

Guildhall Gainsborough
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

AGENDA

There will be a briefing for Members of the Sub-Committee at 9.00am

Licensing Sub Committee
Wednesday, 14th May, 2025 at 9.30 am
Council Chamber - The Guildhall

Members*: Councillor Jim Snee
Councillor David Dobbie
Councillor Maureen Palmer

Reserve Member: Councillor Mandy Snee

*NB: subject to confirmation at Annual Meeting of Council to be held on 12 May 2025

1. To Elect a Chairman for this Meeting Only

2. Apologies for Absence

3. Members' Declarations of Interest

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

4. Procedure

(PAGES 3 - 4)

Please note the procedure to be taken by the committee.

5. Note:

This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one member being unable to attend, their place will be substituted by another member. In the event of this substitution taking place all parties will be informed of the change of membership at the beginning of the hearing.

6. Licence Hearing

(PAGES 5 - 66)

Licence Number: TBC

Hearing Type: Application for the Grant of a Premises Licence

Applicant: Nazilyarim Ltd

Premises: Gainsborough Grill, 168 Trinity Street,
Gainsborough, DN21 1JW

7. Exclusion of Public and Press

To resolve that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 – the public and press be excluded from the meeting for the following item of business.

8. Exempt Paper - Appendix 4

(PAGES 67 - 71)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 6 May 2025

Procedure for Hearings Licensing Act 2003

1. Election of Chair

2. Chair's welcome and opening remarks

- Name of applicant and the premises address
- The introduction of the Members of the sub-committee and officers
- Introduction of applicant and objectors
- Chair to explain that all parties have been given notice to attend the hearing and that the hearing will proceed notwithstanding a party's failure to attend the hearing

Legal Advisor to explain the procedure to the parties

Senior Licensing Officer will present the application which will include any previous licensing history.

3. Applicant to present case

- The applicant or their representative present their case
- The applicant or their representative will then call any witnesses and/or give evidence in support of their case
- The objector(s) or their representative may then question the applicant and their witnesses
- The Members of the sub-committee may ask questions of the applicant and their witnesses
- The applicant or their representative will then be given a final opportunity to ask any further questions of their witnesses to clear up any points raised in the earlier questioning.

4. The Objector's case

This procedure will be followed for each individual objector:

- The objector or their representative will give their reasons for objecting to the application
- The objector or their representative will then call any witnesses
- The applicant or their representative may then question the objector or their representative and any witnesses
- The Members of the sub-committee may ask questions of the objector or their representative and any witnesses
- The objector or their representative will then be given a final opportunity of asking any further questions of their witnesses to clear up any points raised in the earlier questioning

5. Amendments

The Applicant is asked by the Chair of the sub-committee whether, in light of the objections, they wish to amend the application (when they retire Members will consider only the application before them at that time).

If the applicant wishes to amend the application or indicates that they are prepared for Members to give consideration to an amended application (if Members are minded to refuse the original application) the objector(s) are to be given the opportunity to comment on the amended application.

6. Closing Statement or Summary

The objector(s) can summarise any points they wish to make and comment briefly on the applicant's replies to questions. They cannot introduce any new issues at this stage.

The applicant can summarise any points they wish to make and comment briefly on the objector's replies to questions. They cannot introduce new issues at this stage.

7. Conclusion

The Chair will then ask the Legal Advisor whether there are any other matters to be raised or resolved before the sub-committee retires to begin its deliberations. The sub-committee will exclude the press and public from its deliberations and its decision making.

The Chair will advise the hearing that they will retire to consider the application and that the Legal Advisor will be retiring with them but will not take part in the deliberation.

Once a decision has been made everybody is invited back in and the Chair announces the decision and will give reasons for the decision including any conditions that have been attached and the right of appeal if necessary. The decision will subsequently be formally notified to the Applicant and the Legal Advisor in writing by the Clerk to the Committee within 5 working days.

N.B. if legal advice is given to Members by the Legal Advisor then this advice will be repeated in summary form by the Legal Advisor when the public are re-admitted.

If any party to the hearing or the Senior Licensing Officer are required to address the Committee during their deliberations, all parties will be invited to hear these issues.



Licensing Sub Committee

Wednesday, 14 May 2025

Subject: Application for the Grant of Premises Licence

Report by:

Ian Knowles
Head of Paid Service

Contact Officer:

Tracy Gavins
Licensing Enforcement Officer
01427 676598
tracy.gavins@west-lindsey.gov.uk

Purpose / Summary:

This report is being put before the Members of the Licensing Sub-Committee for them to determine the outcome of this application.

RECOMMENDATION(S):

That Members take into account all the information put before them, both within this report and presented to them at the hearing, by all parties in attendance.

Members will then need to decide which of the options presented to them in section 7 of this report are appropriate in determining this application, taking into account The Licensing Act 2003, s.182 Statutory Guidance and West Lindsey District Council's Licensing Policy.

IMPLICATIONS

Legal: The Licensing Act 2003, Schedule 5, Part 1 makes provision for the applicant of a premises licence and the licence holder and any other person who made relevant representations to appeal the outcome of the hearing.

Any appeal must be made to the Magistrates Court for the local justice area in which the premises concerned is situated.

Any appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the authority of the decision appealed against.

Financial: N/A

Staffing: N/A

Equality and Diversity including Human Rights:

Article 6 – Right to a fair hearing in public before an independent and impartial tribunal.

Data Protection Implications: Personal data within the report appendices has been redacted where relevant.

Climate Related Risks and Opportunities: N/A

Section 17 Crime and Disorder Considerations:

(S.17 Crime and Disorder Act 1998) - (1) 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 reasonably can to prevent, crime and disorder in its area.

Health Implications: N/A

Title and Location of any Background Papers used in the preparation of this report:

Licensing Act 2003

WLDC Statement of Licensing Policy

Guidance made under section 182 of the Licensing Act 2003

<https://www.west-lindsey.gov.uk/licensing/licensing-gambling-policies/licensing-policy>

Risk Assessment:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

☐

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

☐

No

☐

WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Reference Number:	TBC
Application type:	Application for the Grant of Premises Licence
Premise:	Gainsborough Grill, 168 Trinity Street, Gainsborough, Lincolnshire, DN21 1JW
Applicant:	Nazilyarim Ltd
Date of Hearing	14th May 2025

1 The Application

- 1.1 The application made is for the grant of a new premises licence under Section 17 of the Licensing Act 2003.
- 1.2 The application submitted is requesting authorisation for the provision of late-night refreshment. The full application with all the relevant details is attached as Appendix 1. The proposed area to be licensed can be seen from the plan which forms part of the application within Appendix 1 for 168 Trinity Street.

2 Background

- 2.1 168 Trinity Street, Gainsborough was previously licensed for the provision of late-night refreshments until 02:00hrs operating under the authorisation of premises licence number 32UHB01805. However, at a licensing hearing to determine a review application submitted by Lincolnshire Police, held on 17th December 2020, members of the licensing sub-committee resolved to revoke that licence, due to not complying with the premises licence conditions and failure to adhere to legislation introduced as a result of the Covid pandemic.
- 2.2 The Current applicant was not the licence holder at that time but is related to that licence holder.

