

**NORTHAMPTON BOROUGH COUNCIL**

**LICENSING ACT 2003**

**LICENSING SUB COMMITTEE**

A Meeting of the Licensing Sub-Committee will be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Tuesday, 29 November 2016 at  
10:00 am

**D Kennedy**  
**Chief Executive**

**AGENDA**

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. REVIEW OF PREMISE LICENCE - MILLENIUM PIZZA AND KEBAB, 8 ABINGTON SQUARE**
- 4. EXCLUSION OF PUBLIC AND PRESS**

The Chair to move:

“That the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such act.”

**SUPPLEMENTARY AGENDA**

Exempted Under Schedule 12A of the Local Government Act 1972

Para No:-

## PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Democratic Services Officer etc).
- **Declarations of Interest by Councillors**
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
  1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
  2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
  3. **The Representors** (and responsible and Interested Parties) then state their case.
  4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
  - By the Representors
  - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
  1. Application for conversion of existing licence
  2. Application for conversion of existing club certificate
  3. Application by holder of justices' licence for grant of personal licence
  4. Application for conversion and variation of premises licence (including variation of DPS)
  5. Application for conversion and variation of club premises certificate
  6. Counter notice following police objection to temporary event notice
  7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

**If you require any further information regarding this meeting please contact Democratic Services on 01604 837722 or [democraticservices@northampton.gov](mailto:democraticservices@northampton.gov)**

# Agenda Item 3

## 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 P.C 1432 Chris Stevens on behalf of the Chief Officer of Police for Northamptonshire

(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> Millenium Pizza and Kebab 8 Abington Square	
<b>Post town</b> Northampton	<b>Post code (if known)</b> NN1 4AA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Nusret SEMSOGLU
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<b>Number of premises licence or club premises certificate (if known)</b> PL0790
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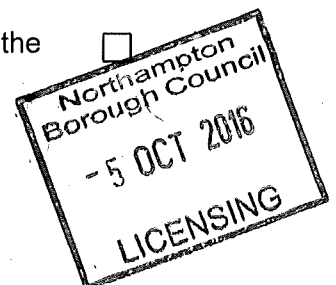
### Part 2 - Applicant details

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)

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 P.C 1432 Chris Stevens, Northamptonshire Police C/O The Guildhall St Giles Street Northampton NN1 1DE
Telephone number (if any) 101 ext 345730
E-mail address (optional) Chris.Stevens@northants.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 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)

On behalf of the Chief Officer of Northamptonshire Police Mr EDENS, I call for Review of the Premises Licence for Millenium Pizza and Kebab Abington Square Northampton. I call for the Review under the Licensing Objective of the Prevention of Crime and Disorder.

The basis for this review stems from the illegal carrying out of licensable activities outside of the times specified by the premises licence, namely the provision of hot food after 04:00hrs. This is an offence under Section 136 Licensing Act 2003. There is also an offence of Section 57(4) Licensing Act 2003 which is the failure to display the premises licence summary.

The investigation into these offences began following contact from the local response Sgt Steve ROFFE who contacted the police licensing department on the 28<sup>th</sup> August 2016. His email stated that he had received a report from the CCTV control room that the premises were still open and trading at 06:04hrs. When he rang the premises, they stated that they were still serving, apologised and informed him that they would close. He recommended that a visit was conducted.

Following this report, officers were tasked to go and visit the premises after 4am for several weeks and although they didn't manage this, they did communicate this task to the CCTV control room. As a result, footage from the 4<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> September has been produced. This footage shows the premises clearly open and members of the public coming and going with food in their hand.

The body worn video footage of P.C ATTER was recorded on the 17<sup>th</sup> September 2016 and captures the premises open past the licensable hours and staff members serving hot food to customers.

As a result of this footage, three people have been interviewed in relation to this including the Premises Licence Holder Nusret SEMSOGLU and the Designated Premises Supervisor Enis SEMSOGLU plus a person in charge of the premises on the 17<sup>th</sup> September.

The person in charge has been issued with an adult caution having admitted the Section 136 Licensing Act 2003 offence. During this, he said that it was the Premises Licence Holder that has told him to open the premises for the hours that it was opened. This was confirmed by the DPS who states that he had no knowledge of this as he finishes at around midnight on a normal shift. He also said that when he leaves it is normally the PLH who is in charge.

