

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.

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

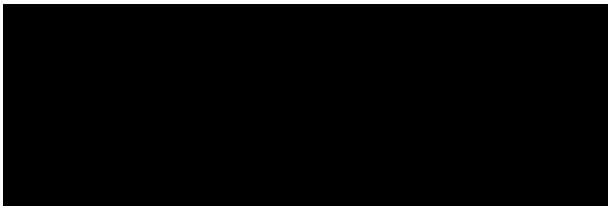
Have you contacted the applicant to discuss the representation?
Yes

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

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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

KJE2- menu leaflet from January 2024.

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

KJE3- Menu leaflet from January 2025.





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.

KJE6 – menu leaflet from 4th March 2025.



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.