3 Promotion of the Licensing Objectives

- 3.1 In submitting the application the applicant is required to describe any steps intended to be taken in order to promote the following 4 licensing objectives, which are:
 - The Prevention of Crime and Disorder
 - Public Safety

- The Prevention of Public Nuisance
- The Protection of Children from Harm

3.2 The steps the applicant intends to take are detailed in section M (a-e), of the application form (Appendix 1).

4 Representations – Responsible Authorities

4.1 Three representations have been submitted –

- Licensing Team, West Lindsey District Council at Appendix 2.
- Lincolnshire Police at Appendix 3.
- Home Office Immigration at Appendix 4.

5 Representations – Other Persons (previously known as Interested Parties)

5.1 None

6 Considerations

6.1 Each application must be considered on its own merits; **standardised conditions cannot be applied across the board** to all licences of a similar type.

6.2 Each representation must be considered and in each case the committee must satisfy themselves whether or not the licensing objectives are being met by the applicant with respect to each matter.

6.3 Therefore, before any conditions can be imposed on a licence, they have to be *appropriate for the promotion of the licensing objectives and where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives*. Conditions must be *proportionate, reasonable, and* capable of being directly complied with by the licensee. Furthermore, conditions should be clear and understandable, not be imposed to achieve an ulterior motive outside the scope of the legislation, not over generalised and cannot override primary legislation. If the Sub-Committee are minded that a condition is not appropriate for the promotion of the licensing objectives, then it should not be imposed.

6.3.1 Clearly, the Sub-Committee have to *consider extremely carefully* whether or not additional conditions need to be attached in order for the promotion of the licensing objectives?

6.4 In making its decision the committee must consider the application in line with the following:

- The Licensing Act 2003
- The Section 182 Guidance made under the Act
- The Licensing Authority's Licensing Policy Statement

- Decisions handed down from any relevant case law by the Courts where relevant

6.5 Policy Considerations

- 6.5.1 When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:

<http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article>

6.6 Statutory Guidance

- 6.6.1 Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

7 Options

- 7.1 Licensing Act 18(2) Subject to subsection (3) below, the authority must grant the licence in accordance with the application subject only to –
- such conditions as are consistent with the operating schedule accompanying the application, and
 - any conditions which must under section 19, 20 or 21 be included in the licence.

(3) Where relevant representations are made, the licensing authority must –

- hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are –

- to grant the licence subject to-
 - the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - any condition which must under section 19, 20 or 21 be included in the licence.
- to exclude from the scope of the licence any of the licensable activities to which the application relates.
- to refuse to specify a person in the licence as the premises supervisor.
- to reject the application.

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

Conditions cannot be attached with respect to any part of the application on which no representation(s) have been received.

This is a matter for the committee to determine in light of the above matters and any others it considers relevant.

N.B. Whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded about the comments made in a recent court case, known as Hope and Glory, in relation to reasons for their decision making. The comments noted from this case stated: “*The fuller and clearer the reasons, the more force they are likely to carry*”. Therefore, taking these comments into account, Members are strongly advised to give good, clear, justifiable reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.

8 List of Appendices

Appendix 1 - Application Form.

Appendix 2 – Representation from Licensing Team, WLDC.

Appendix 3 – Representation from Lincolnshire Police.

Appendix 4 – Representation from Home Office Immigration.

9 Background Papers

Licensing Act 2003

WLDC Statement of Licensing Policy

Guidance made under section 182 of the Licensing Act 2003

APPENDIX 1



Application for a premises licence to be granted under the Licensing Act 2003

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we NAZLIYARIM LTD (Mr. Taner OZCAN)
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 - premises details

Name of premises	Gainsborough Grill		
Postal address of premises or, if none, ordnance survey map reference or 'what3words' reference or description			
168 Trinity Street, Gainsborough.			
Post town		Postcode	DN211JW
Phone number at premises (if any)	[REDACTED]		
Email address of premises (if any)	[REDACTED]		

Non-domestic rateable value of premises	£ 4000
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Part 2 - applicant details

Please state whether you are applying for a premises licence as

a)	an individual or individuals *	<input type="checkbox"/>	please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership	<input checked="" type="checkbox"/>	please complete section (B)
ii	as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
iii	as an unincorporated association	<input type="checkbox"/>	please complete section (B)
iv	other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)	a recognised club	<input type="checkbox"/>	please complete section (B)
d)	a charity	<input type="checkbox"/>	please complete section (B)
e)	the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)	a health service body	<input type="checkbox"/>	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
h)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
i)	the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

***If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities ☒
- or
- I am making the application pursuant to:
 - A statutory function ☐
 - or
 - A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANT *(complete as applicable)*

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <i>(please state)</i>			
Surname:			
Forenames:			
Your date of birth	Day:	Month:	Year:
Nationality:			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service <i>(see note 6 for information)</i>			
Current residential address <i>(if different from premises address)</i>			
Post town:		Postcode:	
Phone number:			
Email address:			

SECOND INDIVIDUAL APPLICANT *(if applicable)*

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <i>(please state)</i>			
Surname:			
Forenames:			
Your date of birth	Day:	Month:	Year:
Nationality:			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service <i>(see note 6 for information)</i>			
Current residential address <i>(if different from premises address)</i>			
Post town:		Postcode:	
Phone number:			
Email address:			

(B) NON-INDIVIDUAL APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Company or organisation name
Norihonim ITO
Company or organisation registered address*
168 Trinity street ON21 1ZW
Registered number (where applicable)
14249503
Description of applicant (e.g. partnership, company, unincorporated association etc.)
ITO company
Company or organisation phone number (if any)
05 P1
Company or organisation email address (if any)
05 P1

* the registered address will be used to send annual fee reminder letters – if this is not an operational address please give alternative details below for us to set up as the correspondence address.

Correspondence address for the company or organisation
as above

Part 3 - operating schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to only be valid for a limited time, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

General description of premises (see note 1)

take away
brick building

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (see note 2)

Please tick all that apply

- a) **plays** – if yes, complete box A ☐
- b) **films** – if yes, complete box B ☐
- c) **indoor sporting events** – if yes, complete box C ☐
- d) **boxing or wrestling entertainments** – if yes, complete box D ☐
- e) **live music** – if yes, complete box E ☐
- f) **recorded music** – if yes, complete box F ☐
- g) **performances of dance** – if yes, complete box G ☐
- h) anything of a similar description to that falling within (e), (f) or (g) – if yes, complete box H ☐

Provision of late night refreshment – if yes, complete box I

☒

Sale by retail of alcohol – if yes, complete box J

☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (see note 7)			Will the performance of a play take <u>place indoors or outdoors or both - please tick</u> (see note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (see note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (see note 5)		
Thur					
Fri			Non-standard timings - where you intend to use the premises for the performance of a play at different times from those listed in the column on the left, please list (see note 6)		
Sat					
Sun					

B

Films Standard days and timings (see note 7)			Will the exhibition of films take <u>place indoors or outdoors or both - please tick</u> (see note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (see note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (see note 5)		
Thur					
Fri			<u>Non-standard timings - where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list</u> (see note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (see note 7)			<u>Please give further details here</u> (see note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (see note 5)
Tue			
Wed			
Thur			<u>Non-standard timings - where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u> (see note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (see note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (see note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (see note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (see note 5)		
Thur					
Fri			Non-standard timings - where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (see note 6)		
Sat					
Sun					

