 24-hour provision.
- That any workers on the premises were not paid cash in hand.

The Committee raised the following questions to the Applicant:

- Whether the Applicant took copies of the Visas and Passports and produced them when requested by Lincolnshire Police.

The Applicant confirmed he took copies of the documentation.

- It was queried why the Applicant had not paid the £90,000 Civil Penalty Notice from Immigration.

The Applicant stated his matter was with their solicitor.

- Whether the Applicant understood that the absence of the personal licence holder at the premises at all times during licensable activities was against licensing laws.

The licence holder stated that she occasionally would have to collect her children and would therefore have to leave the premises.

- Whether the Applicant understood the laws of licensing when the licence was applied for and why the responsibilities were not fulfilled.
- One Member queried why larger measurements had been served of alcohol on the premises.
- A query was raised on whether the Applicant kept training records, which was essential.

The Applicant stated there were no training records available.

There were no further questions at this point.

Lincolnshire Police provided their closing statement.

Members attention was drawn to Section 9 of the Revised 182 Guidance in determining actions that are appropriate for the promotion of the licensing objectives. Paragraph 11.20 stated:

"In deciding which of these powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response."

(Licensing Officers, Lincolnshire Police and the Applicants left the Chamber during deliberation from the Committee.)

Following deliberations, the Committee came to a decision which was read out by the Legal Advisor.

Decision

The Committee have read all the paperwork before them. They have heard from the Licensing Manager, Lincolnshire Police and the premises licence holder.

Lincolnshire Police advised of the instances where illegal workers were found at the premises. Furthermore, there had been multiple breaches of annex 1 and annex 2 of licence conditions – details were set out in the statement from PC Braithwaite which included failure to provide training statements and incorrect measures of alcohol, alcohol being served without the personal licence holder being on the premises.

Mr Nazar and Ms Hosseini advised the Committee that Ms Hosseini had been picking up her son and had not been on premises. Mr Nazar advised her had checked the passports and visas of the 2 people on the premises and had told them they could train only. He had been on holiday so was unaware of what happened. He had taken copies of the passports and visas but had not produced them and the matter was with their Solicitor.

Mr Nazar advised there were no training records as it was only him and his wife. He had been unable to find their other documents or details of alcohol measurements.

Mr Nazar advised his wife had been picking up the children and later said she had been in the kitchen when alcohol had been sold.

The Committee considered all options available to them. They did not consider conditions appropriate as there were already failures to comply with conditions. They did consider excluding a licensable activity and removing the DPS but having listened to the evidence put to them, did not consider it would be appropriate for the promotion of the licensing objectives.

The Committee did not consider suspension to be appropriate given the evidence before them.

The Committee therefore decided having full consideration of all the information in the paperwork and what they had heard from all parties that it was appropriate for the promotion of the licensing objectives of prevention of crime and disorder and protection of children from harm to REVOKE the premises licence.

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

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

There were none.

17. Close of meeting

The Chairman closed the meeting at 11:01am.