



## **RECORD OF DELEGATED DECISION (OFFICER)**

<b>1. Decision Reference No.</b>	<b>CEX507</b>
<b>2. Name/Title of Officer</b>	<b>Lydia Rusling Director for Place and Prosperity</b>
<b>3. Email address of Officer</b>	<b><a href="mailto:Lrusling@melton.gov.uk">Lrusling@melton.gov.uk</a></b>
<b>4. Title / Subject Matter:</b>	<b>Suspension of Premises Licence – Turk Nazz</b>
<b>5. Type of Decision:</b>	<b>Public</b>
<b>6. Key Decision?</b>	<b>No</b>
<b>7. Decision Taken:</b>  <ol style="list-style-type: none"><li>1. To suspend the Licence Ref: MMA0333 due to an unpaid annual licence fee, in accordance with the Section 55A of the Licensing Act 2003.</li><li>2. If the outstanding balance is cleared at any point during the suspension period, the suspension will be lifted.</li></ol>	
<b>8. Reasons for Decision:</b>  In making my decision I have considered the following:  The annual premises licence invoice for Turk Nazz, Melton Mowbray was sent on 4 <sup>th</sup> November 2024. The invoice is in the name of Mr Mehmet Catak and he was given 28 days to pay.  Having received no payment for the annual licence fee of £180, the licence holder was emailed on 13 <sup>th</sup> December 2024 advising him to pay or the licence would be suspended. Following the Christmas break, attempts were made to call Mr Mehmet on his mobile and premises landline on the 2 <sup>nd</sup> January 2025 and voicemails were left requesting he made contact to avoid the licence being suspended.  On 8 <sup>th</sup> January 2025 officers managed to make contact with the DPS who provided Mr Mehmet's business partners phone number and email address and the DPS also said Mr Mehmet owns another branch of Turk Nazz in Shirley, Solihull. Attempts were also made to contact the business partner and Mr Mehmet given the newly provided information but with no reply from the	

business partner. Staff at the Shirley branch said Mr Mehmet is the owner but they had no way to contact him but would pass on a message to contact me, if he popped in.

Further attempts were made to contact Mr Mehmet's business partner on 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> January 2025.

Our enforcement officer has made multiple visits to the premises where there is a sign on the door saying the premises is closed for a kitchen refurbishment.

Mr Mehmet was written to on 8<sup>th</sup> January 2025 with a copy of the invoice and explaining his licence would be suspended on the 22<sup>nd</sup> January 2025 if the invoice was not paid.

The invoice remains unpaid as of today (23<sup>rd</sup> January 2025).

## **9. Authority / Legal Power:**

*Licensing Act Section 55A states "A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under section 55(2)"*

The Constitution Chapter 2 – Part 4 – Officer Scheme of Delegation Section 12.2 (d) gives authority to the Director for Growth & Regeneration to be responsible for Regulatory Services including licensing.

Chapter 2 – 8 – Licensing Functions and Procedure Rules delegates authority to '*determine any matter relating to the functions of the Council required by The Licensing Act 2003 or consequent secondary legislation*' to the Director of Growth & Regeneration (section 1.6) subject to exceptions as detailed in that part. Section 10 of the 2003 Act does not prohibit delegation of that power to the Director as an officer of the Council.

<b>10. Background Papers attached?</b>	<b>No</b>
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## **11. Alternative options available / rejected:**

1. Do nothing which would be in contravention of the legislation.

## 12. Implications:

<p><b>Legal</b></p>	<p>The Licensing Act 2003 (the 2003 Act) makes provision for issue of premises licences, for which an annual fee is payable. Section 55 of the 2003 Act states that where that fee remains unpaid, the Council must suspend the licence (i.e. it has no discretion). Section 55 does not apply if the failure to pay is due to an administrative error, or the licence holder is disputing the sum charged, and the grace period of 21 days has not expired. Provided that the Council has not made an administrative error which prevented payment being made, is not aware of an administrative error by the licence holder, nor been informed that the licence holder disputes payment, the Council must suspend the licence.</p> <p>If the Council suspends the licence, it must give notice to the licence holder stating the day that the suspension takes effect; that day must be at least two working days after the Council gives the notice. Once suspended, the licence would resume if the licence holder pays the outstanding fee.</p> <p>The delegations referred to above comply with the 2003 Act and allow the Director named to decide whether the grounds to suspend the licence are met and issue the notice of suspension.</p> <p>[Legal Approval – 23 January 2025]</p>
<p><b>Finance</b></p>	<p>It is important the council collect fees and charges due and where these aren't paid it is key for good financial management appropriate action is taken.</p> <p>[Finance Approval – 23 January 2025]</p>
<p><b>HR</b></p>	<p>N/A</p>

## 13. APPROVAL/SIGN OFF (Do not complete until all implications signed off at Section 12)

<p><b>Signature of Decision Maker with authority to sign :</b></p>	<p>Email approval received  <b>Lydia Rusling</b>  <b>Director for Place and Prosperity</b></p>
<p><b>Consultation with:</b></p>	<p><b>N/A</b></p>
<p><b>Date:</b></p>	<p><b>29 January 2025</b></p>