

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:	██████████
E-mail:	████████████████████

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 | <input checked="checked" type="checkbox"/> |
| • Public Safety | <input type="checkbox"/> |
| • Prevention of Public Nuisance | <input type="checkbox"/> |
| • The Protection of Children from Harm | <input type="checkbox"/> |

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.

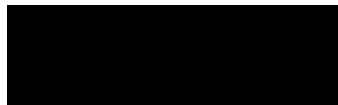
Taking everything into consideration, the Sub Committee unanimously agreed that there were no conditions on the premises licence that they could modify that would give them confidence in the Premises Licence

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...