

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall on 16 June 2025 commencing at 10.30 am.

Present: Councillor Jim Snee (Chairman)
Councillor Maureen Palmer
Councillor Mrs Mandy Snee

In Attendance:
Andy Gray Housing & Environmental Enforcement Manager
Kimble Enderby Senior Licensing and Community Safety Officer
Tracy Gavins Licensing Enforcement Officer
Lisa Langdon Legal Advisor
Ele Snow Senior Democratic and Civic Officer

Taner Ozcan Gainsborough Grill
Bahram Shok Representative of Applicant
Brook Towsney Translator

Amy Adams Lincolnshire Police
Rebeka Casey Lincolnshire Police

5 RECONVENING AND OPENING OF THE MEETING

The Chairman opened the meeting, explaining that it was a reconvening of the previously adjourned meeting on 2 June 2025. Round the table introductions were made, and it was explained that the interpreter would be translating for the applicant as people spoke. All present were therefore kindly requested to enable sufficient time for the interpretation to be completed before others spoke.

With all in agreement they were ready to proceed, the Chairman continued with the agenda.

6 PROCEDURE

The Legal Advisor outlined the procedure to those present, as set out and previously circulated with the meeting papers. With no questions or comments, the procedure was **NOTED**.

7 LICENCE HEARING

Application Type: Application for the Grant of Premises Licence
Premises: Gainsborough Grill, 168 Trinity Street, Gainsborough, Lincolnshire, DN21 1JW
Applicant: Nazilyarim Ltd

The Licensing Enforcement Officer gave an overview of the application, stating that the application submitted requested authorisation for the provision of late-night refreshment. It was explained that 168 Trinity Street, Gainsborough, was previously licensed for the provision of late-night refreshments until 02:00hrs. However, at a licensing hearing to determine a review application submitted by Lincolnshire Police held on 17 December 2020, Members of the Licensing Sub-Committee resolved to revoke the license.

It was noted by the Licensing Enforcement Officer that the Applicant was not the licence holder at the time that the license was revoked, but was related to the former license holder.

The Licensing Enforcement Officer stated that three representations had been received from: the Licensing Team at West Lindsey District Council, Lincolnshire Police, and Home Office Immigration, all detailed in the report pack.

The introduction concluded with the Officer explaining the considerations that the Licensing Sub-Committee was required to take into account, as outlined in the report.

Following this introduction, Taner Ozcan, Applicant, assisted by the interpreter, outlined his case. The following points were expressed:

- The licence would allow the business to operate until 1am rather than 11pm.
- They ran a clean, safe, and respectful business that served the community.
- The two extra opening hours would make a difference to their ability to remain competitive and viable, especially considering that other takeaways in the local area were permitted to open with extended hours.
- The extra opening hours would allow them to support their staff and meet customer demand.
- The old menus using the extended hours had been used mistakenly and had now been withdrawn.
- The Applicant claimed that the business had not operated outside of licensed hours.
- With regard to the Home Office representation, the Applicant claimed that the matter had been closed by the Home Office.
- They had not received complaints about noise or anti-social behaviour, and letters from locals supported that.
- They were willing to comply with further conditions imposed by the Committee.

Following the outlining of their case, Members of the Committee asked questions of the Applicant. Further information was provided:

- The Applicant stated that there were errors on the application form suggesting that the business was requesting extended opening hours until 2am on a Friday and

Saturday. It was clarified that they were requesting extended opening hours until 1am throughout the week.

- Mr Taner Ozcan, Applicant, stated that he took ownership/responsibility of the business in the first months of 2022.

The Licensing Authority, West Lindsey District Council (WLDC), then outlined its representation to the Committee, led by Senior Licensing and Community Safety Officer, Kimble Enderby, and further detailed in the report pack:

- WLDC believed that the premises, under the control of the Applicant, had operated for some time without a Late-Night Refreshment licence in place.
- WLDC believed that the unauthorised operation undermined the Licensing Objectives and committed criminal offences.
- The Applicant had alleged that the 17 December 2020 licence revocation was implemented without due process. This was untrue, a hearing of the Licensing Sub-Committee had taken place to determine the resolution, and due process had been followed. The licence holder at the time, who was still currently one of two directors at the company, was present at that hearing.
- Following the revocation of the licence, WLDC became aware on 10 August 2022 that the business was still advertising on their menu that they were open and trading beyond 11pm. The menu was included in the report pack as evidence. Concern was raised again in January 2024 upon obtaining another similar advertising leaflet stating opening hours beyond 11pm.
- After a member of the team witnessed the inside and outside of the premises illuminated beyond 11pm on 20 December 2024, CCTV monitoring was commenced in order to investigate further. The monitoring resulted in numerous entries on numerous days showing members of the public entering and exiting with food, as detailed in the report pack, suggesting that the premises remained open past 11pm.
- Following the CCTV investigation representatives from the team visited the premises in January 2025, finding the previous owner in charge on that day. In response to WLDC's concerns, the person in charge alleged that they were not serving food on those occasions, that instead the staff were prepping food and cleaning. During the visit, a leaflet on the counter showed operating hours past 11pm, to which the person in charge claimed the menus were simply being used up. However, the prices on the menus had changed, suggesting that new menus were being printed and that the Applicant was being untruthful.

With permission from the Chairman, the Applicant interjected. The following point was expressed:

- When the new menus with the adjusted prices were made, the previous opening times had been left on in error.
- The claim that the premises had been open past 11pm had been discussed with the

previous owner, but not with the current owner.

WLDC's Senior Licensing and Community Safety Officer, Kimble Enderby, continued, expressing the following points:

- On 18 February 2025 the Licensing Team carried out a test purchase at the premises to further investigate whether the business was operating past its permitted hours. The Officer explained that the member of staff carrying out the test purchase went onto the premises, made an order alongside other members of the public, and came out of the shop with food. Attendees at the hearing were shown CCTV footage.
- The Licensing Team then made email contact with the Applicant, who subsequently attended the Guildhall for a meeting. The evidence as outlined above was put to them, and the Applicant and his brother denied that the premises was open on those occasions.
- The premises repeatedly opened after 11pm knowing that they did not have a license to do so, demonstrating deliberate action.
- The Applicant had demonstrated an unwillingness to acknowledge wrongdoing. One of the important features underpinning licensing was the ability to work with the licence holder to address and resolve issues, which was unable to happen when the Applicant had refused to accept responsibility for wrongdoing.
- The Applicant repeatedly had tried to persuade others that any wrongdoing happened on someone else's watch, and therefore absolved him of responsibility, however, the Applicant took ownership in 2022.

Following the representation made by WLDC's Licensing Team, the Applicant asked questions to the Officers. Further information was provided:

- In response to claims that the Applicant had not attended an interview, the Senior Licensing and Community Safety Officer, Kimble Enderby, and the Licensing Enforcement Officer, Tracy Gavins, confirmed the interview details. It was clarified that the Applicant and his brother were invited via email and letter to an interview in the Guildhall to discuss the concerns the Licensing Team had regarding the premises operating beyond its licensed opening hours.
- In response to the Licensing Team's concerns, the Applicant explained that the lights were on as the staff were cleaning. He claimed that family and friends did visit the premises, and might get food, but that they did not pay for it.

Lincolnshire Police then outlined its representation to the Committee, and further detailed in the report pack:

- The Lincolnshire Police representative stated that the Applicant on the application represented Nazliyarim Ltd, which had two directors, both Ramazan Ozcan and Taner Ozcan.
- Ramazan Ozcan was the license holder for the premises when the Police found that

the business was trading beyond the curfew imposed by the Government in 2020 as part of COVID-19 restrictions. The business was found to be in breach of Health Protection Regulations (2020), at the time deemed a criminal offence.

- In addition to the above point, the licence holder was found to have breached CCTV conditions, and due to these issues, the Police submitted evidence which was heard during a licensing hearing, resulting in their licence being revoked.
- It was stated that Ramazan Ozcan clearly understood the need for a Late-Night Refreshment licence, as evidenced by the representations heard so far.
- Attention was drawn to the Home Office representation, citing concerns related to illegal workers at the premises. It was explained that the employer must carry out checks on their employers as illegal working undermined the UK economy and left those working illegally open to exploitation and modern-day slavery.
- The application was deemed poor, with no reference to the Licensing Objectives. This suggested no regard for the Licensing Act nor WLDC guidance.
- After receiving the evidence against the Applicant, it was felt that there was no evidence of them accepting or acknowledging the issues.
- The Applicant claimed that there had not been a hearing when their licence was previously revoked, however, this was untrue as a hearing had taken place on 17 December 2020, with the previous license holder in attendance and in receipt of the Decision Notice.
- The Police disputed the claim from the Applicant that the business only appeared to be operating after 11pm because staff were cleaning the premises.
- The history of the premises, notably the revocation of their licence, illegal workers, and out of hours trading, gave the Police no assurance that the Applicant upheld the Licensing Objectives. The Applicant had denied any wrongdoing, despite the evidence that suggested otherwise.
- If the application was accepted, the Police believed that the Licensing Objectives would be undermined, and therefore they requested that it was rejected.