E

Live music Standard days and timings (see note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (see note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (see note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (see note 5)		
Thur					
Fri			Non-standard timings - where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (see note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (see note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (see note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (see note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (see note 5)		
Thur					
Fri			<u>Non-standard timings - where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</u> (see note 6)		
Sat					
Sun					

G

Performance of dance Standard days and timings (see note 7)			Will the performance of dance take <u>place indoors or outdoors or both - please tick</u> (see note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (see note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (see note 5)		
Thur					
Fri			Non-standard timings - where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (see note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (see note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (see note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (see note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (see note 5)		
Fri					
Sat			<u>Non-standard timings - where you intend to use the premises for the of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list</u> (see note 6)		
Sun					

Late night refreshment Standard days and timings (see note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (see note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	15 23:00	1. Am.	Please give further details here (see note 4)	Both	<input type="checkbox"/>
Tue	15 23:00	1. A m.			
Wed	15 23:00	1a Am.	State any seasonal variations for the provision of late night refreshment (see note 5)		
Thur	15 23:00	1.0 AM.			
Fri	15 23:00	^{am} 2.0 Am.	Non-standard timings - where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (see note 6)		
Sat	15 23:00	^{am} 2. Am			
Sun	15 23:00	^{am} 1.0 Am			

J

Supply of alcohol Standard days and timings (see note 7)			Will the supply of alcohol be for consumption - please tick (see note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (see note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (see note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form)

Name:			
Date of birth:		Nationality:	
Home address			
Postcode:			
Personal licence number:		Application in process	<input type="checkbox"/>
Issuing licensing authority:			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (see note 9).

No entertainment, Basically
Extending the fast food Take
away from existing time to
Extend 2 more hours until 1am
in the morning

L

Hours premises is
open to the public
Standard days and
timings (see note 7)

Day	Start	Finish
Mon	3.00pm 23:00 3.00am	1.0am 1.0am
Tue	3.00pm 23:00	1.0am 1.0am
Wed	3.00pm 23:00	1.0am
Thur	3.00pm 23:00	1.0am 1.0am
Fri	3.00pm 23:00	1.0am 2.0am
Sat	23:00	2.0am
Sun	23:00	1.0am

State any seasonal variations (see note 5)

**Non-standard timings - when you intend the
premises to be open to the public at different times
from those listed in the column on the left, please
list** (see note 6)

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (see note 10)

Contact The Gainsborough
N/A Police Station and
they have no objection
for the 2 hours extension
to existing opening hours.

b) The prevention of crime and disorder

Delmar only, notifying police 3pm-1am.
Working with police and
cooperating.

c) Public safety

Take away delivery

d) The prevention of public nuisance

Take away delivery

e) The protection of children from harm

no children allowed

Checklist:

Please tick to confirm

- I have made or enclose payment of the fee (*see page 23*) ☒
- I have enclosed the outlined and labelled plan of the premises (*scale 1:100 unless otherwise agreed*) ☒
- I am sending copies of this application and the plan to responsible authorities today - **only applicable if submitting a paper form** ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor (if applicable) ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (*see note 15*) [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] ☒

It is an offence, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

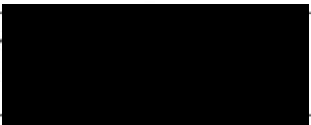
It is an offence under section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to section 21 of the same Act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Declarations:

- I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (*see note 15*). [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (*see note 15*)

Part 4 - signatures (see note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see note 12). If signing on behalf of the applicant please state in what capacity.


Signature	
Date	20/02/2025
Capacity	DIRECTOR

For joint applicants - signature of second applicant, second applicant's solicitor or other authorised agent (see note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Please note, if you wish to have up to 2 gaming machines on the premises or there are already machines sited at the premises you will also need to complete an 'application to have gaming machines in a licensed premises' form which you can find at <https://www.west-lindsey.gov.uk/licensing/business-licences/gaming-machine-permit-licensed-premises>

Contact name and address for **correspondence** associated with this application (see note 5)

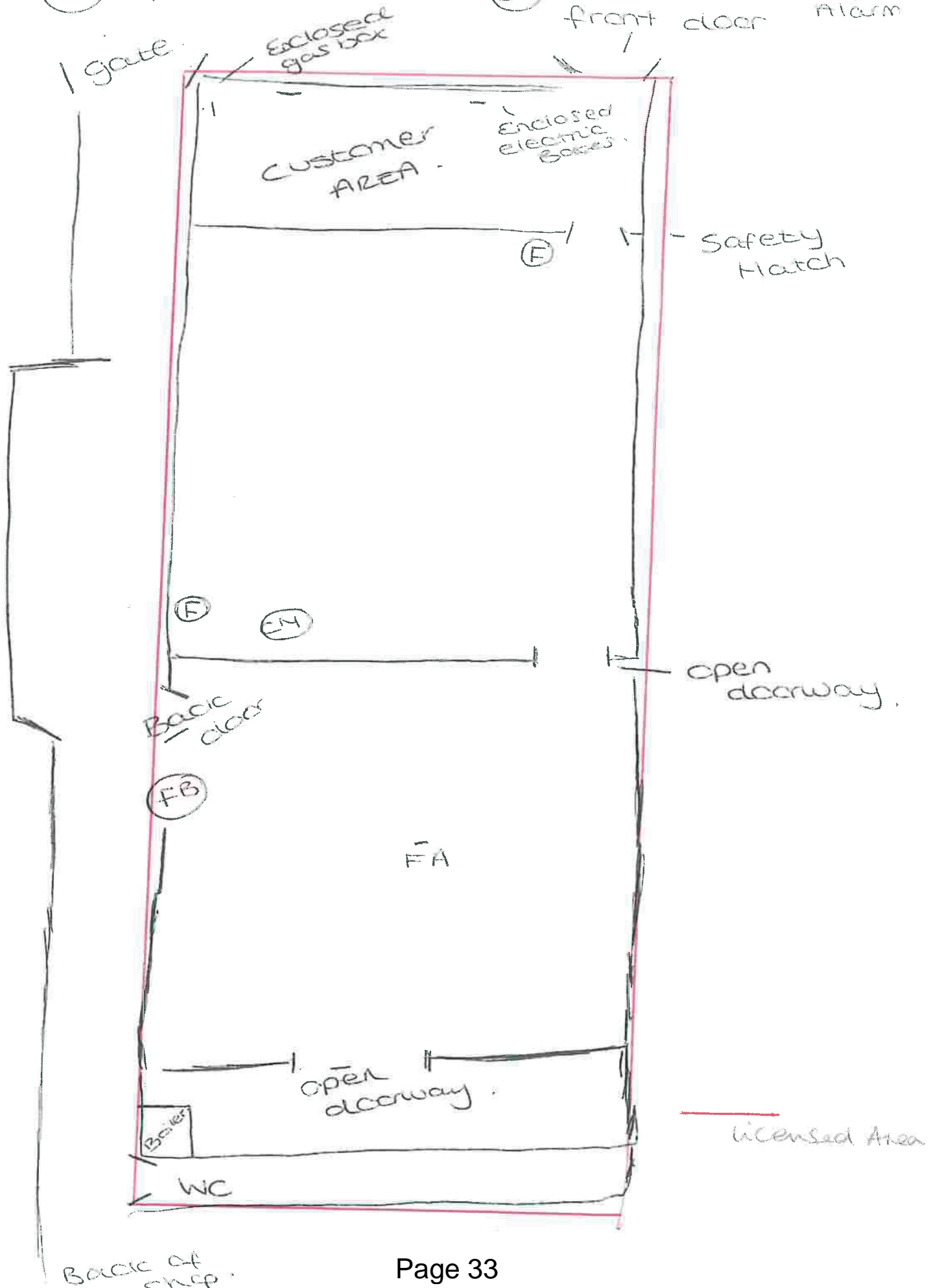
as Page 1			
Post town		Postcode	DN21 5W
Phone number:			
Mobile number:			
Email address:			