The Premises Licence Holder Nusret SEMSOGLU has been interviewed and has admitted the offences stating that between 04:00hrs - 06:00hrs he will take over £200 whereas at other times it is considerably less than this. His motivation to stay open has been to make money and he has stated that he is fully aware of the hours he is permitted to carry on licensable activities. As a result of this admission and the evidential package against him, the Crown Prosecution Service have authorised that Nusret SEMSOGLU is charged with four counts of Section 136 Licensing Act and one count of 57(4) Licensing Act.

Given the fact that it is the person with the most authority for this licence that has breached the licence on numerous occasions, the police view this in a particularly dim light. This is the second time in just under two years that a review in respect to this premises licence has been brought before the committee and it is argued that this needs to be considered when reaching a determination.

It is the position of the police therefore that due consideration be given to revoking this premises licence on the basis that the PLH has willfully broken licensing laws and placed financial gain above operating a compliant business. The problems in relation to this premises have come from the poor and illegal management from the top down and there can be no confidence that the PLH will stop putting profit before the law.

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

As part of the review, the Police wish to disclose the following information:

- 1) The premises licence in its current form.
- 2) The opening hours of the premises as per the website for the premises
- 3) CCTV and body worn video footage from the 4<sup>th</sup> 10<sup>th</sup> 11<sup>th</sup> and 17<sup>th</sup> September 2016
- 4) Statements of James ATTER and Steve ROFFE

The arguments from the police are based on the Section 182 guidance and case law and shall be outlined in the hearing.

**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	5	1	2	2	0	1	4
---	---	---	---	---	---	---	---

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

The previous review related to a serious assault that was committed against a customer by a member of staff at the premises in 2014. On this occasion, the member of staff went into the public area and attacked a customer with a kebab knife inflicting GBH injuries. The notice of determination for this review will be included in the evidential bundle.



**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 3<sup>rd</sup> October 2016

.....

Capacity Police Licensing Officer

.....

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

**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. 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.

**LOCAL AUTHORITY**



Licensing Section  
The Guildhall  
St Giles Square  
NORTHAMPTON  
NN1 1DE

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Millenium Pizza & Kebab**

8 Abington Square, Northampton, Northamptonshire, NN1 4AA.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- provision of late night refreshment
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday-Sunday	11:00pm	4:00am
M. The sale by retail of alcohol for consumption OFF the premises only	Monday-Sunday	Noon	4:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday-Sunday	Noon	4:00am

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Nusret Semsoglu  
[esemsoglu@hotmail.com](mailto:esemsoglu@hotmail.com)

8 Abington Square, Northampton, NN1 4AA.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**



**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

Enis SEMSOGLU

32 The Haystack, Daventry, Northamptonshire, NN11 0NZ.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. 13ES-34UC401

Issued by Daventry

**ANNEXES**

**ANNEX 1 - MANDATORY CONDITIONS**

**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**ADDITIONAL MANDATORY CONDITIONS.**

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 1st October 2010**

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

**The following conditions shall come into force on 28th May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

## ANNEXES continued ...

2. For the purposes of the condition set out in paragraph 1-

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula-

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## ANNEXES continued ...

**Licensing Objectives**

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises: -

A working intruder alarm must be maintained.

There must be no storage or display of alcohol within view of members of the public who are customers at the premises.

Alcohol may only be supplied together with takeaway hot food and for reasons of clarity the licence does not authorise the sale or delivery of alcohol alone.

Any printed and/or internet publicity must make clear that the availability of alcohol is restricted to home deliveries, home delivery defined as a permanent residential address, and that age verification will be required for every transaction. Alcohol will not be sold as a separate transaction, it must accompany an order of food.

Risk assessments will be maintained and updated regularly.

The Premises Licence holder must ensure that noise, vibration or noxious smells do not cause a nuisance in the locality.

