

# Blackpool Council

## APPLYING FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

PREVIOUS  
REVIEW DOCS  
BEST TURKISH KERAB



Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

### Contact

T: (01253) 47 8572 / 8589  
F: (01253) 47 8372

[www.blackpool.gov.uk](http://www.blackpool.gov.uk)

# **Guidance for Interested parties: Applying for a Review of a premises licence or club premises certificate, under the Licensing Act 2003.**

## **General Information about licence reviews.**

Application may be made to review a licence or certificate that is in force.  
The licensing authority may reject the application for review if it is satisfied that the grounds for review are not relevant to one or more of the licensing objectives:

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

The licensing authority can reject any ground for review if it considers it to be “frivolous”, “vexatious” or a “repetition”.

### **What does “frivolous” and “vexatious” mean?**

“Frivolous” or “vexatious” will bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the licensing authority to determine. For example, the licensing authority might find the representations were vexatious if they arise because of disputes between rival businesses or frivolous if they clearly lacked seriousness.

### **What does “repetitious” mean?**

A “repetitious” representation is one that is identical or substantially similar to:

- A ground for review in an earlier application, which has already been determined (the licensing authority’s “register of licences” will include all applications for reviews made in the past)
- Representations considered by the licensing authority when the premises licence was first granted
- Representations made when the application for the premises licence was first made and were excluded because of the prior issue of a provisional statement
- In addition to the above grounds, a reasonable interval has not elapsed since any earlier review or the grant of the licence

The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a “reasonable interval” in these circumstances. However, the Secretary of State (in the Guidance to Licensing Authorities) suggests that more than one review from an interested party should not be permitted within a period of twelve months on similar grounds, save in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order.

Applications for review cannot be made anonymously.

This is because, for example, the licensing authority needs to be satisfied that the person who wants the review is not being vexatious. Similarly, it is important that the licence holder is also able to respond to an application for a review. If applicants are concerned about possible intimidation, they could consider asking the police, or another appropriate responsible authority to apply for a review on their behalf.

Before applying for a review, applicants may want to consider whether their concern(s) could be effectively dealt with outside of the formal review process. This could involve, for example:

- Talking to the licence or certificate holder to determine whether there are any steps they may be willing to take to rectify the situation
- Asking the licensing department to talk to the licensee on your behalf
- Ask your local MP or Councillor to speak to the licence or certificate holder on your behalf
- Talking to the relevant "responsible authority" (e.g. Environmental Health in relation to noise nuisance, or the Police in relation to crime and disorder) to determine whether there is other legislation that could help resolve the issue

**Things you may want to consider when seeking a review:**

- It may be helpful to get the backing of other people living, or businesses operating in the vicinity of the premises, or other "responsible authorities".
- Look at the licensing authority's official records about the premises, kept in their 'licensing register'. This will show you if other people have made representations, or asked for a review of a premises in the past
- If you are thinking of raising a petition, it is important that the following information is included for each signatory: telephone number, signature, printed name and address. The grounds on which they are asking for a review collectively is essential and a spokesperson for the group should be identified. The person submitting the petition will be asked by the Council to arrange representation for those named on the petition and to act as a liaison point for correspondence and negotiations.
- If you want to ask another person such as an MP or local Councillor to represent you at the review, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so, however, most elected representatives are happy to help residents with this sort of issue, and there is no requirement for them to live in the vicinity of the premises in question for them to be able to make representations on behalf of residents that do. It should be noted that Councillors who are part of the licensing committee hearing the application will not be able to discuss the application with you outside the formal hearing, so it is suggested that you do not approach them to try to.
- For individual incidents, try to get as much documented information as possible about any official response (e.g. – police being called out)
- You may also be able to back up your application with data such as crime statistics. However, it should be noted that conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents, but can directly impact on the behaviour of those under the

licensee's direction when on his premises or in the immediate vicinity of the premises as they seek to enter or leave.

- If there is general noise nuisance on streets because of licensed premises, you will probably need to show how it relates to the specific premises.
- It is important to be able to back up your claims. You could do this by keeping a diary over a period of time, for example. Sound or video recordings may also be helpful. It may also be a while before any hearing, so it is good to keep a clear record.
- Residents or businesses applying for a review following a single particular incident should be cautious, as a licensee may argue that this was a one off problem that can be rectified without a review.
- Have a good idea how you'd like the situation to be resolved.

### **Applying for a Review**

An application for the review of a premises licence or club premises certificate must be given in writing and be on a prescribed application form, which is attached to this document.

Licensing Service  
Blackpool Council  
Municipal Buildings  
PO Box 4  
Blackpool  
FY1 1NA

Telephone: 01253 478572 Fax: 01253 478372

Email: [licensing.la2003@blackpool.gov.uk](mailto:licensing.la2003@blackpool.gov.uk)

Web Site: [www.blackpool.gov.uk/business](http://www.blackpool.gov.uk/business)

### **Filling in the form**

In the opening statement you should give the name of the person applying for the review – e.g. 'John Smith'. You should also indicate whether you are applying for the review of a "premises licence" or "club premises certificate" by deleting, as applicable.

You must provide your name, address and daytime telephone number.

### **PART 1 – Premises or club premises details**

This section asks for the address and some other details of the premises concerned in the review. If the premises has no postal address you should describe the location of the premises or give the ordnance survey map reference.

You are also asked to give the name and number of the premises licence holder or club. This information should be available on the "Summary" of the licence or certificate, which will be displayed at the premises, concerned in the review, or may be available on request from the licensing department at your local authority.

## **PART 2 – Applicant details**

This section requests you to indicate in what capacity you are applying for a review. As an "interested party" you must be able to tick at least one of the boxes under (1), then complete section (A) – Details of individual applicant, and if applicable, section (B) – Details of other applicant (e.g. – another resident).

## **PART 3 – Reason for review**

An application for a review of a licence or certificate must be about the effect the licence is having on at least one of the four licensing objectives (see above). You should indicate which licensing objective(s) the application relates to.

You should state the ground(s) for review, and provide as much information as possible to support the application. You may use extra sheets of paper if necessary. Details may include, for example, dates that problems occurred and how the problem affected you.

## **PART 4 – Other relevant information**

You should state whether you have made an application for a review relating to this premises before, and give the further details of any representations you have made previously relating to this premises. This information will be used to determine whether the application for a review is "repetitious" (see above).

## **Checklist and declaration**

The person or body requesting the review must notify the holder of the premises licence or club premises certificate and each "responsible authority" of their request, by sending them a copy of the application, together with any accompanying documents, on the same day as the application is given to the licensing authority. Responsible authorities can then, if they wish, join or back up your application for review, or use the opportunity to make their own application for a review on different grounds. The licensing authority also has to advertise the review to enable other "interested parties" to join it.

The responsible authorities are:

- The Lancashire Constabulary Licensing Department
- The Lancashire Fire and Rescue Service
- Blackpool Council Health and Safety Department
- Blackpool Council Planning Department
- Blackpool Council Environmental Protection
- Blackpool Council Social Services Child Protection Licensing Officer.
- Blackpool Council Weights and Measures (Trading Standards Office)
- Public Health

## **Signatures**

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf, provided they have authority to do so. Where there is more than one applicant, both applicants, or their respective agents, must sign the form.

## **What happens after a request for a review has been made?**

The licensing authority must advertise requests for a review of a licence or certificate. They will do this by displaying a notice at the premises that is subject to review, and at the licensing authority offices, for 28 consecutive days starting the day after the day on which the application is given to them. Other interested parties and responsible authorities then have this period of 28 consecutive days starting the day after the day on which the application was given to make representations about the review. If the request for a review is not rejected then the licensing authority must hold a hearing to determine the application, unless all parties agree that this is unnecessary. For example, the licensing authority may offer to try to resolve matters via a negotiated agreement prior to a formal hearing. You will need to decide if this is appropriate for you but you can, of course, insist upon the hearing.

The licensing authority will write to you with the date and time of the hearing and will inform you of the procedure to be followed at the hearing.

As the person or body requesting the review, you are required to give notice to the licensing authority at least 5 working days before the start of the hearing, stating:

- Whether you will attend the hearing in person
- Whether you will be represented by someone else (e.g. councillor / MP / lawyer)
- Whether you think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing)
- Any request for another person to attend the hearing, including how they may be able to assist the authority in relation to the application

You must let the licensing authority know as soon as possible (by written notice no later than 24 hours before the start of a hearing, or orally at the hearing) if you want to withdraw your application.

## **Hearings**

Hearings will generally be held in public, unless the licensing authority decides it is in the public interest to hold all, or part of the hearing in private. The licensing authority shall ensure that a record is taken of the hearing.