Following the representation made by Lincolnshire Police, the Applicant asked questions to the Police representatives and to WLDC's Officers. Further information was provided:

- The Applicant queried the evidence regarding a Home Office investigation and illegal workers; they claimed that no penalty was ever imposed. In response, the Police explained that there was a high threshold for action, but the Home Office had carried out their duties in the Applicant's business premises.
- The Applicant explained that there had never been any trouble at the shop, and that the Police had never come to the premises.

- It was stated by the Applicant that during the COVID-19 pandemic, he was not present, and some children had come into the shop despite the previous owner telling them to leave, it was on that basis that the licence was revoked.
- The Applicant stated that the owners were not given the opportunity to contest the revocation of the licence in 2020, and it occurred without any formal licensing hearing. In response, WLDC's Housing & Environmental Enforcement Manager sought to clarify the details to the Applicant. He explained that during the COVID-19 pandemic, when there was found to be a breach of regulations, a full licensing hearing did go ahead. The Applicant's brother, the license holder at the time, was in attendance at the hearing, alongside an interpreter, when the Late-Night Refreshment licence was revoked. It was explained that the decision was made by the Licensing Sub-Committee and that decision had not been appealed. The Applicant confirmed that he understood the information explained by the Housing & Environmental Enforcement Manager.

Having heard the objections, the Chairman asked the Applicant if they wished to amend their application.

The Applicant's representative, Mr Bahram Shok, then gave a statement to the Committee. It was stated that:

- The decision to grant a licence in order to extend the opening hours was about sustainability, community need, and fairness. It was explained that the Applicant was not the previous licence holder, and he had done everything he could to ensure the business was running properly.
- There had been no local objections to the licence, and people had signed letters of support.
- There had been no complaints about noise.
- In relation to the Home Office representation, it was stated that the claims the business was employing people with no right to work in the UK was unfounded. Mr Bahram explained that the Home Office had found no wrongdoing. It was asked that the Committee gave no weight to the Home Office representation.
- Since taking over, it was explained that the Applicant had implemented staff training.
- The Applicant would accept conditions in order to gain the licence.
- It was claimed that other local takeaways would trade until 2am, and the Applicant wanted to be treated fairly.
- The licence would not only help the business with rising costs but would support the night/shift workers in the community.
- The representative concluded by explaining that it was an opportunity to support a reasonable local businessman who had shown his willingness to uphold the Licensing

Objectives. It was requested that the Committee grant a licence with conditions.

Several parties issued closing statements, as outlined below:

- WLDC's Senior Licensing and Community Safety Officer concluded that if the Committee wanted to impose conditions, they must have confidence that those conditions could be upheld, but he did not believe that they would be.
- The Police representative concluded that the Applicant had no regard to the risks involved and had offered no mitigations. The Police felt that they were committing an offence and had a lack of understanding of the Licensing Objectives. They reiterated that although the Applicant had repeatedly claimed no previous link to the previous licence issues, both the previous owner and the current owner were directors of the company.
- The Applicant concluded by stating that his brother would be removed from the business if the licence was given. It was explained that there may have been errors in the past, but that he would seek to address these and to develop the business further. The Applicant stated that the premises was now covered by operational CCTV cameras, and that they had given further training to staff. It was explained that it would be difficult to pay their bills if they were unable to open later. He concluded that they were ready to work collaboratively with the Police if there were any problems.

The Chairman thanked all present and explained the Sub-Committee would adjourn to another location for deliberations.

Note: The meeting was adjourned at 11.56am and reconvened at 12.41pm.

On returning to the Chamber, the Chairman thanked all present for their attendance and presentations. The Decision Notice was read aloud and it was

RESOLVED that having considered all of the representations and information before the hearing, and giving due weight to the evidence presented, the Committee were unanimous in their decision that the application be refused, for the reasons outlined to the licence holder in the Decision Notice.

There was the right of appeal of this decision to the Magistrates Court within 21 days of receipt of notice of the decision.

The meeting concluded at 12.48 pm.

Chairman