Sales for home delivery to be accepted only with a credit or debit card with the person who orders confirming they are over 18. The delivery driver must confirm the person is the holder of the credit or debit card that placed the order and if age confirmation is required must request ID in the form of Photographic driving licence, passport, H.M. Forces I.D. card, or I.D. card with the PASS logo. Staff/Drivers must be trained and a record of refusal maintained and kept up to date.

**Conditions (Determined at Review 15.12.2014)**

A CCTV system must be maintained that conforms to the provisions of the Data Protection Act 1998 and meets the requirements and expectations of the Licensing and Police Authorities. The system must operate at all times that the premises are open. Recordings must be kept for a minimum of 28 days. A responsible member of staff must be trained in how to use the system and be on the premises at all times it is trading so that reasonable requests for retrieval of recordings by a Police officer, or authorised officer from a Responsible Authority, can be met. (Sub- Committee restated previous CCTV condition).

At no time whilst the premises is open must a sharp implement be taken into the customer area by a member of staff or other person going about their business in the premises. All sharp implements are to be kept within the confines of the area used for preparing food only.

For a period of at least six months from 23.00hrs until close of business at 04.00hrs on Friday & Saturday nights and bank holiday Sundays, Christmas Eve & New Years Eve, an SIA registered door supervisor will be employed at the premises.

Solicitor to the Council

## LOCAL AUTHORITY



Licensing Section  
The Guildhall  
St Giles Square  
NORTHAMPTON  
NN1 1DE

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Millenium Pizza & Kebab**

8 Abington Square, Northampton, Northamptonshire, NN1 4AA.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	Noon	4:00am

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Nusret Semsoglu

8 Abington Square, Northampton, NN1 4AA.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

## NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Enis SEMSOGLU

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED







## LICENSING SUB-COMMITTEE

### NOTIFICATION OF DETERMINATION

**Application for a Review of the Premises Licence at Millenium Pizza & Kebab, 8 Abington Square, Northampton, NN1 4AA**

**Hearing date: Monday 15<sup>th</sup> December 2014**

#### **RESOLVED:**

Having regard to the Licensing Act 2003 and the guidance thereunder; the Council's Licensing Policy statement and the representations made, the following decision was reached:

The committee considered the detailed representations of the police, and the representative for Millenium Pizza and Kebab and decided unanimously that on a balance of probability the current operation of the premises is not promoting the licensing objective of the prevention of crime and disorder and public safety. It is considered by the committee that the following are appropriate and proportionate;

- 1) to suspend the premises licence for 5 weeks
- 2) to modify the conditions of the licence to :

condition 2 on page 16 of the application **(detailed in Appendix 1)**

condition 3 on page 17 of the application **(detailed in Appendix 1)**

condition 4 on page 17 of the application save that after "at" insert "04:00 hrs" instead of 05: 00 hrs **(detailed in Appendix 1)**

- 3) the opening hours of the premises be noon to 4 am and late night refreshment cease at 4am

The committee received legal advice in terms of:

- 1) the legal test to be applied
- 2) the four licensing objectives albeit this review was under the prevention of crime and disorder
- 3) the options available to the committee under section 52 licensing act 2003
- 4) section 182 guidance

The reasons for the decision are:

- 1) the serious nature of the assault against a member of the public caused on balance by severe fatigue which was accepted by the representative of the premises licence
- 2) The catastrophic failure to abide by the current licence conditions relating to cctv.
- 3) The introduction of SIA staff will alleviate staff involvement in disputes.

Any persons aggrieved by this decision may appeal to the magistrate's court no later than 21 days from the date of receiving this decision

**Notice of Determination given in person on Monday 15<sup>th</sup> December 2014**  
**This notice dated Wednesday 17<sup>th</sup> December 2014**

## **Appendix 1**

**Condition 2.** A CCTV system must be maintained that conforms to the provisions of the Data Protection Act 1998 and meets the requirements and expectations of the Licensing and Police Authorities. The system must operate at all times that the premises are open. Recordings must be kept for a minimum of 28 days. A responsible member of staff must be trained in how to use the system and be on the premises at all times it is trading so that reasonable requests for retrieval of recordings by a Police officer, or authorised officer from a Responsible Authority, can be met.

**Condition 3.** At no time whilst the premises is open must a sharp implement be taken into the customer area by a member of staff or other person going about their business in the premises. All sharp implements are to be kept within the confines of the area used for preparing food only.