(F) - fire extinguisher

(FB) - fire Blanket

(FA) Fire Alarm

(CM) Carbon monoxide front door Alarm



Back of shop

APPENDIX 2



Representation by a Responsible Authority

Licensing Act 2003

Note: Please be aware that your completed form may be viewed by the Applicant or by a representative of the Applicant. It may also form part of a public report for a sub-committee hearing.

Representations may be made at any time during a period of 28 consecutive days - starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

Please provide your details below:

Responsible Authority:	Licensing Authority, West Lindsey District Council
Contact Officer:	Kimble Enderby
Address:	The Guildhall, Marshalls Yard, Gainsborough.
Postcode:	DN21 2NA
Phone number:	██████████
Email address:	██

Please provide details of the application to which your representation refers:

Name of Applicant:	Nazilyarim Ltd
Address of Premises:	Gainsborough Grill, 168 Trinity Street, Gainsborough, DN21 1JW.
Application Details:	Application for Late Night Refreshment Licence
Date Application Received:	17 th March 2025

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

☒ **The prevention of crime and disorder**

☒ **Public safety**

☒ **Prevention of public nuisance**

☐ **The protection of children from harm**

Details of representation
<p>West Lindsey District Council's Licensing Team has evidence that Gainsborough Grill has been opening regularly beyond 23:00hrs without a premises licence with the provision for Late-Night Refreshment (LNR) in the period directly before and whilst they were making this application for a premises licence. We have evidence that the premises has opened beyond 23:00hrs multiple times during December 2024 and in January/February 2025.</p> <p>By opening beyond 23:00hrs the premises has committed offences under Section 136 of The Licensing Act 2003 relating to unauthorised licensable activity - "carries on or attempts to carry on licensable activity on or from the premises other than under and in accordance with an authorisation".</p> <p>The current premises licence application is in the name of Nazilyarim Ltd. Companies House shows that the business has two directors – Taner Ozcan appointed 1st December 2023 and Ramazan Ozcan appointed 21st July 2022, both having responsibility for and control of the business during the period that the illegal activity took place.</p> <p>No real explanation has been offered by either of the Ozcan's relating to the evidence of illegal activity collected by the Council's Licensing Team, either when Ramazan Ozcan was interviewed by licensing Officers on 17th March 2025 or at any time after this.</p>

It is an expectation within the Licensing Act 2003 that a premises licence holder will actively work with the responsible authorities to resolve any issues that arise at or are linked to their business. The applicant has demonstrated that they cannot be relied upon to do this based on the evidence of how they behaved when approached in relation to trading beyond 23:00hrs without a LNR licence.

Alongside the concerns raised by the business trading without a LNR Licence are the concerns raised by the application itself. It fails to identify any risk involved with operating a premises beyond 23:00hrs.

The provision of late-night refreshment is regulated “primarily” because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as at fast-food takeaways where late-night drinkers congregate after leaving other licensed premises. The licensing team would identify Gainsborough Grill as one of these premises and as such would expect conditions to be offered by the applicant to mitigate this increased risk.

In the Section 182 Guidance to the Licensing Act 2003 Part 8 deals with “Steps to promote the licensing objectives”. Similarly West Lindsey District Council’s own Licensing Policy states in relation to Late Night Refreshment at 8.6.1 – “With regard to premises providing late night refreshment for consumption off the premises, the Licensing Authority will (on the receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse being deposited in the vicinity of the premises. Applicants should consider proposing practical steps in their operating schedule to reduce the likelihood of such problems.” Both the Section 182 Guidance and the council’s own Licensing Policy if read contain information that would help advise and inform an applicant to demonstrate how they intend to actively promote the licensing objectives.

The applicant has failed to identify the clear risk involved with operating post 23:00hrs, failed to offer any conditions that would mitigate against the risk and failed to offer some reassurance that they have done the research suggested around their business and the proposed operating hours.

The premises was previously licensed by West Lindsey District Council, holding a premises licence with provision for late-night refreshment until 17th December 2020. Their licence was revoked by West Lindsey District Council’s Licensing Committee following a licence review application made by Lincolnshire Police. The premises was found to have breached conditions of its licence, as well as having failed to comply with regulations and restrictions imposed by the Government in the interest of public safety during the ongoing Coronavirus pandemic. The licence holder at the point the licence was revoked was Ramazan Ozcan, who is now one of the directors of the company making this new application.

Despite the business previously holding and operating a premises licence with the provision for LNR and having had that licence revoked, the applicant fails to show that anything has been learnt from that revocation or that any steps have been taken to increase knowledge of the Licensing Act 2003 or the promotion of the licensing objectives.

In support of this application, I include the following documents –

Kimble Enderby's witness statement.
Andrew Tucker's witness statement.
KJE1 – Menu leaflet from August 2022.
KJE2 – Menu leaflet from January 2024.
KJE3 – Menu leaflet from January 2025.
KJE4 – Social media posts from 26.02.2025
KJE5 – reply from Mr R Ozcan.
KJE6 – Menu leaflet from March 2025.
KJE7 – Activity log of CCTV of Gainsborough Grill.
CCTV footage of Gainsborough Grill.

--

If possible, please suggest alterations to the application that would resolve the problem(s) mentioned above, again paying attention to the licensing objectives:

We do not believe that there are any amendments or alterations that would resolve the concerns that have been identified in relation to this application.

Have you contacted the applicant to discuss the representation?

Yes

Have you contacted the Licensing team to discuss this representation?

N/A

Do you consider further discussion could resolve the issue?

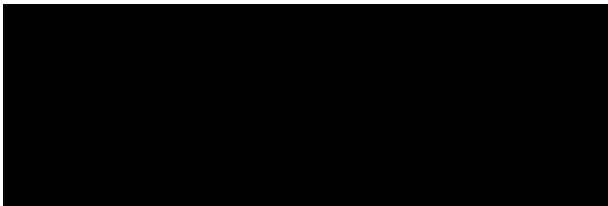
No

Do you intend to attend or be represented at any Sub-Committee hearing?