Hearings will normally take the form of a discussion and will be led by the licensing authority, which will consist of three local authority elected councillors (this will be the licensing sub-committee drawn from a full licensing committee of 15 councillors). The licensing authority will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of another party during a hearing is not allowed, unless the licensing authority thinks it necessary. The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The authority will disregard any information it considers to be irrelevant.

It is important that you consider what you are going to say at the hearing, as the licence or certificate holder and the committee will have seen your application for review, and may get the chance to question what you are saying.

NB - A hearing can still go ahead in the absence of any party (e.g. - applicant or interested party)

#### **What happens after a hearing?**

If no decision is made at the hearing, the committee has a maximum of 5 days from the day or the last day of the hearing to come to a decision. Following a review, a licensing authority may:

- Decide that no action is appropriate to promote the licensing objectives
- Modify or add conditions to the licence
- Exclude a licensable activity from the licence
- Remove the designated premises supervisor
- Suspend the licence for a period (not exceeding 3 months)
- Revoke the licence

If you have any queries about applying for the review of a licence, contact the Licensing Service:

Licensing Service  
Blackpool Council  
Municipal Buildings  
PO Box 4  
Blackpool  
FY1 1NA

Telephone: 01253 478572                      Fax: 01253 478372

Email: [licensing.la2003@blackpool.gov.uk](mailto:licensing.la2003@blackpool.gov.uk)

Web Site: [www.blackpool.gov.uk/business](http://www.blackpool.gov.uk/business)

# Blackpool Council

## APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

**LICENSING ACT 2003**

***Review  
requested by:***

Mark Marshall



Licensing Service  
Blackpool Council  
Municipal Buildings, PO Box 4  
Blackpool, FY1 1NA

### Contact

T: (01253) 47 8572 / 8589  
F: (01253) 47 8372

[www.blackpool.gov.uk](http://www.blackpool.gov.uk)



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

<b>I</b>	Mark Marshall
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or apply for the review of a club premises certificate under section 87, of the Licensing Act 2003 for the premises described in part 1 below.

### ***Part 1 – Premises Details***

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
<b>Premises Name and Address</b>	Best Turkish Kebab								
	160 Lytham Road								
	Blackpool	<b>Post Code</b>	F	Y	1	6	D	J	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Bilen Seydahmed Duran									
Premises Licence or Club Premises Certificate Reference Number (if known)								WA0253	

### ***Part 2 – Applicant details***

I am:

1) an individual, body or business which is not a responsible authority	Please tick
2) a responsible authority (please also complete 2C below)	√
3) a member of a club to which this application relates (also complete section 2A below)	

**(2A) Individual Applicants (fill in as applicable)**

<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>	<b>I am 18 years old or over</b>	<b>Please tick</b>	
							<b>Yes</b>	<b>No</b>
<b>Forenames</b>						<b>Surname</b>		
<b>Home address</b>								
						<b>Post Code</b>		
<b>Telephone Number</b>						<b>Mobile Number</b>		
<b>E-Mail Address</b>								

**(2B) Other Applicant or Representing Body**

<b>Name</b>										
<b>Address</b>										
					<b>Post Code</b>					
<b>Telephone No.</b>										
<b>Email Address</b>										

**(2C) Responsible Authority applicant**

<b>Name</b>	<b>Mark Marshall – Licensing Authority</b>									
<b>Address</b>	<b>Municipal Buildings</b>									
	<b>Blackpool</b>									
					<b>Post Code</b>	<b>F</b>	<b>Y</b>	<b>1</b>	<b>1</b>	<b>N</b>
<b>Telephone Number</b>	<b>01253 478493</b>									
<b>Email Address</b>	<b>mark.marshall@blackpool.gov.uk</b>									

## Part 3 – Reason for Review

This application to review relates to the following licensing objective(s):

Please tick	
1) the prevention of crime and disorder	√
2) public safety	
3) the prevention of public nuisance	√
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2 before completing)

The Premises is a small takeaway situated at 160 Lytham Road. Information had been received that the premises was regularly being operated beyond the permitted licence hours.

The Licence permits the premises to operate from 23.00hrs to 01.00hrs Sunday to Thursday and from 23.00hrs to 02.00 hrs Friday and Saturday. The premises were visited on 1<sup>st</sup> October 2016 at approximately 23.30hrs by Mark Marshall, Licensing & Health & Safety manager and Danny Stephenson commercial waste enforcement officer for Blackpool Council. At the time of the visit the officers observed a customer purchase hot food to takeaway to the sum of £11. During the visit it was discovered that the premises did not have a late night refreshment licence to operate after 23.00hrs. A warning letter was sent to the manager of Best Turkish Kebab, Mr Istiklal Illac in relation to breaching Section 136 of the Licensing Act 2003 by carrying out licensable activities without a late night refreshment licence. This prompted an application for a Premises Licence which was granted on 7<sup>th</sup> December 2016.

The premises was further visited previously on Saturday 29<sup>th</sup> April 2017 by Mark Marshall and Danny Stephenson. During this visit it was observed that the menu's on display in the premises were advertising the takeaway opening times to be until 03.00hrs every night of the week. The manager in charge of the premises at the time of this visit was Istiklal Wrk Illac who was instructed to get the opening times on the menu's changed and that the premises could only open at the times stated on the licence.

Enquiries in the form of a data request for evidence to support the premises being operated outside the permitted hours were made with the Just Eat on line food order and delivery service which acts as an intermediary between independent take-out food outlets and customers.

On Friday 14<sup>th</sup> June 2017 Best Turkish Kebab was visited by Mark Marshall and Dave Verity licensing enforcement officer for Blackpool Council. On entering the premises Mark Marshall spoke to Istiklal Wrk Illac who portrays himself to be the manager of the business, also present was BILEN SEYDAHMED DURAN the person named as licence holder of the business on the premises licence WA0253. DURAN claimed to speak no English and ILLAC acted as interpreter. Mark Marshall requested to see CCTV footage from the previous night Thursday 13<sup>th</sup> June 2017 when the premises should have closed at 01.00hrs. Initially ILLAC said he could not work the equipment very well but on insistence to see the CCTV footage ILLAC suddenly remembered how to operate the equipment. The CCTV footage from Thursday night was located and scrolled through to past midnight and showed the premises still open for business after 02.00hrs. Mark Marshall recorded the footage on his mobile phone. A copy of the Initial warning letter is included along with still photo's taken from the CCTV recording.



Date: 13<sup>th</sup> October 2016

Mr Istiklal Cikilc  
Best Turkish Kebab Grill  
160 Lytham Road  
Blackpool  
FY1 6DJ

Our Ref: DS/CW  
Direct Line: (01253) 478497  
Email: danny.stephenson@blackpool.gov.uk

Dear Sir

Dear Istiklal

**Re: Operating without a licence**

You were visited on the 1<sup>st</sup> of October 2016 at 23.20hrs by Public Protection Officers from the Council. At this time a young couple were observed making a purchase for food and refreshments to the sum of £11 at 23.30hrs this was then verbally explained to the staff on the premises that without a licence for late night refreshment, that the premises could not open after 11pm. Our records show that you do not have a premises licence, therefore carrying out a licensable activity puts you in breach of Section 136 of the Licensing Act 2003 which now carries an unlimited fine and or a term of imprisonment of up to six months.

Section 1, Licensing Act 2003 states:

**1. Licensable activities and qualifying club activities**

(1) For the purposes of this Act the following are licensable activities –

- a) the sale by retail of alcohol,
- b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club,
- c) the provision of regulated entertainment, and
- d) the provision of late night refreshment**

Schedule 2, Licensing Act states:

**1. For the purposes of this Act, a person “provides late night refreshment” if –**

- a) at any time between the hours of 11:00 pm and 5:00 am he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
- b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

If you wish to apply for a late night refreshment licence, please contact the Licensing Admin Section at the Town Hall or contact 01253 477477.

Please take this letter as a warning, and that if your premises are found to be operating in breach of the Licensing Act 2003; by offering late night refreshment after 11pm without a licence, then further proceedings will be taken.

A copy of this letter will be retained on your file and may be used against you in subsequent proceedings.

Yours sincerely

Yours faithfully

Danny Stephenson  
Public Protection Officer

**Picture 1 showing hot food being served at 02.32hrs. Closing time should be 01.00**



**Picture 2 showing further hot food being served at 02.32hrs. Closing time should be 01.00**







**Picture 4 showing hot food having been served at 02.44hrs. Closing time should be 01.00**



On seeing the footage and realising he had been caught out opening beyond the permitted hours of the licence ILLAC apologised and asked if he played by the rules could he be forgiven and have a second chance.