**Condition 4.** For a period of at least 6 months from 23.00hrs until close of business at 04.00hrs on Friday & Saturday nights and bank holiday Sundays, Christmas Eve & New Years Eve, an SIA registered door supervisor will be employed at the premises.

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: James ATTER

Age if under 18 : over 18 (if over 18 insert 'over 18')

Occupation : Police Constable 568

This statement (consisting of 2 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 anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 22/09/2016

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

I am the above named person and I am currently employed by Northamptonshire Police as a serving Police Officer.

I am the above named person and I am currently employed by Northamptonshire Police as a serving Constable.

On Saturday 17<sup>th</sup> September 2016 I was on duty in full uniform and crewed with PC 1530 SMITH when I attended Abington Square, Northampton. At this location I parked the Police van directly outside Milleniums which is a licensed food establishment. Whilst parked there a staff member came out of the venue and looked at me and the van, I now know this staff member to be:

Ersin BIKIM

At 04:27 hours I began recording on body worn video which I was holding and pointing at the venue. I witnessed staff serving food to a member of public. I then entered the venue and spoke to BIKIM who stated he was in charge. I have advised BIKIM that serving food after 04:00 hours is contrary to their

Signature

Signature witnessed by :

## Continuation of Statement for : James ATTER

licence. Whilst I was speaking to BIKIM another member of staff continued serving food to another member of public - despite me repeatedly telling them that they were in breach of their licence.

I have then returned to the Police van and ceased recording. I have then witnessed staff serving food to another member of public. I have again gone into the venue and recorded the serving of food on body worn video. I have again spoken to BIKIM and told him again that he was breaching his licence; I was becoming frustrated with BIKIM due to the complete lack of respect for the licence conditions.

I have recorded these three breaches of licence conditions on body worn video reference:

p0568\_20160917\_millanium1

p0568\_20160917\_millanium2

p0568\_20160917\_millanium3

Signat

Signature witnessed by :

Continuation of Statement for : James ATTER

[Empty rectangular box for statement continuation]

Signature :

Signature witnessed by :

**RESTRICTED – FOR POLICE AND PROSECUTION ONLY  
(when complete)**

Witness Contact Details

Home address: C/O Weston Favell Police Station, Northampton

Home telephone No:	Postcode:
Mobile/Pager No:	Work telephone No: 101
Preferred means of contact: email	E-mail address:
Sex: Male	Date and place of birth: 27/10/1983 Bedford
Former Name: n/a	Height: 5'9" Ethnicity Code: IC1

Dates of witness non-availability: See Duties

Witness care

- a) Is the witness willing and likely to attend court? Yes. If 'No', include reason(s) on form MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me:	Yes
b) I have been given the leaflet 'Giving a witness statement to the Police – What happens next?'	No
c) I consent to the Police having access to my medical record(s) in relation to this matter: <b>Note: A separate medical consent form will always be required.</b>	N/A
d) I consent to my medical record in relation to this matter being disclosed to the defence: <b>Note: A separate medical consent form is required.</b>	N/A
e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable):	N/A
f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:	<input checked="" type="checkbox"/>
g) Victim Support is the independent charity which helps people cope with the effects of crime. Tick this box to decline their services:	<input checked="" type="checkbox"/>

Signature of witness: .....

Statement taken by (print name): Self	Station: Weston Favell
Time and place statement taken: 17:02 Weston Favell	

<b>POLICE REPORT</b>	<b>URN : 34NA0778016</b>
<b>Defendant :</b>	<b>Anticipated Plea: Guilty</b>
<b>Defendant :SEMSOGLU NUSRET</b>	<b>Anticipated Plea: Guilty</b>

Press the '+' button to add additional defendants:



**1. Summary of the Key Evidence - 'Key evidence'** establishes every element of the offence and that the defendant committed the offence with the necessary criminal intent.

- ◆ Set out the facts in chronological order, telling the story and covering the 'points to prove'
- ◆ The summary must be balanced and fair
- ◆ Record address and contact details of civilian witnesses on MG9 (and *all dates to avoid on MG10*).