Yes

Please tick this box if you consent to any notice of any hearing being sent to you to the email address provided on page 1. X

(Please note if any notice is sent to you by electronic means, you will also receive confirmation of the same by post)



Signed:

Dated:

Print Name: Mr Kimble J.Enderby, Senior Licensing Officer WLDC
.....

Please return this form to licensing@west-lindsey.gov.uk or:

Licensing
West Lindsey District Council
Marshall's Yard
Gainsborough
Lincolnshire
DN21 2NA

Privacy Notice: We will use the information you give us to (a) do the tasks we need to do for the job shown in the title of this form (b) carry out any of our official business (c) stop fraud or crime. To find out more about why we need your information, what we do with it and how to contact us if you have any concerns or questions please read our privacy notice. This can be viewed using the following link: www.west-lindsey.gov.uk/licensing-privacy/

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see www.west-lindsey.gov.uk/fairprocessingnotice or contact the finance department on 01427 676560 or FinanceTeam@west-lindsey.gov.uk

WITNESS STATEMENT

STATEMENT OF	Kimble.J.Enderby
OCCUPATION OF WITNESS	Senior Licensing officer
AGE OF WITNESS*	Over 18 (*if over 18 enter 'Over 18')
REFERENCE NUMBER	

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything, which I know to be false or do not believe to be true.

Signature: KJ Enderby **Date:** 21/02/2025.

Gainsborough Grill is a pizza/fast food takeaway business located at 168 Trinity Street, Gainsborough, DN21 1JW. The business does not hold a premises licence with provision for late-night refreshment so all sales of hot food or drink to the public should cease at 23:00hrs daily.

The premises was previously licensed by West Lindsey District Council, holding a a premises licence with provision for late-night refreshment until 17th December 2020. Their licence was revoked by West Lindsey District Council's Licensing Committee following a licence review application made by Lincolnshire Police. The premises was found to have breached conditions of its licence, as well as having failed to comply with regulations and restrictions imposed by the Government in the interest of public safety during the ongoing Coronavirus pandemic.

The owner and licence holder of the business at the time that the licence was revoked was Mr Ramazan Ozcan.

Following the revocation of their licence we became aware on 10th August 2022 that Gainsborough Grill were still advertising that they were open and trading past 23:00hrs. A member of staff at the council had a menu leaflet delivered through their door which showed Gainsborough Grill opening hours as Sunday – Thursday 4pm till 11:30pm and Friday-Saturday 4pm till 1am. Exhibit KJE1 refers.

At that time, we had no other information or intelligence other than the leaflet to indicate that they were opening beyond 23:00hrs so were unable to take any further action. However, we did continue to have concerns that the premises was still trading illegally after 23:00hrs, as in January 2024 we obtained another menu leaflet which displayed the opening times as Sunday – Thursday 4pm till 11:30pm and Friday-Saturday 4pm till 1am. Exhibit KJE2 refers.

On 20th December 2024, a member of West Lindsey District Council's Licensing Team was returning from election duties at a polling station in Gainsborough. At approximately midnight they drove past Gainsborough Grill and could see that the lights inside and outside the premises were illuminated with staff still visible behind the counter. They believed that the activity they observed was because the business was open and trading.

Because of what had been observed I spoke with the operators at the Council's CCTV department, asking if they could monitor the premises to see if there was any activity after 23:00hrs which might indicate that they were remaining open. They agreed to do so.

The CCTV camera able to monitor the premises found that they appeared to be open and trading after 23:00hrs on the following dates –

30th, 31st December 2024,

1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 27th, 28th January 2025.

On each occasion footage showed the premises had all internal lights illuminated with the external shop sign also lit up. A combination of delivery drivers and members of the public could be seen entering the shop, then leaving a few minutes later with what appeared to be items for delivery or food they had purchased. On one occasion this activity was still taking place at 01:00hrs. I believed having watched the footage that the premises were regularly opening and serving hot food beyond 23:00hrs.

On 29th January 2025 at approximately 18:25hrs a colleague and myself visited Gainsborough Grill. There were a number of males behind the counter area. After I had identified myself one of them came forward to speak with me. He identified himself to me as Ramazan Ozcan, the manager of the business. I explained to him that I was from the Licensing Team at West Lindsey District Council and just wanted a quick word with him.

I asked if he opened after 11pm and he replied "No".

I then pointed to a menu leaflet on the counter which was a different design to the one from 2022 (KJE1). I asked about the timings on the menu on the counter and he replied – "old menu."

Ozcan then asked me if I wanted to inspect his shop, so I explained again that I was from Licensing Team not Food Hygiene Team. He nodded and I said to him – "I just want to check that you aren't opening after 11 at night". He replied – "No, only staff inside prepping food and cleaning."

I then said – "Because you know you do not have a late-night refreshment licence."

He responded – "Yes – we don't open."

I pointed to the menu leaflet on the counter and said – "So these are old ones." He replied – "Yes just using them up."

I could see the opening times on the menu leaflet were Sunday – Thursday 4pm till 11:30pm and Friday-Saturday 4pm till 1am. I took one of the menu leaflets as I left the store, Exhibit KJE 3 refers.

Ramazan Ozcan was the person in charge of Gainsborough Grill when it held a late-night refreshment licence and at the point that the licence was revoked. It would appear he was still in charge. Having previously held a licence he would be expected to have some understanding of licensing legislation and that for a business like his selling hot food or drink after 23:00hrs a late-night refreshment licence is required.

Having had the opportunity to compare the leaflet menus KJE1, KJE2 and KJE3 it was obvious that were different designs. KJE1 had the cheapest priced pizzas, KJE2 show an increase and KJE3 a further increase in price. This clearly demonstrates that the menu leaflets were separately produced over a period of time as prices went up. They were not old leaflets as Ozcan tried to suggest. All show the premises as being open beyond 23:00hrs.

I was concerned that despite the business losing its licence in 2020 it continued to advertise that it was open and available to sell/deliver food after 23:00hrs, and that it was selling food beyond that time.

Following my visit to the premises I checked with the CCTV operators to see if the visit had deterred the activity being monitored at the premises. They informed me that they appeared to be open past 23:00hrs on the evenings of, 4th, 5th, and 6th February 2025.

Again, all lights were on at the store with a combination of delivery drivers and members of the public seen to enter and then leave with food items for delivery or personal consumption.

On 14th February 2025, a member of my team made me aware of social media postings from Gainsborough Grill for Valentines Day. Exhibit KJE4 refers. These showed they had used a flame emoji to cover up on their menus where they were advertising opening beyond 23:00hrs, which demonstrated to me that they were well aware that they should not be selling or offering food for sale beyond 23:00hrs.

Having assessed all the available evidence, I decided to arrange a test purchase of hot food from the premises to establish if the premises were committing offences under Section 136 of The Licensing Act 2003 of unauthorised licensable activity - "carries on or attempts to carry on licensable activity on or from the premises other than under and in accordance with an authorisation".

