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

Web Site: 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.

LS/F/009/14/3
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

Web Site: www.blackpool.gov.uk/business
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

Review requested by: Mark Marshall
I Mark Marshall

[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

<table>
<thead>
<tr>
<th>Premises Name and Address</th>
<th>Best Turkish Kebab</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal address</td>
<td>160 Lytham Road</td>
</tr>
<tr>
<td>Post Code</td>
<td>FY16DJ</td>
</tr>
</tbody>
</table>

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

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)

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
<th>Mrs</th>
<th>Miss</th>
<th>Ms</th>
<th>Other</th>
<th>I am 18 years old or over</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forenames</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Surname</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home address</td>
<td></td>
<td></td>
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<td></td>
<td>Post Code</td>
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</tr>
<tr>
<td>Telephone Number</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Mobile Number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-Mail Address</td>
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</tr>
</tbody>
</table>

(2B) Other Applicant or Representing Body

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
<td>Post Code</td>
</tr>
<tr>
<td>Telephone No.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2C) Responsible Authority applicant

<table>
<thead>
<tr>
<th>Name</th>
<th>Mark Marshall – Licensing Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Municipal Buildings</td>
</tr>
<tr>
<td></td>
<td>Blackpool</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>01253 478493</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:mark.marshall@blackpool.gov.uk">mark.marshall@blackpool.gov.uk</a></td>
</tr>
</tbody>
</table>
Part 3 – Reason for Review

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

<table>
<thead>
<tr>
<th>Objective</th>
<th>Ticked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) the prevention of crime and disorder</td>
<td>✔️</td>
</tr>
<tr>
<td>2) public safety</td>
<td></td>
</tr>
<tr>
<td>3) the prevention of public nuisance</td>
<td>✔️</td>
</tr>
<tr>
<td>4) the protection of children from harm</td>
<td></td>
</tr>
</tbody>
</table>

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 02.00hrs Friday and Saturday. The premises were visited on 1st 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 7th December 2016.

The premises was further visited previously on Saturday 29th 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 online food order and delivery service which acts as an intermediary between independent take-out food outlets and customers.

On Friday 14th 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 13th 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.
Dear Sir

Dear Istiklal

Re: Operating without a licence

You were visited on the 1st 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 Licencing 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 3 showing hot food being served at 02.42hrs. 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 20th 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 29th April 2017 and the 15th 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.
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 hours. Please +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
Web 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 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

1
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
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> 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 10th day of July 2017

(Supply witness details on rear)

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 29th 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 14th June 2017 I sent a Data Protection request form for details of the account holder, and any sales taken from 29th 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 16th 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 15th June when ILLAC should have closed the shop at 01.00hrs the footage was scrolled past midnight into Friday 16th 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
Continuation of Statement of Dave Verity

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 19th 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 20th 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 29th April 2017 and 15th 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

<table>
<thead>
<tr>
<th>Have you made an application for review relating to this premises before?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
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<td></td>
<td>X</td>
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If yes please state the date of that application: 

<table>
<thead>
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<th>Day</th>
<th>Month</th>
<th>Year</th>
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If you have made representations before relating to this premises, please state what they were and when you made them.
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

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.

<table>
<thead>
<tr>
<th>Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print Name</td>
</tr>
<tr>
<td>Mark Marshall</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
<tr>
<td>Licensing and Health and Safety Manager</td>
</tr>
<tr>
<td>Date</td>
</tr>
<tr>
<td>18th July 2017</td>
</tr>
</tbody>
</table>

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)

<table>
<thead>
<tr>
<th>Title:</th>
<th>Mr</th>
<th>Mrs</th>
<th>Miss</th>
<th>Ms</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forenames</td>
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<td>Surname</td>
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<tr>
<td>Address for Correspondence associated with this application</td>
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<td>Post Code</td>
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</tr>
<tr>
<td>Telephone Number</td>
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<td>Mobile Number</td>
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<tr>
<td>E-Mail Address</td>
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Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

2. The ground(s) for review must be based on one of the licensing objectives

3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.

4. The application form must be signed.

5. An applicant’s agent (for example solicitor) may sign the form on their behalf, provided that they have actual authority to do so.

6. This is the address that we shall use to correspond with you about this application.