Key evidence: On 4<sup>th</sup> September 2016 at 04:00hrs at Milleniums Pizza and Kebab Northampton,

This case relates to four incidents where evidence has been gathered to show that the defendant has breached the authorisation of the premises licence at Milleniums Pizza and Kebab on Abington Square Northampton. This is an offence under Section 136 Licensing Act 2003.

It also relates to an offence of failure to display the premises licence summary under Section 57(4) Licensing Act 2003.

The current premises licence authorises the provision of late night refreshment unitl 04:00hrs on a daily basis. It also lists the opening hours as noon until 04:00hrs daily.

The evidence for this case has been taken from Borough Council CCTV footage of the front of the premises from the 4<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> of September 2016. A viewing statement for this footage has been provided by P.C 1432 STEVENS and will evidence the fact that the premises is open well after the closing time listed on the premises licence and that people can be seen leaving with food after 04:00hrs on all three of these occsasions.

P.C 568 ATTER has also provided a statement in relation to a licensing visit that he made on the 17<sup>th</sup> September 2016 at 04:32hrs. This statement will also be supported by body worn video footage that P.C ATTER recorded during this visit. This footage and statement will document the fact that the premises was open at the time of the visit and still serving hot food to customers. It will also show that this continued after P.C ATTER had informed the manager on duty of the breach of the licence.

Key witness(es) and their role (e.g. eye witness, person providing identity):

State value of property stolen or damaged (or recovered). See Sec 8 for recording compensation details):

**Defendant Interview**

- ◆ Set out the explanation given by defendant as to **how/why offence happened**: include any **mitigation/remorse** put forward.
- ◆ Note any **Special Warnings** given.
- ◆ State if no comment made.
- ◆ Attach copy of CCTV if shown in the interview **(to file)**.

Defendant: Nusret SEMOGLU

Date of interview: 27<sup>th</sup> September 2016

Interviewing officer(s): P.C 1432 STEVENS

Solicitors Name: N/A

Solicitors Firm:

Interpreter: N/A

Other person(s) present: None

Summary of defendant explanation:

The defendant was interviewed on a voluntary basis with no legal representation at Campbell Square Police Station on the 27<sup>th</sup> September 2016.

During this interview, he stated that he was the premises licence holder and had been for three years and was fully aware of the opening hours and licensable hours that are contained within the premises licence. He stated that he was aware of the reduction in hours on the premises licence following a licence hearing and was very clear that he knew what the current hours are.

He confirmed that he was the person most often in charge between the hours of midnight and the close of the premises and that it is him who is responsible for closing it.

He initially stated that he had made a mistake on two occasions and left the shop open later than he should but later accepted that this was a more regular occurrence in a bid to make more money. He stated that other businesses around his were allowed to stay open later and did not understand therefore why he needed to close at 04:00hrs.

When asked if he realised that what he was doing was illegal, he accepted that it was. When the Section 136 offence was explained to him, he accepted that he had committed this.

In relation to the premises licence summary being displayed, he accepted that it was in a folder under the counter and that it wasn't on display.

Defendant's response/reaction to CCTV (if 'key evidence' and shown in IV): The defendant was shown the BWV footage from P.C ATTER and accepted that hot food was being sold in contravention of his licence and that the premises was open when it shouldn't have been.

He declined to view the CCTV footage from the 4<sup>th</sup> 10<sup>th</sup> and 11<sup>th</sup> September but was read a summary of the key events as outlined by the viewing statement of P.C STEVENS and accepted that it was probably an accurate list of events.

Relevant admissions and their start/finish counter reference times:

Start Finish

Press the '+' button to add additional defendants:





**2. Non Key Evidence** – list witnesses present but not ‘key’. State what evidence they contribute e.g. additional eye witness, arresting officer, charging officer; officer seizing CCTV. Record contact details of civilian witnesses on MG9 and dates to avoid on MG10.

Name of non-key witness(es) and their role:

**3. Visually Recorded Evidence** – CCTV, photos, mobile phone(s). Attach a copy (*identify playback format*). Custody suite CCTV should be included as unused material unless ‘key evidence’.