On Tuesday 18th February at approximately 23:15hrs I arranged a test purchase at Gainsborough Grill. We had driven past the premises at 23:07hrs, the store had all its lights turned on both inside and out, an open sign was illuminated in the front window and there were staff behind the counter and customers stood in front of it. We parked further down Trinity Street from Gainsborough Grill, at 23:15hrs my colleague Andrew Tucker left the vehicle and went inside Gainsborough Grill to attempt to order food. He was gone for approximately seven minutes and then returned to the vehicle with three portions of chips and three cans of drink that he had purchased from the store. As we drove past the store again we could see that all the lights were still illuminated.

By selling hot food to my colleague after 23:00hrs an offence had been committed under Section 136 of the Licensing Act 2003.

On 24th February 2025 I sent a letter to Mr Ramazan Ozcan inviting him to attend an interview so we could put our evidence to him. He replied by email with a letter attached on 26th February 2025. In the letter he denied opening after 23:00hrs, Exhibit KJE5 refers.

On 4th March 2025, a member of staff at the council had a menu leaflet delivered through their door which showed Gainsborough Grill opening hours as Sunday – Thursday 4pm till 11:30pm and Friday-Saturday 4pm till 1am. Exhibit KJE 6 refers. This was the same leaflet menu design as Exhibit KJE3 and demonstrates that the premises are continuing to advertise that they are open and trading beyond 23:00hrs.

An email exchange was made with Mr Ramazan Ozcan and it was arranged that he attend at West Lindsey District Council's offices to be formally interviewed on 17th March 2025.

On 17th March Ramazan Ozcan attended at the Council Offices at The Guildhall, where he was interviewed by myself and my colleague Tracy Gavins. His brother Taner Ozcan was also in attendance as his "friend" in the interview.

When questioned Ramazan Ozcan initially denied that his premises opened beyond 23:00hrs, that it was always closed at the right time. Then as the evidence was put to him he made various explanations for why the premises was opening after 23:00hrs.

He claimed that it was delivery drivers collecting food that had been ordered before 23:00hrs – when he was shown that on some occasions the store was open an hour or an hour and a half after 23:00hrs he then said the staff must have been doing this behind his back without his knowledge.

He then went on to claim that he had sacked all his old staff after I visited the premises, despite still claiming that he knew nothing about the shop opening after 23:00hrs.

Finally, he claimed he had not been at the premises in an evening for some time as one of his children had been ill.

Despite the evidence they would not accept they had opened after 23:00hrs.

★ Pizza ★
★ Kebabs ★
★ Burgers ★

GAINSBOROUGH GRILL

BEST QUALITY, BEST PRICE

PIZZA OFFER 1
2x10" PIZZA £11.90
2x12" PIZZA £14.50
2x16" PIZZA £17.99
EVERYDAY
BETTER THAN BUY, ONE GET ONE FREE!

PIZZA OFFER 2
3x10" PIZZA £16.99
3x12" PIZZA £21.00
3x16" PIZZA £26.99
EVERYDAY
BETTER THAN BUY, ONE GET ONE FREE!

OPEN
SUN - THURS
4PM - 11.30PM
FRI - SAT
4PM - 1AM

**open 7 Days a Week:
Inc. Bank Holidays**

delivery starts at 4pm • FREE FAST HOME DELIVERY within 3 miles • collection orders ready in 10 minutes
OUT OF TOWN DELIVERIES AT EXTRA CHARGE

FREE BOTTLE PEPSI MAX
WHEN YOU SPEND OVER £35

ANY 16" PIZZA £9.99
COLLECTION ONLY
COLLECTION ORDERS
READY IN 15 MINUTES

FOOD HYGIENE RATING
4

10% DISCOUNT ON ALL ONLINE ORDERS
ORDER ONLINE AT www.gainsboroughgrill.co.uk

01427 616 060
Manager's Phone: 07438 980417
168 Trinity Street, Gainsborough, DN21 1JW

Order Food

Pizza
Kebabs
Burgers

GAINSBOROUGH GRILL

NEW MENU JAN 2024

BEST QUALITY, BEST PRICE

PIZZA OFFER 1
2 X 10" PIZZA £13.50
2 X 12" PIZZA £15.50
2 X 16" PIZZA £19.99
EVERYDAY
BETTER THAN BUY, ONE GET ONE FREE!

PIZZA OFFER 2
2 X 10" PIZZA £16.50
2 X 12" PIZZA £18.50
2 X 16" PIZZA £24.99
EVERYDAY
BETTER THAN BUY, ONE GET ONE FREE!

OPEN
SUN - THURS
4PM - 11:30PM
FRI - SAT
4PM - 1AM

**Open 7 days a Week:
Inc. Bank Holidays**

FREE DELIVERY
Delivery starts at 3:00pm - FREE FAST HOME DELIVERY within 3 miles - collection orders ready in 10 minutes
OUT OF TOWN DELIVERIES AT EXTRA CHARGE

FREE BOTTLE PEPSI MAX
WHEN YOU SPEND OVER £40
EXCLUDING MEAL DEALS

ANY 16" PIZZA £12.50
COLLECTION ONLY
COLLECTION ORDERS
READY IN 15 MINUTES

10% DISCOUNT ON ALL ONLINE ORDERS
ORDER ONLINE AT www.gainsboroughgrill.co.uk

01427 616 060
Manager's Phone: 07438 980417
168 Trinity Street, Gainsborough, DN21 1JW

Order Food





19:03



Ramazan's post



Like



Comment



Send



Share

GAINSBOROUGH GRILL

KEBABS **PIZZA** **BURGERS**

PIZZA OFFER 1
2 x 10" Pizza-£13.99
2 x 12" Pizza-£15.99
2 x 16" Pizza-£21.00
EVERYDAY
Better than buy
One get One Free

PIZZA OFFER 2
3 x 10" Pizza-£18.99
3 x 12" Pizza-£23.99
3 x 16" Pizza-£31.00
EVERYDAY
Better than buy
One get One Free

Delivery starts at 3.30pm
FREE FAST HOME DELIVERY with in 2 Miles
(COLLECTION ORDERS READY IN 10 MINUTES) (OUT OF TOWN DELIVERIES AT EXTRA CHARGE)

FREE BOTTLE PEPSI MAX
WHEN YOU SPEND OVER £40
EXCLUDING MEAL DEALS

ANY 16" PIZZA £12.99
COLLECTION ORDERS
READY IN 15 MINUTES

10% Discount on All Online Orders **ALL CARDS ACCEPTED**



Like



Comment



Send



Share

West Lindsey district council

Mr R Ozcan ,168 trinity street DN211JW

Guildhall Marshall's yard

Gainsborough Lincolnshire DN21 2NA

28/02/2025

Dear Mr Enderby,

I refer to your letter dated 24th of February 2025 with much surprise.

Please can you provide me with evidence that you are stating in your letter that I have opened my take away after 11pm?

I normally finish orders at 11 pm and close the shop after cleaning and sorting all essential work inside putting everything away and doing my taking then I close the shop to go home.

I look forward to hearing from you to write to you for the explanation that you are expecting from me to put my record straight that I do not trade beyond my time 23.00 hour and then I can make appointment to meet with you to discuss your concerns.

Kind regards

R Ozcan.



CCTV of Gainsborough Grill.

30/12/24.

23:33 – Delivery Driver (DD) in.

23:35 - DD out.

23:39 - DD in.

23:42 - DD out.

31/12/24.