Mark Marshall advised ILLAC he had already been previously warned about operating beyond the permitted licensed hours and there would be no second chance and that the premises licence was to be reviewed. On leaving the premises BILEN SEYDAHMED DURAN appeared and in English said "I'M VERY SORRY"

On Tuesday 20<sup>th</sup> June 2017 the information requested from Just Eat was received by email in the form of a spreadsheet which confirmed that ISTIKLAL WRK ILLAC was the Just Eat account holder and the opening times given by ILLAC as the account holder were 23.00hrs to 03.00hrs every day of the week therefore confirming ILLAC and DURAN had been operating the business beyond the permitted licence hours.

**Between 29<sup>th</sup> April 2017 and the 15<sup>th</sup> June 2017 (a period of seven weeks) there had been 190 orders placed through Just Eat at Best Turkish Kebab, 188 of these orders were outside the permitted licence hours. Ranging from minutes after the terminal hour up to 2 hours and 58 minutes after the terminal hour.**

**Just Eat was unable to give us the costing of each order as this would have been too time consuming for them to provide this information.**

**The number of orders does not take into account further over the counter sales undertaken beyond permitted hours during this time.**

EXHIBIT BTK/DV/04 Page 1 of 10

A B C D E

G H I

**Business Details**

Acc Name	Best Turkish Kebap Grill
Acc Address	160 Lytham Road
Postcode	FY1 6DJ
Tel	1253423679
Owner Name	Isiklal Wfk ilac
Current Advertised Opening Hours	Monday 16:00 - 03:00
	Tuesday 16:00 - 03:00
	Wednesday 16:00 - 03:00
	Thursday 16:00 - 03:00
	Friday 16:00 - 03:00
	Saturday 16:00 - 03:00
	Sunday 16:00 - 03:00

No other accounts related to this premise

Order ID	Order Date	Weekday of Order Date	Order Hour	Order Received Time	
396099322	29/04/2017	Saturday	2	29/04/2017 01:36	2.36
396100107	29/04/2017	Saturday	2	29/04/2017 01:52	2.52
396100520	29/04/2017	Saturday	3	29/04/2017 02:01	3.01
396100935	29/04/2017	Saturday	3	29/04/2017 02:12	3.12
396565826	30/04/2017	Sunday	1	29/04/2017 23:59	00.59
396662714	30/04/2017	Sunday	1	30/04/2017 00:26	1.26
396667335	30/04/2017	Sunday	2	30/04/2017 01:04	2.04
396668758	30/04/2017	Sunday	2	30/04/2017 01:21	2.21
396133921	01/05/2017	Monday	1	01/05/2017 00:01	1.01
396134326	01/05/2017	Monday	1	01/05/2017 00:04	1.04
396134513	01/05/2017	Monday	1	01/05/2017 00:07	1.07
396135295	01/05/2017	Monday	1	01/05/2017 00:13	1.13
396135473	01/05/2017	Monday	1	01/05/2017 00:14	1.14
396135734	01/05/2017	Monday	1	01/05/2017 00:17	1.17
396136054	01/05/2017	Monday	1	01/05/2017 00:20	1.20
396136174	01/05/2017	Monday	1	01/05/2017 00:22	1.22
396136195	01/05/2017	Monday	1	01/05/2017 00:22	1.22
396136411	01/05/2017	Monday	1	01/05/2017 00:24	1.24
396136454	01/05/2017	Monday	1	01/05/2017 00:25	1.25
396136658	01/05/2017	Monday	1	01/05/2017	1.27

2/H

x

				00:27	1 27
396137279	01/05/2017	Monday	1	01/05/2017 00:35	1 35
396759070	03/05/2017	Wednesday	1	03/05/2017 00:55	1 55
397004576	04/05/2017	Thursday	1	03/05/2017 23:59	00 59
397004828	04/05/2017	Thursday	1	04/05/2017 00:06	1 06
397005146	04/05/2017	Thursday	1	04/05/2017 00:10	1 10
397006331	04/05/2017	Thursday	1	04/05/2017 00:37	1 37
397006426	04/05/2017	Thursday	1	04/05/2017 00:42	1 42
398317524	07/05/2017	Sunday	1	07/05/2017 00:06	1 06
398321286	07/05/2017	Sunday	1	07/05/2017 00:37	1 37
398666883	08/05/2017	Monday	1	08/05/2017 00:06	1 06
398698012	08/05/2017	Monday	1	08/05/2017 00:26	1 26
398698605	08/05/2017	Monday	1	08/05/2017 00:39	1 39
398930228	09/05/2017	Tuesday	1	09/05/2017 00:30	1 30
399208639	10/05/2017	Wednesday	1	10/05/2017 00:05	1 05
399208697	10/05/2017	Wednesday	1	10/05/2017 00:07	1 07
399208727	10/05/2017	Wednesday	1	10/05/2017 00:07	1 07
399209380	10/05/2017	Wednesday	1	10/05/2017 00:21	1 21
399455683	11/05/2017	Thursday	1	11/05/2017 00:14	1 14
399456156	11/05/2017	Thursday	1	11/05/2017 00:24	1 24
399456292	11/05/2017	Thursday	1	11/05/2017 00:27	1 27

EXIT LIST BST/DV/04 Page 3 of 10

400750215	14/05/2017	Sunday	1	14/05/2017 00:30	1.30
400751226	14/05/2017	Sunday	1	14/05/2017 00:40	1.40
400751361	14/05/2017	Sunday	1	14/05/2017 00:41	1.41
401126514	15/05/2017	Monday	1	15/05/2017 00:08	1.08
401127954	15/05/2017	Monday	1	15/05/2017 00:39	1.39
401604653	17/05/2017	Wednesday	1	17/05/2017 00:04	1.04
401604902	17/05/2017	Wednesday	1	17/05/2017 00:08	1.08
401605726	17/05/2017	Wednesday	1	17/05/2017 00:27	1.27
401606024	17/05/2017	Wednesday	1	17/05/2017 00:35	1.35
401606609	17/05/2017	Wednesday	1	17/05/2017 00:57	1.57
401932259	18/05/2017	Thursday	1	18/05/2017 00:14	1.14
402260599	18/05/2017	Thursday	1	18/05/2017 00:26	1.26
401933546	18/05/2017	Thursday	1	18/05/2017 00:43	1.43
401934088	18/05/2017	Thursday	1	18/05/2017 01:00	2.00
403231088	21/05/2017	Sunday	1	21/05/2017 00:15	1.15
403233097	21/05/2017	Sunday	1	21/05/2017 00:31	1.31
403234103	21/05/2017	Sunday	1	21/05/2017 00:40	1.40
403235235	21/05/2017	Sunday	1	21/05/2017 00:53	1.53
403235362	21/05/2017	Sunday	1	21/05/2017 00:54	1.54
403603773	22/05/2017	Monday	1	22/05/2017 00:16	1.16
403604022	22/05/2017	Monday	1	22/05/2017 00:19	1.19

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403604086	22/05/2017	Monday	1	22/05/2017 00:20	1.20
403604563	22/05/2017	Monday	1	22/05/2017 00:31	1.31
403604792	22/05/2017	Monday	1	22/05/2017 00:37	1.37
403604830	22/05/2017	Monday	1	22/05/2017 00:38	1.38
403604978	22/05/2017	Monday	1	22/05/2017 00:43	1.43
403824105	23/05/2017	Tuesday	1	23/05/2017 00:05	1.05
403824592	23/05/2017	Tuesday	1	23/05/2017 00:14	1.14
403824836	23/05/2017	Tuesday	1	23/05/2017 00:20	1.20
403826738	23/05/2017	Tuesday	1	23/05/2017 00:43	1.43
403826181	23/05/2017	Tuesday	1	23/05/2017 00:56	1.56
403826274	23/05/2017	Tuesday	1	23/05/2017 01:00	2.00
404070578	24/05/2017	Wednesday	1	24/05/2017 00:17	1.17
404070612	24/05/2017	Wednesday	1	24/05/2017 00:20	1.20
404070793	24/05/2017	Wednesday	1	24/05/2017 00:21	1.21
404071966	24/05/2017	Wednesday	1	24/05/2017 00:48	1.48
404375177	25/05/2017	Thursday	1	25/05/2017 00:05	1.05
404376608	25/05/2017	Thursday	1	25/05/2017 00:33	1.33
404377222	25/05/2017	Thursday	1	25/05/2017 00:50	1.50
404708313	25/05/2017	Thursday	2	25/05/2017 01:11	2.11
404377964	25/05/2017	Thursday	2	25/05/2017 01:20	2.20
404378103	25/05/2017	Thursday	2	25/05/2017 01:20	2.20