Is there VRE? **Yes** If ‘Yes’, does it provide ‘key evidence? **Yes**

Give details of what it shows (whether ‘key’ or not) and include tape counter reference times for relevant key sections (*i.e. defendant punching victim/kicking window*) As outlined by the viewing statement of P.C STEVENS.

**4. Injuries** – a medical statement is **NOT** required unless needed to interpret x-rays or describe injuries not visible to the naked eye. Victim(s)/eye witness/police officer should **describe any visible injuries**, photos should be taken and attached (if not taken, attached, state why).

Description of injuries: N/A

**5. Forensic Evidence** – fingerprints, drugs evidence (weight, number of wraps, etc.). Include details such as street value and purity as this is essential for sentencing information. State if drugs field tested and by whom. State timescales for a full forensic statement (if required).  
N/A

**6. DIP testing** – attach DT2 for prosecutor.

Def. 1: Tested?  Trigger off.:  Result: (pos/neg) - select - Drug: - select -  
Def. 2: Tested?  Trigger off.:  Result: (pos/neg) - select - Drug: - select -

**7. Application for Order(s) on Conviction** – consider applying for an order on conviction, e.g. compensation, forfeiture/destruction (see order list).

Defendant:

Order(s) applied for: - select -

List Prohibitions :

Press the ‘+’ button to add additional defendants:



**8. Application for Compensation** – state if an estimate. Attach quotes/receipts if available. An address for compensation **must** be provided on MG6. (*If more than one victim/defendant, list one after the other and give details in the description box*).

Defendant:

Victim:


Description of injury/loss and or damage:

Amount of compensation applied for:

Has an MG19 been sent to victim?: - select -

Press the ‘+’ button to add additional defendants:



<b>9. Other: MG18 (TICs)?</b> <input type="checkbox"/>	<b>Pre-cons/cautions attached?</b> <input type="checkbox"/>	<b>MG6?</b> <input checked="" type="checkbox"/>
<p><b>10. Officer's certification:</b> I certify that to the best of my knowledge and belief, I have not withheld any material that might reasonably be expected to undermine the prosecution or might reasonably assist the defence in early preparation of their case, including the making of a bail application. I further certify that relevant material has been recorded and retained in accordance with the CPIA 1996, Code of Practice, as amended.</p> <p>Name &amp; rank/job title: PC 34P1432 C STEVENS Date: 28/09/2016</p>		
<p><b>11. Supervisor's certification:</b> The information in parts 1 – 9 is an accurate summary of the available evidence and complies with the DPP's guidance for a Streamlined Process. The file has been built to the required standard.</p> <p>Name &amp; rank/job title: </p> <p>Date:</p>		

**YOU MUST ALWAYS COMPLETE CONDITIONAL CAUTIONING SECTION BELOW.**

**Defendant:** *(if more than one defendant, use additional page)*

**Not suitable for conditional caution because - select -**  
**OR**  
**Suitable for conditional caution because custody officer is satisfied:**

- ◆ There is sufficient evidence to charge the offence and defendant has not denied the offence or raised a defence, and
- ◆ Conditions are capable of rehabilitating the offender or for making reparations for the offence, and
- ◆ Both the circumstances of the offence and the offender make it appropriate to offer a conditional caution, and
- ◆ The offence is one for which a conditional caution can be offered (see Annex A, DPP's Guidance)

**Proposed conditions**

Condition	Compliance requirements including completion/progress check dates	Supporting evidence
1.		
2.		
3.		
4.		

**RESTRICTED – FOR POLICE AND PROSECUTION ONLY  
(when complete)**

**Witness Contact Details**

Home address: C/O The Guildhall St Giles Street Northampton

		Postcode:	NN1 1DE
Home telephone No:		Work telephone No:	03000 111 222
Mobile/Pager No:		E-mail address:	
Preferred means of contact:	Work		
Sex:	Male	Date and place of birth: 27-Jul-1982	
Former Name:		Height: 6'	Ethnicity Code: W1

Dates of witness non-availability: See duty calender

**Witness care**

- a) Is the witness willing and likely to attend court? Yes. If 'No', include reason(s) on form MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me:	No
b) I have been given the leaflet 'Giving a witness statement to the Police – What happens next?'	No
c) I consent to the Police having access to my medical record(s) in relation to this matter: <b>Note: A separate medical consent form will always be required.</b>	N/A
d) I consent to my medical record in relation to this matter being disclosed to the defence: <b>Note: A separate medical consent form is required.</b>	N/A
e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable):	N/A
f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:	<input checked="" type="checkbox"/>
g) Victim Support is the independent charity which helps people cope with the effects of crime. Tick this box to decline their services:	<input type="checkbox"/>

Signature of witness: .....