23:12 - DD x 2 in

23:13 – Member of public (MOP) in.

23:14 – DD out.

23:16 - DD out.

23:30 - MOP out.

01/01/25.

00:14 – Staff member out.

00:15 – Staff member in.

00:16 – DD in.

00:17 – DD out.

00:17 – DD in.

00:17 – MOP x 2 in.

00:18 – DD out.

00:25 – MOP x 2 out.

00:28 – DD in.

00:29 – DD out.

00:30 – DD in.

00:30 – DD out.

00:31 – Lights out.

00:37 – Mop in.

00:40 – DD x 2 in.

00:43 – MOP out.

00:56 – MOP in.

01:00 – MOP out.

01/01/2025.

23:18 – DD in.

23:19 – DD out.

02/01/25.

23:16 – MOP x 2 out.

23:16 - DD out.

23:22 - DD x 2 in.

23:29 – DD out.

03/01/25.

23:32 – MOP x 2 in.

23:37 – MOP x 2 out.

04/01/25.

23:17 – DD in.

23:19 – DD x 2 in.

23:20 – DD x 1 out.

05/01/25.

23:21 – DD in.

23:26 - DD out.

07/01/25.

23:15 – DD in.

23:16 – DD out.

23:34 – DD in.

23:35 – DD out.

08/01/25.

23:32 – MOP in.

09/01/25.

23:11 – DD x 2 in.

23:12 – DD out.

23:20 – DD out.

10/01/25.

23:37 – MOP in.

23:38 - MOP out.

11/01/25.

23:14 – MOP x 2 in.

23:30 – MOP x 2 out.

27/01/25.

00:18 – DD in.

00:19 – DD out.

00:20 – MOP in.

00:24 – MOP out.

28/01/25.

23:05 – DD out. Mop x 3 in.

23:14 – DD in.

23:14 - DD out.

23:18 – MOP x 3 out.

23:25 – DD out.

23:30 – DD in.

23:32 - DD out.

23:47 – DD in.

23:47 - DD out.

23:50 – DD in.

23:52 – DD out but immediately back in.

23:54 - DD out.

23:59 – DD in.

00:00 – DD out.

00:12 – DD x 2 in.

00:14 – Lights out.

00:31 – DD in. Lights back on.

00:34 – DD out.

00:38 – Shutters down.

04/02/25.

23:00 – DD in.

23:02 – DD out.

23:07 – MOP in.

23:07 – DD in.

23:08 - DD out.

23:09 – MOP out.

23:11 – Lights out.

23:17 – DD in.

23:17 – MOP x 2 in.

23:18 – DD out.

05/02/25.

23:03 – DD in.

23:04 – DD out.

23:04 – DD in.

23:08 - MOP x 3 in, Lights out.

23:09 – MOP x 2 in.

23:12 – MOP x 3 out.

23:18 – DD out.

23:18 – DD in.

23:19 - DD out.

23:22 – MOP x 2 out.

23:32 – Shutter down.

06/02/25.

23:07 – DD in.

23:08 – DD out. Lights off.

23:16 – Shutters third way down.

23:21 – MOP in.

23:24 – DD in.

23:24 – DD out.

23:30 – DD in.

23:30 – DD out.

23:35 – DD in.

23:39 – DD in.

23:40 – DD out.

23:42 – Shutters down.

18/02/25.

23:14 – MOP x 2 in.

23:15 – MOP (TP) in.

23:18 – MOP x 2 out.

23:18 – MOP x 1 in.

23:20 – DD in.

23:20 – DD out.

23:21 – MOP (TP) out.

APPENDIX 3

Licensing Act 2003

Representation by a Responsible Authority

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Act 2003 Committee hearing.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

1. The Prevention of Crime and Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

Please enter your details below:

Responsible Authority:	Lincolnshire Police
Contact Officer:	PC 1299 Rebeka Casey
Address:	Police HQ, Deepdale Lane, Nettleham, Lincs
Telephone Number:	[REDACTED]
E-mail:	[REDACTED]

Please provide details of the application to which your representation refers:

Name:	Gainsborough Grill
Address:	168 Trinity Street, Gainsborough, DN21 1JW
Application Details:	New premises licence application
Date Application Received:	18/03/25

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- The Prevention of Crime and Disorder ☒
- Public Safety ☐
- Prevention of Public Nuisance ☐
- The Protection of Children from Harm ☐

Representation:

In relation to this application, the following guidance, policies, and legislation have been considered.

Revised Guidance issued under Section 182 of the Licensing Act 2003

Section 1.8, The police remain key enforcers of licensing law.

Section 1.15, It is recommended that licence applicants contact responsible authorities when preparing their operating schedules

Section 1.17, Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy.

Section 8.43, Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

Section 8.46, While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

WLDC licensing policy 2020

2.4 In reaching a decision of whether or not to grant a licence/certificate, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention, particularly where these undermine the licensing objectives. Non-compliance with statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance

3.0.7 In an effort to avoid unnecessary hearings, applicants are strongly advised to

prepare risk assessments and from these formulate any steps they consider appropriate to promote the licensing objectives and then to consult with the responsible authorities as defined within the Act before submitting their applications. Failure to do so may lead to representations which can only be determined by the Licensing Sub-Committee.

5.0.1 Each of the four licensing objectives is of equal importance and no one objective will take precedence over the others whilst considering applications. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff in the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule. The West Lindsey Community Safety Partnership Codes of Practice for the Gainsborough Evening Economy may be of some assistance in ensuring that premises are well managed and operated. The Licensing Authority recommends that applicants carry out their own risk assessments in relation to the four licensing objectives in order to assist them in deciding whether any steps are required to be taken in order to meet those objectives.

5.1.3 The Licensing Authority recommends applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on.

5.3.4 When addressing the issue of prevention of public nuisance, applicants are encouraged to demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship*
- The hours of opening, particularly between 23.00 and 07.00*
- The impact of service vehicles, particularly outside of business operating hours. e.g. delivery vehicles, waste and bottle collection etc.*

5.3.5 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly,*
- Provision of CCTV,*

8.6 Late night refreshment

8.6.1 With regard to the premises providing late night refreshment for consumption off the premises the Licensing Authority will (on receipt of relevant representations) carefully consider the level of nuisance likely to be caused by way of noise and litter/food refuse

Gainsborough Grill currently operates as a takeaway serving fast food, opening 7 days a week. This application seeks to obtain a licence to authorise late night refreshment between the hours of 23:00 and 01:00 hours Sunday to Thursday and 23:00 to 02:00 on Friday and Saturday.

The applicant is Nazliyarim Ltd company number 14249503. The two company directors are listed as Ramazan Ozcan and Taner Ozcan. Ramazan has been a director since July 2022 and Taner was appointed to join him in December 2023. Information held on Police systems would suggest that Taner Ozcan has been connected with Gainsborough Grill since at least April 2021.

Gainsborough Grill previously held a late-night refreshment licence between 2018 and 2020 during which time the licence holder was Ramazan Ozcan.

The premises has a concerning licensing history due to previous issues which lead to a formal licence review in 2020. During the Coronavirus pandemic Lincolnshire Police found that the premises was trading beyond the 22:00 curfew imposed by the government. Breaching the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 was deemed to be a criminal offence, undermining the efforts to prevent the spread of COVID 19.