404711349	26/05/2017	Friday	2	26/05/2017 01:02	2.02
404711394	26/05/2017	Friday	2	26/05/2017 01:06	2.06
404711552	26/05/2017	Friday	2	26/05/2017 01:08	2.08
405657026	28/05/2017	Sunday	1	28/05/2017 00:03	1.03
405657236	28/05/2017	Sunday	1	28/05/2017 00:05	1.05
405659125	28/05/2017	Sunday	1	28/05/2017 00:20	1.20
406062308	29/05/2017	Monday	1	29/05/2017 00:07	1.07
406062489	29/05/2017	Monday	1	29/05/2017 00:06	1.05
406063659	29/05/2017	Monday	1	29/05/2017 00:17	1.17
406064221	29/05/2017	Monday	1	29/05/2017 00:23	1.23
406064267	29/05/2017	Monday	1	29/05/2017 00:23	1.23
406064326	29/05/2017	Monday	1	29/05/2017 00:24	1.24
406064496	29/05/2017	Monday	1	29/05/2017 00:26	1.26
406064565	29/05/2017	Monday	1	29/05/2017 00:28	1.28
406064840	29/05/2017	Monday	1	29/05/2017 00:30	1.30
406065342	29/05/2017	Monday	1	29/05/2017 00:37	1.37
406065368	29/05/2017	Monday	1	29/05/2017 00:37	1.37
406065968	29/05/2017	Monday	1	29/05/2017 00:45	1.45
406066060	29/05/2017	Monday	1	29/05/2017 00:46	1.46
406066378	29/05/2017	Monday	1	29/05/2017 00:51	1.51
406066705	29/05/2017	Monday	1	29/05/2017 00:57	1.57

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Bank  
Holiday

406066772	29/05/2017	Monday	1	29/05/2017 00:58	1.58
406067156	29/05/2017	Monday	2	29/05/2017 01:05	2.05
406069258	29/05/2017	Monday	2	29/05/2017 01:50	2.50
406069356	29/05/2017	Monday	2	29/05/2017 01:52	2.52
406069375	29/05/2017	Monday	2	29/05/2017 01:53	2.53
406069465	29/05/2017	Monday	2	29/05/2017 01:56	2.56
406467458	30/05/2017	Tuesday	1	30/05/2017 00:15	1.15
406467640	30/05/2017	Tuesday	1	30/05/2017 00:20	1.20
406467816	30/05/2017	Tuesday	1	30/05/2017 00:23	1.23
406468253	30/05/2017	Tuesday	1	30/05/2017 00:31	1.31
406469035	30/05/2017	Tuesday	1	30/05/2017 00:54	1.54
406469042	30/05/2017	Tuesday	1	30/05/2017 00:55	1.55
406469302	30/05/2017	Tuesday	2	30/05/2017 01:03	2.03
406469502	30/05/2017	Tuesday	2	30/05/2017 01:11	2.11
406470258	30/05/2017	Tuesday	2	30/05/2017 01:51	2.51
406722931	31/05/2017	Wednesday	1	31/05/2017 00:02	1.02
406724013	31/05/2017	Wednesday	1	31/05/2017 00:03	1.03
406724083	31/05/2017	Wednesday	1	31/05/2017 00:04	1.04
406724416	31/05/2017	Wednesday	1	31/05/2017 00:10	1.10
406724741	31/05/2017	Wednesday	1	31/05/2017 00:16	1.16
406725356	31/05/2017	Wednesday	1	31/05/2017 00:28	1.28



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406725464	31/05/2017	Wednesday	1	31/05/2017 00:31	1.31
406727575	31/05/2017	Wednesday	2	31/05/2017 01:46	2.46
406993861	01/06/2017	Thursday	1	01/06/2017 00:14	1.14
406995294	01/06/2017	Thursday	1	01/06/2017 00:47	1.47
406995638	01/06/2017	Thursday	1	01/06/2017 00:56	1.56
407329526	02/06/2017	Friday	2	02/06/2017 01:17	2.17
407329754	02/06/2017	Friday	2	02/06/2017 01:25	2.25
407330164	02/06/2017	Friday	2	02/06/2017 01:42	2.42
408241673	04/06/2017	Sunday	1	04/06/2017 00:23	1.23
408242860	04/06/2017	Sunday	1	04/06/2017 00:33	1.33
408246025	04/06/2017	Sunday	2	04/06/2017 01:03	2.03
408247408	04/06/2017	Sunday	2	04/06/2017 01:20	2.20
408247451	04/06/2017	Sunday	2	04/06/2017 01:21	2.21
408248217	04/06/2017	Sunday	2	04/06/2017 01:32	2.32
408248865	04/06/2017	Sunday	2	04/06/2017 01:44	2.44
408249374	04/06/2017	Sunday	2	04/06/2017 01:54	2.54
408249558	04/06/2017	Sunday	2	04/06/2017 01:58	2.58
408617780	05/06/2017	Monday	1	05/06/2017 00:36	1.36
408619350	05/06/2017	Monday	2	05/06/2017 01:32	2.32
408619400	05/06/2017	Monday	2	05/06/2017 01:34	2.34
408676044	06/06/2017	Tuesday	1	06/06/2017 00:06	1.06

408676074	06/06/2017	Tuesday	1	06/06/2017 00:07	1.07
408677615	06/06/2017	Tuesday	1	06/06/2017 00:47	1.47
408677620	06/06/2017	Tuesday	1	06/06/2017 00:47	1.47
408677766	06/06/2017	Tuesday	1	06/06/2017 00:52	1.52
408677846	06/06/2017	Tuesday	1	06/06/2017 00:56	1.56
408678835	06/06/2017	Tuesday	2	06/06/2017 01:46	2.46
409136366	07/06/2017	Wednesday	1	07/06/2017 00:35	1.35
409136946	07/06/2017	Wednesday	1	07/06/2017 00:54	1.54
409137478	07/06/2017	Wednesday	2	07/06/2017 01:21	2.21
409137918	07/06/2017	Wednesday	2	07/06/2017 01:40	2.40
409728209	09/06/2017	Friday	2	09/06/2017 01:04	2.04
409728565	09/06/2017	Friday	2	09/06/2017 01:15	2.15
409728832	09/06/2017	Friday	2	09/06/2017 01:24	2.24
409728982	09/06/2017	Friday	2	09/06/2017 01:29	2.29
409729374	09/06/2017	Friday	2	09/06/2017 01:46	2.46
410200657	10/06/2017	Saturday	2	10/06/2017 01:51	2.51
410645340	11/06/2017	Sunday	1	11/06/2017 00:28	1.28
410647486	11/06/2017	Sunday	1	11/06/2017 00:50	1.50
410647827	11/06/2017	Sunday	1	11/06/2017 00:52	1.52
410650434	11/06/2017	Sunday	2	11/06/2017 01:26	2.26
411010022	12/06/2017	Monday	1	12/06/2017 00:31	1.31

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411010077	12/06/2017	Monday	1	12/06/2017 00:35	1.35
411010288	12/06/2017	Monday	1	12/06/2017 00:42	1.42
411010667	12/06/2017	Monday	1	12/06/2017 00:49	1.49
411010761	12/06/2017	Monday	1	12/06/2017 00:51	1.51
411011171	12/06/2017	Monday	2	12/06/2017 01:04	2.04
411011502	12/06/2017	Monday	2	12/06/2017 01:18	2.18
411012107	12/06/2017	Monday	2	12/06/2017 01:55	2.55
411245187	13/06/2017	Tuesday	1	13/06/2017 00:11	1.11
411245770	13/06/2017	Tuesday	1	13/06/2017 00:25	1.25
411246276	13/06/2017	Tuesday	1	13/06/2017 00:40	1.40
411247539	13/06/2017	Tuesday	2	13/06/2017 01:28	2.28
411466557	14/06/2017	Wednesday	1	14/06/2017 00:07	1.07
411466742	14/06/2017	Wednesday	1	14/06/2017 00:12	1.12
411468160	14/06/2017	Wednesday	1	14/06/2017 00:54	1.54
411468579	14/06/2017	Wednesday	2	14/06/2017 01:21	2.21
411468900	14/06/2017	Wednesday	2	14/06/2017 01:27	2.27
411469214	14/06/2017	Wednesday	2	14/06/2017 01:49	2.49
411694073	15/06/2017	Thursday	1	15/06/2017 00:03	1.03
411694338	15/06/2017	Thursday	1	15/06/2017 00:08	1.08
411694433	15/06/2017	Thursday	1	15/06/2017 00:10	1.10
411695018	15/06/2017	Thursday	1	15/06/2017 00:24	1.24

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411695652	15/06/2017	Thursday	1	15/06/2017 00:42	1.42
411695653	15/06/2017	Thursday	1	15/06/2017 00:47	1.47
411695941	15/06/2017	Thursday	1	15/06/2017 00:50	1.50
411696733	15/06/2017	Thursday	2	15/06/2017 01:23	2.23

**Dave Verity**

**From:** asha.manji@just-eat.co.uk on behalf of Data Request <datarequest@just-eat.co.uk>  
**Sent:** 21 June 2017 11:52  
**To:** Dave Verity  
**Subject:** Re: timing explanation

Good Afternoon Dave,

Sure that is not trouble.

