

**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 Bill Skelly, Chief Constable of Lincolnshire Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 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> Topkapi 131 High Street	
<b>Post town</b> Lincoln	<b>Post code (if known)</b> LN5 7PJ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Yusuf Yilmaz
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<b>Number of premises licence or club premises certificate (if known)</b> 32UD/B/1114
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**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
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- 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**

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

Name and address  CHIEF CONSTABLE LINCOLNSHIRE POLICE POLICE HEADQUARTERS NETTLEHAM PO BOX 999
Telephone number (if any) 01522 558448
E-mail address (optional) countylicensinggroup@lincs.pnn.police.uk

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

This review application relates to the premises known as Topkapi, which operates as a late night takeaway and diner, authorised by Lincoln City Council to sell late night refreshments between the hours of 23:00 until 03:00 hours Monday to Wednesday and Sunday, and 23:00 until 05:00 hours Thursday to Saturday.

The Premise Licence Holder is Mr Yusuf Yilmaz.

This review application is submitted as being relevant to the prevention of crime and disorder and public safety.

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Revised Guidance issued under Section 182 of the Licensing Act 2003

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder

2.6 Licence Holders have a responsibility to ensure the safety of those using their premises, as part of their duties under the 2003 Act.

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities....Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is the matter for the courts. The licensing authority's role when determining such a review is not therefore to establish guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representation giving rise to a review of a premise licence need to be delayed pending the outcome of any criminal proceedings. Some reviews will arise after conviction in the criminal courts of certain individuals, but not all. In any case it is for the licensing authority to determine whether the problem associated with alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 ....The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interest of the wider community and not those of the individual licence holder.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

At approximately 03:05 hours on Monday 27<sup>th</sup> March 2017, staff and management from the premises have become involved in a serious offence of assault using weapons, leading to GBH (Grievous Bodily Harm) and ABH (Actual Bodily Harm) injuries. Owing to this being part of an ongoing investigation, full details are subject to Regulation 14. Please see Appendix A - Statement of PC 80 Birch for full details. This statement also details any further relevant information held on Lincolnshire Police systems for the premise and licence holder.

Lincolnshire Police will also be presenting the following information:

Appendix B - CCTV footage and still images of the incident.

Appendix C - Statements from injured parties, witnesses and injury photos.

Appendix D - Statement from initial attending officer PC 369 Elkins.

Appendix E - Body worn footage from attending Lincolnshire Police Officers.

On 28<sup>th</sup> March 2017, officers from Lincolnshire Police conducted a licensing check at the premises, following the above incident. Officers spoke to the Mr Yilmaz, who confirmed that the CCTV was not working owing to Police having seized the hard drive for the above incident. He also admitted that there was no panic alarm installed, as per Annex C of the premise licence. The premises licence was on display, however when conditions were pointed out to him, he stated that he had 'not read the conditions', showing a complete disregard for maintaining the licensing objectives.

Topkapi is clearly a family run business, and Mr Yusef Yilmaz was named as the Premises Licence Holder in January 2017, following the transfer of the licence from family member Kubilay Yilmaz. The premises has a history of having an aggressive attitude and a complete disregard for maintaining the licensing objectives, leading to a number of Police reviews and representations being submitted for other named family members. This behaviour and attitude appears to have been duplicated in the current premises licence holder's behaviour, and the continued behaviour of the staff and management of the staff within the premises.

Licensed for late night refreshments, staff are routinely likely to come into contact with individuals under the influence of alcohol, who may be more animated in their behaviour. Lincolnshire Police question how any response with knives, weapons and extreme aggression and intimidating behaviour can be seen as proportionate and appropriate.

Lincolnshire Police feel that it is a necessary and proportionate response to request a review of the Premises Licence. Lincolnshire Police feel that the revocation of the licence should be given full consideration owing to the serious violence having been displayed by the management and staff of the premise. This aggressive and uncooperative behaviour shows a complete disregard and undermining of the licensing objectives.

**Please tick yes**

Have you made an application for review relating to this premises before ☒

If yes please state the date of that application

Day Month Year

1	9	1	2	2	0	0	7
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**If you have made representations before relating to this premises please state what they were and when you made them**

19/12/2007 - Police Review for breaches of conditions and lack of CCTV

8/05/2009 - Police representation against a new premise licence when an existing premise licence was in place

28/12/2011 - Representation against a licence for alcohol

16/02/2012 - Representation against a licence for alcohol leading to an adjourning Police review until 15/03/2012

4<sup>th</sup> November 2013 - Representation submitted following an application for a new premise licence including alcohol.

**Please tick yes**

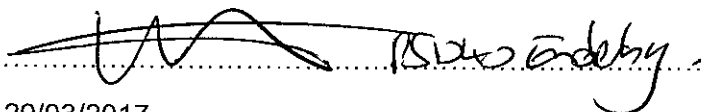
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 29/03/2017

Capacity for and on behalf of Chief Constable

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

LEGAL SERVICES  
POLICE HQ  
DEEPDALE LANE  
NETTLEHAM

**Post town**

LINCOLN

**Post Code**

PO BOX 999

**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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