Statement taken by (print name):	P.C 1432 Stevens	Station:	The Guildhall
Time and place statement taken:	09:55hrs The Guildhall		

**RESTRICTED (when complete)**

**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r.27.2;  
Criminal Justice Act 1967, s. 9, Magistrates Courts Act 1980, s.5B)

URN

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Statement of : Christopher STEVENS

Age if under 18 : O/18 (if over 18 insert 'over 18') Occupation : P.C 1432

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 anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 28<sup>th</sup> September 2016

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

This statement is a viewing statement of CCTV exhibits in relation to the Section 136 Licensing Act 2003 prosecution against members of staff at Millenium's Pizza and Kebab 8 Abington Square Northampton.

The first exhibit is SR348A-16 and relates to Borough Council CCTV footage taken on the 4<sup>th</sup> September 2016. The summary of this exhibit is as follows:

- 04:05:17hrs – A male in a black and white checked shirt with black jeans and trainers enters the premises.
- 04:06:18hrs – The same male leaves the premises, goes to his vehicle and goes back into the shop.
- 04:09:43hrs – The male leaves the premises with a full plastic carrier bag.
- 04:11:15hrs – A white male with dark clothing enters
- 04:11:51hrs – A white female in a white top enters
- 04:13:04hrs – The female leaves the premises.
- 04:16:24hrs – 1 female and 2 males enter
- 04:17:29hrs – The male from 04:11:15hrs leaves with food in hand
- 04:17:47hrs – The female and 2 males leave
- 04:19:18hrs – Male in red shirt and khaki trousers enters
- 04:19:45hrs – Male leaves.
- 04:29:01hrs – Shutter closes.

The second exhibit is SR353A-16 and relates to Borough Council CCTV footage taken on the 10<sup>th</sup> and 11<sup>th</sup> September 2016. The summary of this exhibit is as follows:

10<sup>th</sup> September 2016

- 04:17:09hrs – Person emerges from the premises
- 04:18:56hrs – 2 people leave

Signature:

Signature witnessed by:

(To be completed if applicable .....being unable to read the above statement I, .....of..... read it to him/her before he/she signed it.

Signed..... Date.....)

**Continuation of Statement for : Christopher STEVENS**

04:21:40hrs – A person leaves with food in hand  
04:22:26hrs – 2 people enter  
04:25:40hrs – A person leaves with food in hand  
04:38:10hrs – 2 people leave, one with food in hand  
04:54:20hrs – 3 people leave  
05:25:50hrs – Close

11<sup>th</sup> September 2016

04:03:55hrs – 04:04:05hrs – 4 people enter  
04:08:26hrs – A person enters  
04:16:05hrs – A person leaves with food  
04:20:12hrs – Numerous people outside  
04:20:57hrs – Male enters  
04:24:07hrs – Male leaves  
04:24:18hrs – Female leaves followed by two males  
04:38:26hrs – Male leaves with food  
04:32:46hrs – 3 people enter  
04:33:06hrs – 1 person enters  
04:36:50hrs – Camera zooms to male with food in hand  
04:48:13hrs – Male seen with food in hand  
04:56:59hrs – People leaving with food  
06:04:33hrs – Close

Signature :

Signature witnessed by :

**NORTHAMPTON BOROUGH COUNCIL**

**REFUSAL OF APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY  
PLANNING ACT 1990**

**Agent Name And Address**

**Mr Philip Corbett  
6 Carrington Gardens Wakes Meadow  
Northampton  
Northamptonshire  
NN3 9UL**

**Applicant Name And Address**

**Mr Enis Semsoglu  
65 Tweed Close  
Daventry  
NN11 4PV**

PROPOSAL: Variation of condition 3 to planning permission N/2002/1571 (relaxation of condition 3 planning permission 98/0556) to allow opening hours until 6am every day.  
LOCATION: 8 Abington Square Northampton  
DATE REGISTERED: 17 February 2015  
DRAWINGS (No.): Location Plan, 15/008/01.