In reference to the data that has been provided to you - it is a raw extract from our database and therefore there is a time discrepancy by 1 hour. Please add 1 hour to the time specified in column 'E.' To make this easier Column 'D' has the hour that the order was placed and the minutes can be taken from the time specified in Column 'E'

Hope this makes sense.

Should you require anything further, please do not hesitate to contact me.

Kindest Regards,

Asha

Kind Regards

*Compliance Team*  
Hi @www.just-eat.co.uk  
Mob: 044 (0) 203 114 3330  
Imperial Place (IP4) 3rd Floor, Maxwell Road, Borehamwood, Hertfordshire, WD6 1JN

**JUST EAT**

On 21 June 2017 at 09:51, Dave Verity <dave.verity@blackpool.gov.uk> wrote:

Hi Asha

Could I ask a huge favour, that you send me a statement just to clarify what you have told me regarding the timings and the reasons for the difference.

It will help having a full explanation from yourself rather than either myself or manager attempting to explain to Councillors at any subsequent licence reviews.

Many thanks

Dave Verity

**From:** asha.manji@just-eat.co.uk [mailto:asha.manji@just-eat.co.uk] **On Behalf Of** Data Request  
**Sent:** 20 June 2017 14:24  
**To:** Dave Verity  
**Subject:** Re: For the attention of datarequest@: Information request re Best Turkish Kebab Takeaway Blackpool FY1 6DJ

EXHIBIT BTK/DV/CS Page 2 of 2

Good Afternoon Mr Verity,

Thank you for your request.

Please see information attached as requested.

Due to data protection the file has been password protected, please give the compliance team a call on 0203 114 3330 (8am - 6pm) to get the password.

Thanks,

Asha

Kind Regards

*Compliance Team*

*Web* [www.just-eat.co.uk](http://www.just-eat.co.uk)

*Mob* +44 (0) 203 114 3330

Imperial Place (IP4) 3rd Floor, Maxwell Road, Borehamwood, Hertfordshire. WD6 1JN

**JUST EAT**

On 14 June 2017 at 16:17, Just Eat UK <[info@just-eat.co.uk](mailto:info@just-eat.co.uk)> wrote:

**Witness Statement**

(Criminal Procedure Rules 2005, r27.1 (1);  
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A (3) (a) and s.5B)

Statement of **David Verity**

Age if under 18: Over 18 over 18.

Occupation **Public Protection Officer, licensing**

This statement (consisting of      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 wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 10<sup>th</sup> day of July 2017

Tick if witness evidence is visually recorded ☐  
(Supply witness details on rear)

Signature 

I am David Verity I am currently employed as a licensing enforcement officer within the Public Protection Division of Blackpool Council as such I am duly authorised to enforce legislation in relation to late night refreshment licences issued by Blackpool Council.

Information had been received that the best Turkish kebab takeaway situated at 160 Lytham Road, Blackpool was opening beyond the permitted hours on the licence. This premises benefits from a late night refreshment licence issued by Blackpool Council (WA0253). A copy of the licence and conditions are produced and shown for evidence as **exhibit BTK/DV/01**. The licence permits the premises to operate from 23.00hrs to 01.00hrs Sundays to Thursdays and from 23.00hrs to 02.00hrs on Friday and Saturdays. Mark Marshall Licensing & Health & Safety manager advised me that he had visited this premises previously on 29<sup>th</sup> April 2017 and had seen food menus advertising the closing time of the premises to be 03.00hrs Monday to Sunday every night. Mark Marshall then tasked me to make enquiries with Just Eat.

Just Eat is an online food order and delivery service. It acts as an intermediary between independent take-out food outlets and customers. My aim was to establish evidence through timed orders sent to just eat to prove that the Best Turkish Kebab takeaway were indeed operating beyond the licensed permitted hours.

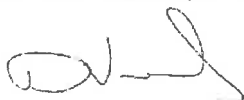
Signature 

Signature witnessed by

On 14<sup>th</sup> June 2017 I sent a Data Protection request form for details of the account holder, and any sales taken from 29<sup>th</sup> April 2017 to present date in relation to orders taken outside the permitted hours of 23.00- 01.00 Sunday to Thursday and 23.00 – 02.00 Friday and Saturday nights. Further details were requested in relation to the current operating times given to just eat and if there were any similar accounts held to the same address and account holder. A copy of the request is produced and shown for evidence as exhibit BTK/DV/02

On Friday 16<sup>th</sup> June 2017 I was on duty working in company with Mark Marshall Licensing & Health & Safety Manager. At approximately 23.30 hrs we attended Best Turkish Kebab takeaway shop situated at 160 Lytham Road, Blackpool. On entering the premises Mark Marshall spoke to a male known to him as ISTIKLAL WRK ILLAC who portrays himself to be the manager of the business Mark Marshall requested to view the CCTV footage from the previous night. Initially ILLAC stated he could not operate the CCTV equipment very well but on Mark Marshall insisting to see the footage ILLAC suddenly remembered how to use the equipment. Also present was the licence holder of the business BILEN SEYDAHMED DURAN who claimed not to speak English. The footage from the previous night was found and on scrolling through the footage on Thursday 15<sup>th</sup> June when ILLAC should have closed the shop at 01.00hrs the footage was scrolled past midnight into Friday 16<sup>th</sup> June 2017 and onto 02.12hrs when Mark Marshall recorded the footage on his mobile phone. The recording began at 02.12hrs and shows the lights to still be illuminated in the premises and at 02.22hrs a delivery driver wearing a light colour jacket and black woollen hat was seen to be still waiting for deliveries at the premises. At 02.32hrs two males were seen to enter the premises and get served with hot food, at 02.42hrs a second male identified by ILLAC to be a second delivery driver entered the premises carrying a pizza box it was stated this delivery had been a hoax order brought back by the delivery driver. At 02.44hrs the lights are turned off in the premises and the delivery driver is seen leaving the premises with the pizza. On seeing this and realising that he had been caught out ILLAC apologised and asked if he played by the rules could

Signature



Signature witnessed by



he be forgiven and have a second chance. Mark Marshall then advised ILLAC that he had already been previously warned about operating beyond the permitted licenced hours and that there would be no second chance and that the premises licence was to be reviewed. On leaving the premises BILEN SEYDAHMED DURAN appeared and in English said, "I'M VERY SORRY"??

On return to the office on Monday 19<sup>th</sup> June 2017 the CCTV footage recorded by Mark Marshall was downloaded to the Council computer system and four still photograph's were taken from the CCTV footage copies of the four still photos taken are produced and shown for evidence as **exhibit BTK/DV/03**. On Tuesday 20<sup>th</sup> June 2017 I received an email from Asha Manji compliance team Manager with Just Eat a password protected email was attached with the requested information regarding timed sales ordered through just eat. During a telephone conversation with Asha in order to ascertain the password Asha informed me that the data was a raw extract from the just eat data base on a excel spreadsheet with columns lettered A,B,C,D,E,G,H,I.

A copy of the spreadsheet is produced and shown for evidence as **exhibit BTK/DV/04**. Asha further explained that there was a time discrepancy with column E and that column D gave the correct hour of the order and that an hour had to be added to the time in column E. I requested Asha to send an email to explain the time discrepancy by way of continuity of evidence. A copy of this email is produced and shown for evidence as **exhibit BTK/DV/05**.

Out of 190 orders taken by Best Turkish kebab, through the Just Eat service between 29<sup>th</sup> April 2017 and 15<sup>th</sup> June 2017 (a time period of seven weeks). 188 of these orders were taken and dispatched beyond the permitted hours on the late night refreshment licence.

I later made a statement to that effect.

Signature

Signature witnessed by

**Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)**

## Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		X
	Day	Month
If yes please state the date of that application		Year

If you have made representations before relating to this premises, please state what they were and when you made them.

--

	Please tick
--	-------------

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	
I understand that if I do not comply with the above requirements my application will be rejected	X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

## Part 5 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 5) If signing on the behalf of the applicant please state in what capacity.

