

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**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. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I** Sergeant 2551 Gareth Gosling on behalf the Chief Officer of Dorset Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / 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 (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
New Capital Kebab House 51 Blandford Road	
<b>Post town</b> Poole	<b>Post code (if known)</b> BH15 4AT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Mahmut Gilgil

<b>Number of premises licence or club premises certificate (if known)</b>
BOP_M004222

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐Other title  
(for example, Rev)**Surname****First names****I am 18 years old or over**

Please tick ✓ yes

☐**Current postal  
address if  
different from  
premises  
address****Post town****Post Code****Daytime contact telephone number****E-mail address  
(optional)****(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<b>Name and address</b>  Drug & Alcohol Harm Reduction Team Bournemouth Police Station 5 Madeira Road Bournemouth Dorset BH1 1QQ
<b>Telephone number (if any)</b> 01202 227824
<b>E-mail address (optional)</b> Licensing@dorset.pnn.police.uk

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

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

The Prevention of Crime and Disorder.

Specifically that the premises is involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco.

In addition, the Premises Licence Holder was threatening and abusive towards Dorset Police Drug & Alcohol Team (DAHRT) Officers and HMRC Officers, which does not support the approach to collaborative working promoted by the Licensing Act 2003.

The premises were also in breach of their licensing conditions during a visit to the premises.

Dorset Police no longer have confidence in the Premises Licence Holder.

**Please provide as much information as possible to support the application** (please read guidance note 3)

This application for a review of the premises licence for *New Capital Kebab House*, 51 Blandford Road, Poole, is being submitted by Dorset Police on the grounds of the licensing objective of the Prevention of Crime & Disorder.

It is and always has been the intention of Dorset Police Drug & Alcohol Harm Reduction Team to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

In this instance, however, Dorset Police and our partners at HM Revenue & Customs (HMRC) have identified that this premises have fundamentally failed in the objective to prevent crime & disorder through facilitating the sale and storage of smuggled tobacco on more than one occasion.

Smuggled tobacco presents a significant risk to the community. In addition to the correct duties not being paid to central Government on these products, there is known to be significant damage to local legitimate businesses who rely on sales of genuine tobacco to be sustainable. Furthermore, smuggled tobacco can potentially cause greater harm to consumers who may be unaware whether the product is genuine and/or safe to consume.

On Tuesday 18<sup>th</sup> June 2019 officers from Dorset Police, Trading Standards and HMRC conducted an intelligence-led operation throughout Dorset, visiting a number of premises where we have received prior intelligence that smuggled alcohol and/or tobacco were being offered for sale.

As part of that operation a visit was conducted at *New Capital Kebab House* and upon searching the premises HMRC and Trading Standards located and seized **15,040** illicit cigarettes.

Trading Standards have worked with HMRC to manage the prosecutions and other sanctions against those responsible for committing offences during that operation.

On Saturday 7<sup>th</sup> March 2020 officers from Dorset Police and HMRC conducted a further intelligence-led operation, visiting premises throughout Bournemouth and Poole.

Once again, we attended *New Capital Kebab House* and upon conducting a search of the premises HMRC located and seized three small canisters of illicit hand-rolling tobacco (HRT) from inside the store. The exact weight of the tobacco is to be determined.

The Premises Licence Holder, Mr Gilgil, was present along with a number of other employees and unknown associates. Throughout the visit, Mr Gilgil was extremely obstructive and became increasingly threatening and insulting towards Dorset Police Officers and HMRC Officers, in particular when he had discovered that the illicit tobacco had been located within the premises.

It would not be appropriate to disclose the exact language used by Mr Gilgil due to the alarm and distress that might be caused to the reader. Most alarmingly, much of the language was of a racial and homophobic nature which is not the standard of behaviour expected of a Premises Licence Holder. It was clear that Mr Gilgil has an extremely low opinion of persons working in the public sector as on several occasions he shouted '*I pay your wages*' towards a variety of the officers present during the visit.

Dorset Police are concerned that Mr Gilgil is unable to apply a rational, non-judgmental approach to upholding the licensing objectives and that in the event that he was required to provide welfare

provision to a customer who may be intoxicated, we do not have the confidence that he would demonstrate the high levels of professionalism and consideration to adequately ensure the wellbeing of that vulnerable person.

During the visit Licensing Officer Louise Busfield noted that Mr Gilgil had stated that he was open '24 hours' and that he worked '24 hours' implying that he may not have been adhering to the restrictions of operating hours under his Premises Licence.

Mr Gilgil confirmed that there was no recordings made of the CCTV whatsoever and officers were therefore unable to verify the operating hours of the premises and confirm that he is meeting the condition of the Premises Licence, such as ensuring that sales of alcohol were not being made whilst there was no DPS in place at the premises.

This was of particular concern given that there was a quantity of alcohol being stored at the premises and whilst Mr Gilgil insisted that this was for his own consumption and the consumption of his staff whilst they were at the premises, I suspect that this is not the case given that several of the products were 'gift sets'.

Mr Gilgil stated to Licensing Officer Louise Busfield that he was not aware that he had any conditions to his licence and was consequently advised to contact the Licensing Authority to obtain a copy of his licence. Mr Gilgil was unable to produce a Refusals Register and cited that this was due to him never having to refuse service to anyone.

The Revised Guidance issued under Section 182 of the Licensing Act 2003, published in April 2018, is clear at Section 11.27 where it states that there is '*certain activity that may arise in connection with licensed premises which should be treated particularly seriously*'. This includes the use of licensed premises '*for the sale or storage of smuggled tobacco and alcohol*'.

The Guidance further envisages at section 11.28 that '*Police...and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime*' and that '*where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered*'. Dorset Police do not consider that a change of Premises Licence Holder would suffice.

There can be no excuse for licensees promoting crime within their premises. When considering the relevance of the review and the potential sanctions, if any, that the Sub-Committee may choose, it should be emphasised that Dorset Police and other partner agencies are working tirelessly to tackle this type of criminality that is becoming a National concern. It is the view of Dorset Police that this type of activity should not be condoned and further similar operations are planned for the future throughout Bournemouth and Poole to tackle this criminality.

Dorset Police invite the Sub-Committee to consider all of the options available to them under the Licensing Act 2003 with particular consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently meet the intentions of Licensing Act 2003 Section 182 Guidance.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – 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 behalf of the applicant please state in what capacity.**

Signature

Date **11<sup>th</sup> March 2020**Capacity **Police Sergeant**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**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 which we shall use to correspond with you about this application.