Further to the above concern, the premises was also found to be in breach of annex 2 conditions relating to CCTV. The CCTV system was not working. This breach is classed as an offence under s.136 Licensing Act 2003.

Lincolnshire Police submitted a licence review application, and the licensing sub-committee decided to revoke the licence. (*See appendix A – Decision notice.*)

Ramazan Ozcan clearly understands that he must have a late-night refreshment premises licence if the business is to open and serve hot food beyond 23:00. He is aware because he previously applied for a licence in 2018 (which was granted) and he was also party to the review process in 2020 whereby the licence was revoked.

Lincolnshire Police work closely with other responsible authorities and are aware that an investigation into the unauthorised licensable activity is ongoing by the West Lindsey District Council licensing team. It is understood that both Ramazan and Taner Ozcan have been interviewed in relation to this s.136 LA 2003 offence.

Lincolnshire Police are concerned that Gainsborough Grill has been open beyond 23:00 hours regularly between December 2024 and February 2025 despite not having a premises licence to permit late night refreshment. There can be no excuse for this unauthorised licensable activity.

Aside from the issues highlighted above, the application is poor with no real acknowledgment of the licensing objectives nor any attempt to offer conditions to mitigate risks associated with the operating style (a takeaway operating into the early hours.) Taner Ozcan did contact Police Licensing to ask if there would be any objections to the application – during this phone call Taner was told that there would be concerns due to the history and the recent evidence of unauthorised licensable activity. It was explained that a representation by Police

was likely. There has been no other consultation in relation to appropriate conditions.

The poor quality of the application submitted would suggest that the applicants have had little to no regard for the Licensing Act 2003 or the Licensing Policy of West Lindsey District Council. Both documents are public and offer guidance to potential applicants.

There has been no change in ownership or management of this premises since problems have been highlighted and Lincolnshire Police have no confidence in the applicant and their ability to uphold the licensing objectives.

Lincolnshire Police respectfully request that the application is rejected due to the reasons outlined above.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the Licensing Objectives:

Lincolnshire Police do not have any confidence in the applicant or their ability to trade responsibly and uphold the licensing objectives, thus it does not seem appropriate to suggest further conditions at this time.

Have you contacted the applicant to discuss this representation?

Yes ☐ No ☒

Have you contacted the Licensing Team to discuss this representation?

Yes ☒ No ☐

Do you consider further discussion could resolve the issue?

Yes ☐ No ☒

Do you propose to attend or be represented at any Committee hearing?

Yes ☒ No ☐

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above. ☒

(please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).



Licensing Act 2003

Decision Notice for Review of Premises Licence

Date of Hearing	17 December 2020
Members of Panel	Councillor Jessie Milne (Chair) Councillor Angela Lawrence Councillor Tim Davies

Applicant(s) Name	Chief Constable of Lincolnshire Police
Date of Application	04 November 2020
Premises Licence Holder's Name	Mr Ramazan Ozcan
Premises Address	Gainsborough Grill - 168 Trinity Street, Gainsborough, Lincolnshire DN21 1JW
Details of Application	Application for Review of Premises Licence under section 51 of the Licensing Act 2003 Relevant Licensing Activities: Late night refreshment (indoors and outdoors)

RESOLVED

that the premises licence for Gainsborough Grill be **REVOKED**

REASON

In reaching their decision the Licensing Sub Committee heard from the Applicant (Lincolnshire Police), the Premises Licence Holder (Mr Ozcan), and the Senior Licensing Officer (Tracy Gavins). Additionally, ahead of the hearing, the Sub Committee received the hearing agenda, along with additional information and an evidence bundle supplied by the Applicant and the Premises Licence Holder.

In reaching their decision, the Sub Committee had due regard for all that they have read and heard, along with the S182 Guidance, the Licensing Objectives, and the Council's Licensing Policy.

The Sub Committee heard how the Applicant had sought the review of the premises licence following several visits to the premises due to witnessing breaches of the covid-19 restrictions in place in respect of takeaway restaurants, and how those visits had also uncovered breaches of the premises licence conditions in relation to CCTV.

Having had due regard to all that they have read and heard, the Sub Committee remain unconvinced that the Premises Licence Holder is capable of promoting or upholding the Licensing Objectives, and accordingly have decided it is reasonable and proportionate to revoke the premises licence in this instance.

In reaching this decision, the Sub Committee felt strongly that the Premises Licence Holder has not accepted responsibility for the breaches found at the premises. The Sub Committee recognise that these days more than ever, but also generally, a premises licence holder is ultimately responsible for a premises and the safety of staff and customers, and ought to accept responsibility for any failings encountered. Additionally, in accepting responsibility for any failings, a premises licence holder should act swiftly to resolve any such issues.

The Sub Committee were disappointed to hear how it took three visits to the premises by the Applicant before the Premises Licence Holder took any evidenced action to remedy the breaches found at the premises. Indeed, the Sub Committee would have expected a premises licence holder to take immediate action following the first visit by the Applicant to the premises. Additionally, the Sub Committee were very concerned that the premises has been in breach of the CCTV conditions on the premises licence on a number of occasions over the past 18 months, and the Premises Licence Holder had continued undertaking licensable activities despite being aware of the breach.

The Sub Committee did note the evidence bundle submitted by the Premises Licence Holder ahead of the hearing documenting the legally required covid-19 risk assessment, and staff training log etc. but agreed with the Applicant and considered it to be generic and not tailored to the premises; by his own admission the Premises Licence Holder had paid for the documents to be drawn up on his behalf.

Given the pandemic and the incredible risk posed to public safety at present, the Sub Committee feel that now more than ever there is a need for premises licence holders to ensure their premises are run legally and safely, and having heard from the Premises Licence Holder that he relies heavily on his wife and accountant for assistance, the Sub Committee are not convinced that the documents promoting covid compliant behaviours and restrictions will be vigorously applied at the premises by the Premises Licence Holder going forwards.

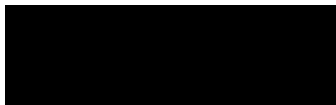
Taking everything into consideration, the Sub Committee unanimously agreed that there were no conditions on the premises licence that they could modify that would give them confidence in the Premises Licence

Holder's ability to uphold and promote the licensing objectives, nor did they consider that simply suspending the premises licence would achieve any change. The Sub Committee therefore felt that it was reasonable and proportionate to the promotion of the licensing objectives that the premises licence should be revoked. In reaching their decision, the Sub Committee stress to the Premises Licence Holder of the need to continue to adhere to the covid-19 risk assessment, and to strictly comply with all regulations and restrictions imposed by the Government in the interest of public safety, not only to staff but also customers.

Right of Appeal

1. All parties were reminded of the right to appeal the above decision to the Magistrates Court within 21 days of being notified.
2. All parties will be given a written copy of the decision notice within five working days of this hearing.

Signed...



Licensing Enforcement Officer

Date ...21 December 2020...

By virtue of
Regulation 14(2) of the The Licensing Act 2003 (Hearings) Regulations 2005.

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