<b>Signed</b>	
<b>Print Name</b>	Mark Marshall
<b>Capacity</b>	Licensing and Health and Safety Manager
<b>Date</b>	18 <sup>th</sup> July 2017

<b>Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)</b>										
<b>Title:</b>	<b>Mr</b>	<b>Mrs</b>	<b>Miss</b>	<b>Ms</b>	<b>Other</b>					
<b>Forenames</b>					<b>Surname</b>					
<b>Address for Correspondence associated with this application</b>										
					<b>Post Code</b>					
<b>Telephone Number</b>					<b>Mobile Number</b>					
<b>E-Mail Address</b>										

**Blackpool Council Licensing Service**

**Representation made by a Responsible Authority  
In support of an application for the Review of an existing  
Premises Licence or Club Premises Certificate**

**Responsible Authority making representation**

Name of Responsible Authority	<b>Health and Safety</b>		
Name of Officer <i>(please print)</i>	Jacqui Harrison		
Signature of Officer			
Contact telephone number	<b>01253 478349</b>		
Date representation made	<b>14</b>	<b>08</b>	<b>2017</b>
Do you consider mediation to be appropriate	<b>YES</b>		

**Name of Responsible Authority / Applicant who requested a review of this Licence**

**Licensing Authority- Mark Marshall**

**Premises Details**

Premises Name	<b>Best Turkish Kebab</b>
Address	160 Lytham Road
	Blackpool
Post Code	<b>FY1 6DJ</b>

**Details of your representation in support of the review application**  
(Please reference & attach supporting any documentation)

An inspection at Best Turkish Kebab was undertaken by Public Protection Officers Jacqui Harrison and Marcus Maddock on the evening of 4<sup>th</sup> August 2017. Requests were made to see documentation for gas and electrical safety. No Electrical Installation Condition Report was available and other documentation shown was several years out of date.

Officers were shown portable appliance testing records from 23/8/13; the next test was due 23/8/14 but had never been undertaken. A photograph of the documentation is shown below.

**PORTABLE APPLIANCE TEST CERTIFICATE** Certificate Number: 0072439

Job Number: 72434 Tester's Name: S. McGinley Date of Test: 23-8-2013 Date of Next Test: 23-8-2014

Tester's Name: STEPHEN Customer Name: KEBAB HOUSE 160 LYTHAM ROAD BLACKPOOL FY1 6DS 75% Address if different to Client Address: N/A

Test Equipment Type and Serial No: METREL 08150883

Ref. No.	Description of Appliance	Location of Appliance	Visual Inspection	Condition of Flexible Cord & Cable correct polarity	Plug Euro Mark	Class of Appliance	Instrument Tests		Overall Result of Test	Comments / Details of Remedial Work
							Earth Continuity (Ω)	Insulation Resistance (MΩ)		
1	DISPLAY FRIDGE	BEHIND COUNTER	✓	✓	13	1	0.05	219.99	✓	NONE
2	FRIDGE/FREEZER	"	✓	✓	13	1	0.10	219.99	✓	"
3	HOT CUPBOARD	"	✓	✓	13	1	0.07	216.7	✓	"
4	FRIDGE	"	✓	✓	13	1	0.08	219.99	✓	"
5	FRIDGE	SPINACH ROOM	✓	✓	13	1	0.09	219.99	✓	"
6	FRIDGE	"	✓	✓	13	1	0.08	22.32	✓	"
7	BAIN MAIRIE BEHIND COUNTER	"	✓	✓	13	1	0.04	219.99	✓	"
8	ICE CUB MACHINE	"	✓	✓	13	1	0.06	23.12	✓	"

Page 1 of 1

Officers requested to see a gas safety certificate and were shown one dated 2/9/13, this certificate is only valid for one year.

**LANDLORD/HOME OWNER GAS SAFETY RECORD**

**GAS INSTALLER (Trading Title)** *W. Smith* *11/11* *548822*  
**Address** *160 Lytton Road* **Inspector Ref No** *5000750*  
**Date of Issue** *2/9/2013* **Form of Issue** *Standard*  
**Expiry Date** *2/9/2014* **Issued by (Print Name)** *W. Smith*

**TENANT/HOME OWNER DETAILS**  
**Tenant/Home Owner Name** *1531612 E. K. K.*  
**Property Address** *160 Lytton Road*  
**Post Code** *E4 6DS* **TEL** *01262 622628*  
 Tenant/Home Owner present during inspection ☒ YES ☐ NO

**LANDLORD/AGENT DETAILS (If Applicable)**  
**Landlord Agent Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**Post Code** \_\_\_\_\_ **TEL** \_\_\_\_\_  
 Landlord/Agent present during inspection ☐ YES ☒ NO

APPLIANCE DETAILS				INSPECTION DETAILS				FLUE TEST				RESULTS			
LOCATION	MAKE	MODEL	TYPE	Flue Gas Sp. Gr. or No.	Operating Pressure	Flue Gas Temp	Flue Gas Pressure	Flue Gas Temp	Flue Gas Pressure	Flue Gas Temp	Flue Gas Pressure	Flue Gas Temp	Flue Gas Pressure	Flue Gas Temp	Flue Gas Pressure
1	W. Smith	1531612	Gas Grill	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612
2	W. Smith	1531612	Gas Grill	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612
3	W. Smith	1531612	Gas Grill	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612	1531612

**DETAILS OF ANY FAULTS**  
 1. Gas Grill missing two control knobs  
 2. Gas Grill missing two control knobs

**REMEDIAL ACTION TAKEN**  
 1. None  
 2. None

**GAS INSTALLATION** ☒ PASS ☐ FAIL

**NEXT GAS SAFETY CHECK DUE WITHIN 12 MONTHS**

This Safety Record is issued by Gas Installer, (signed) *W. Smith* **Date** *2/9/2013* **Number of appliances tested** *2*  
 Received on behalf of Landlord/Home Owner: (signed) *W. Smith* **Tenant/Landlord/Agent/Home Owner** *W. Smith*

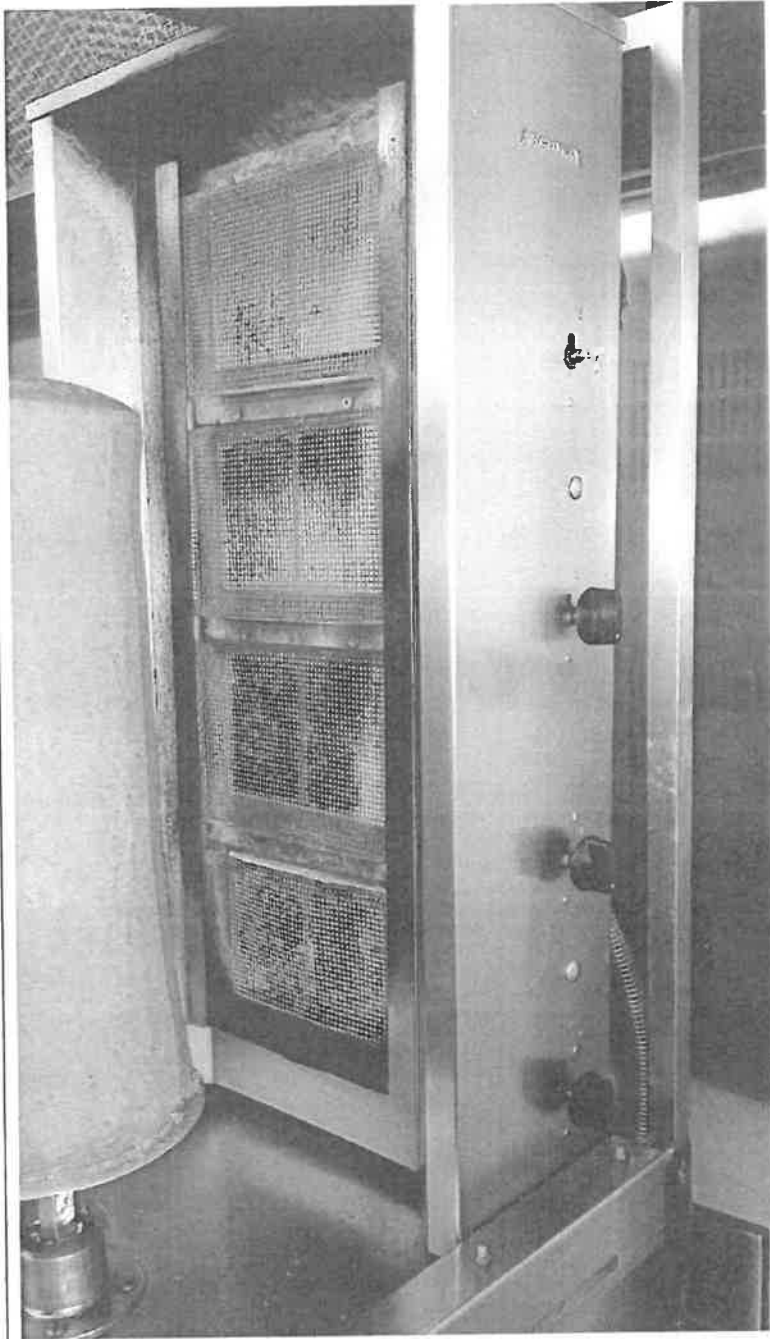
**Hayes UK**

Several defects with the gas installation were also noted as shown in the following photographs.

This gas grill is missing two control knobs

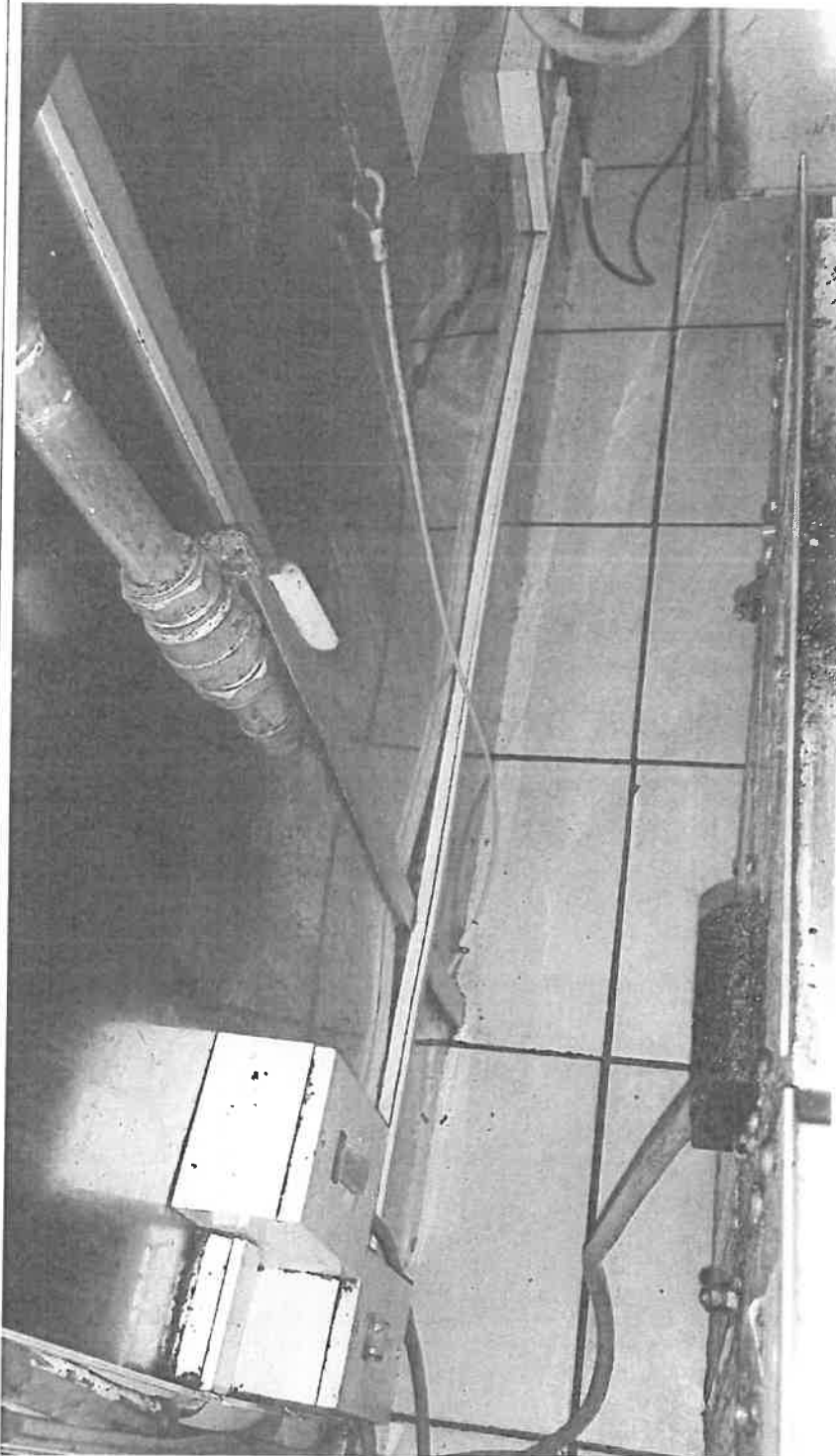


The kebab spit is also missing the top control knob



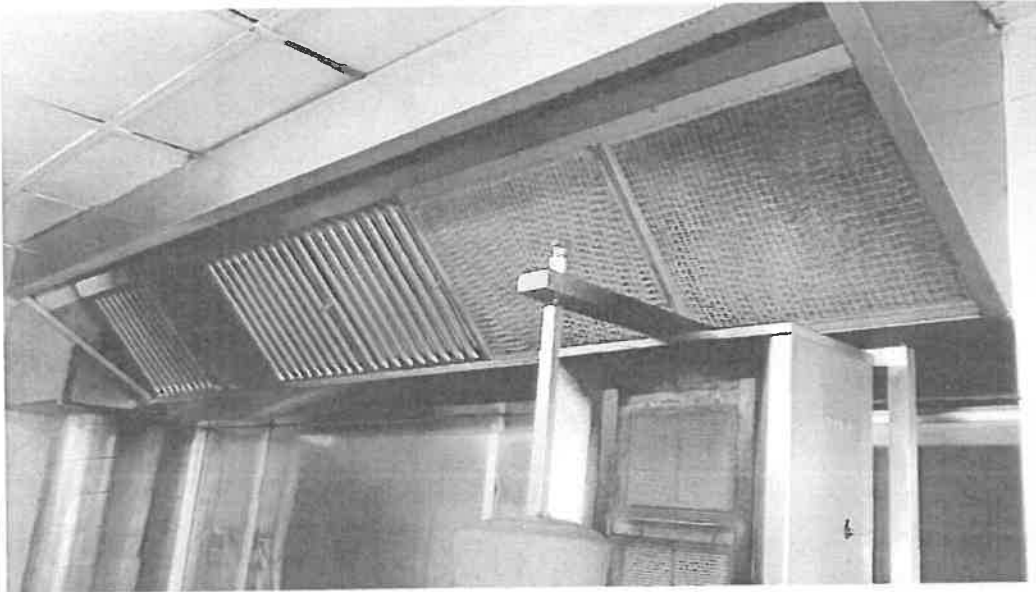


The yellow safety restraint has been disconnected from the back of the appliance; this is to prevent strain on the gas hose when the gas appliance is pulled out for cleaning.

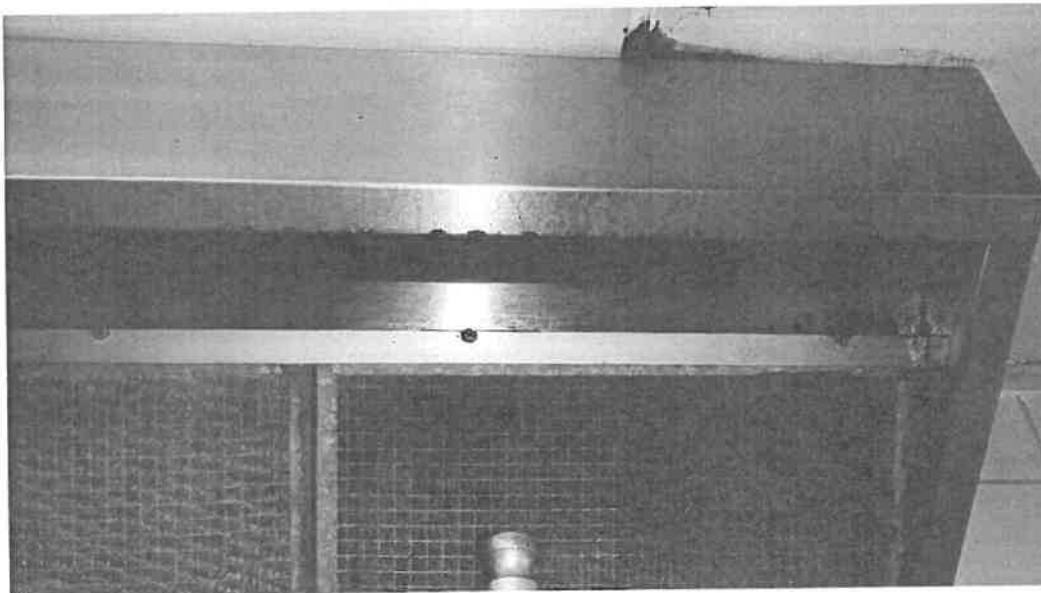


The extraction system for the gas installation appeared not to be working effectively as officers noted a smell of cooking odours and gas fumes in the takeaway. The extraction was also missing a filter and has an excessive accumulation of grease in it which can pose a fire risk.

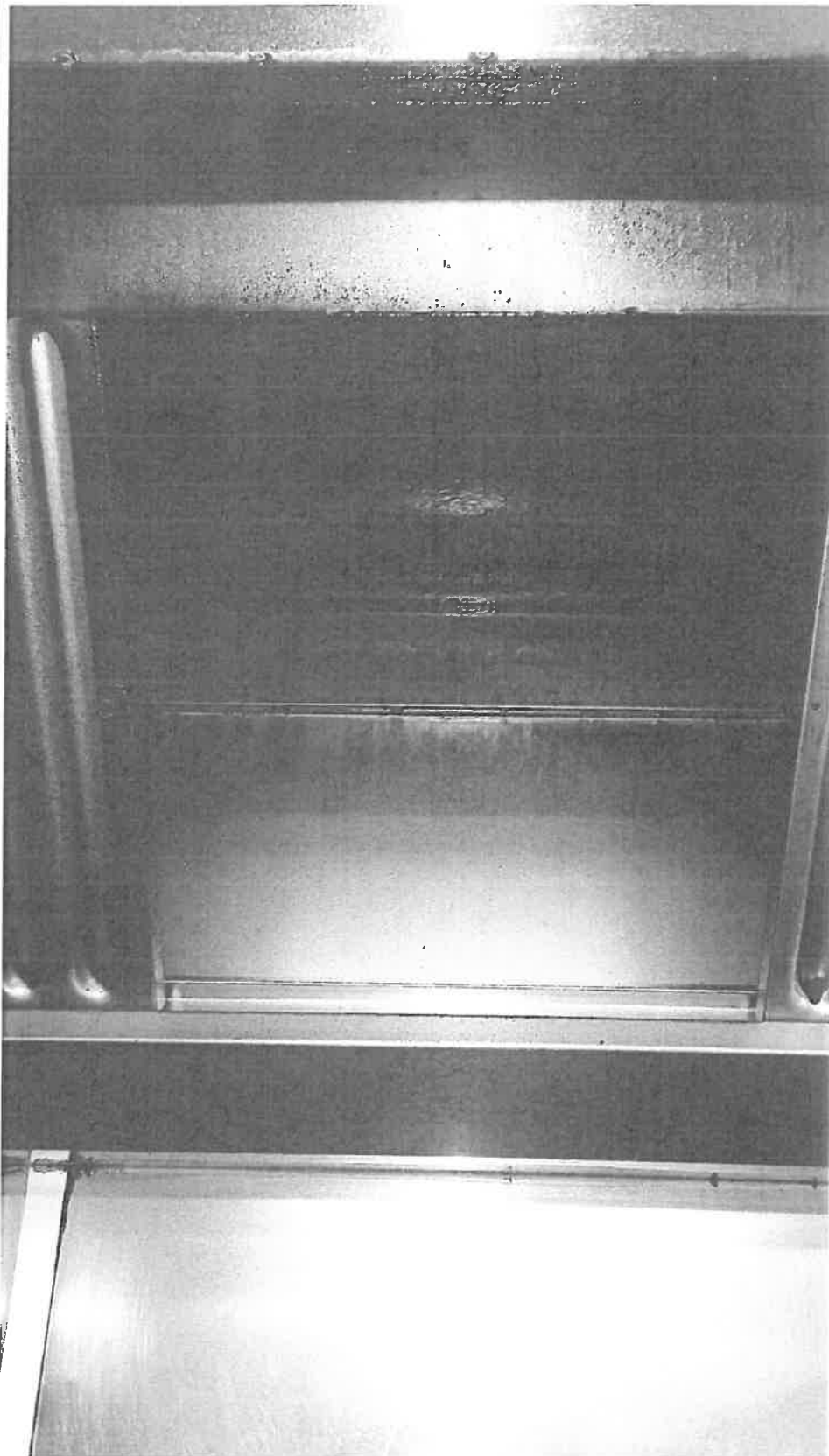
The extraction missing a filter



Grease dripping from the canopy above the kebab spit



The accumulation of grease in the canopy where the filter is missing posing a fire risk



The takeaway also has a condition on the premises licence regarding CCTV standards. At the time of inspection only two cameras were operational and the quality was incredibly poor as shown in the photo below.



Date: 20 September 2017

Mr B Duran  
160a Lytham Road  
Blackpool  
FY1 4DJ

Our Ref: SD/ 011601/Best Turkish Kebab House  
Your Ref:  
Email: sharon.davies@blackpool.gov.uk  
Direct Line: 01253 478518  
DX: 742010 BLACKPOOL 18

Dear Sirs

**Re: Best Turkish Kebab House**

On 19<sup>th</sup> September 2017 a panel of the licensing committee considered an application by the licensing authority to review the premises licence issued in respect of Best Turkish Kebab House, 160 Lytham Road Blackpool. Mr Marshall appeared on behalf of the licensing authority and Miss Harrison appeared on behalf of Health & Safety who had submitted a representation in support of the application. The licence holder also appeared before the panel assisted by Mr Illic.

The panel were told that the review had been brought about following complaints about the premises operating outside of its licensed hours. At first the takeaway was opening after 11pm without a licence at all but once this was identified the owners applied for and were granted the current licence. Following further complaints the enforcement team undertook further observations on 29.04.17 and whilst no real problems were observed, the officers did notice a Just Eat advert which indicated that the takeaway took orders until 03.00am when it was licensed until 01.00 during the week and 02.00 at weekends. No action was taken at this time other than words of advice to amend the times on the Just Eat advert.

A further visit took place on 14.06.17 due to continued complaints. The Just Eat advert had not been changed and when officers asked to see the CCTV there was initial reluctance to operate the system however images were eventually downloaded which showed that they were trading outside of their licensed hours the day before.

Miss Harrison on behalf of Health & Safety referred to a inspection that had taken place on 4<sup>th</sup> August 2017 where a number of defects were identified which led to the serving of an improvement notice. The panel were referred to photographs of the defects in their agenda. A visit on 18<sup>th</sup> September 2017 revealed that some of the issues had been rectified but others were outstanding.

Mr Illic spoke on behalf of the licence holder. He admitted that they had been trading outside of their permitted hours but asked the panel not to revoke the licence as this would cause them financial

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Head of Corporate Legal  
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SD/011601/01164414



problems. They indicated that the Just Eat advert had been changed and asked for one last chance to demonstrate that they could operate the business properly. Dealing with the health and safety issues the panel were told that an electrician had been working at the premises that morning and had PAT tested 23 appliances. The certificates from this work would be available shortly.

In reaching their decision the panel took into consideration the Secretary of States' Guidance, their own policy and the request from Mr Marshall to consider suspending the licence as an alternative to revocation. The panel did feel that the issues raised in the review were serious and by their actions the licence holder had shown a complete disregard for licensing legislation. This was aggravated by the fact that they had received warnings and had taken no notice. The panel were also of the view that by ignoring their health & safety responsibilities they had put themselves and members of the public at risk.

The panel formed the opinion that the appropriate way to ensure the promotion of the licensing objective was to deal with this review by suspending the licence for a period of four weeks. This would ensure that they had time to get all of their health and safety policies and procedures in place and would also act as a deterrent and ensure that licensing legislation would be complied with in the future.

This decision will come into effect in 21 days unless notice of appeal is served within that time.

An appeal against this decision may be made by the applicant/any person who has made a relevant representation as applicable or the licence holder (See Schedule 5 of the Act) to the Magistrates' Court for the petty sessions area (or any such area) in which the licensing authority's area or part of it is situated within 21 days from the date of the notification of the decision. Any appeal must be lodged in writing, accompanied by a copy of this notice to Lancashire Magistrates' Courts, Lawson Street, Preston, Lancashire PR1 2RD. Please note a fee will be payable to the Magistrates' Court

Yours faithfully

---

Sharon Davies  
For Head of Corporate Legal

Lexcel Accredited



Dawn Goodall  
Head of Corporate Legal  
Blackpool Borough Council  
PO Box 11, Town Hall  
Blackpool, FY1 1NB

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