**NORTHAMPTON BOROUGH COUNCIL HEREBY REFUSES THE APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

The proposed extension of opening hours would lead to additional noise and disturbance due to the increased movement of pedestrians around the site, with the potential of congregation, which would adversely impact upon the amenities of surrounding properties and would conflict with the aim of preventing crime and disorder. The proposal therefore fails to comply with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy, Policy 1 of the Northampton Central Area Action Plan and the National Planning Policy Framework.

**S P Boyes  
Director – Regeneration, Enterprise & Planning**

The application was clearly contrary to the relevant planning policies and the Local Planning Authority working positively and proactively with the applicants would have afforded no opportunity to overcome these problems.

End of Decision.

## **Appeals to The Planning Inspectorate**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to The Planning Inspectorate under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **twelve weeks** of this notice if your refusal was for Householder Planning Permission, or **six months** of the date of this notice if your refusal was for Commercial Planning Permission. Forms can be obtained from the Customer Services Team, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000, or alternatively you can submit your appeal online via the Planning Inspectorate website at: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

The Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Inspectorate need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice The Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

In accordance with the Town and Country Planning General Development Order 1988 you are required to send a copy of the notice of appeal to the Council at the same time as you submit the appeal to The Planning Inspectorate. The appeal form should be sent to the Council at the following address:

**Planning and Regeneration  
Northampton Borough Council,  
Cliftonville House,  
Bedford Road,  
Northampton. NN4 7NR**

## **Purchase Notices**

If either the local planning authority or The Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part IV of the Town and Country Planning Act, 1990.

## **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by The Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act, 1990.

NOTES: This consent relates solely to planning control. If the development includes the erection or alteration of a building or a change of use the work must not be carried out nor the change of use take place until the Building Regulations have been complied with.

WHERE by any act of Parliament, statutory instrument or other authority, other CONSENTS, LICENCES, PERMISSIONS OR APPROVALS IN ADDITION TO THOSE SPECIFIED IN THIS PERMISSION ARE REQUIRED in respect of the development or notice thereof is required to be given to any person, (including a local authority), THE APPLICANT MUST COMPLY with such requirements BY SEPARATE APPLICATION OR NOTICE. This includes applications for ADVERTISEMENT CONSENT and LISTED BUILDING CONSENT.



## Louise Faulkner

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**From:** Kanchan Sharma <KSharma@northampton.gov.uk>  
**Sent:** 21 October 2016 14:34  
**To:** Stevens Chris  
**Subject:** Consultation for Millenium Pizza and Kebab, 8 Abington Square

Dear Chris,

**Sub:** Consultation for review of License at Millenium Pizza and Kebab, 8 Abington Square

I am writing in reference to the Consultation for the review of License for above stated premises.

The premises has an extensive planning history.

A Planning application N/2002/1571 was permitted subject to the set of conditions and one of the relevant condition is Condition 3, which states:-

***The premises shall not open to customers between the hours of 1:00 and 8:00 Monday to Friday Mornings and between the hours of 3:00 and 8:00 Saturday and Sunday Mornings.***

Therefore if the unit was open beyond 3:00 AM on Saturday and Sunday Mornings, it was in breach of this Planning condition.

I will pass this information to Planning Enforcement team as well. Because planning enforcement case was registered in 2014 but this case was closed after a confirmation from the owner that the unit is not serving outside the allowed hours.

However a Planning application N/2015/0260 was resubmitted for variation of condition 3 to approved planning permission N/2002/1571 i.e relaxation of condition 3 (planning permission 98/0556) to allow opening hours until 6am every day. This Planning application was refused.

I trust that the above comments are of assistance. If you have any further queries please don't hesitate to contact me.

Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Kind Regards,  
Kanchan



NORTHAMPTON  
BOROUGH COUNCIL

Kanchan Sharma  
Planning Officer  
Northampton Borough Council | Development Management  
The Guildhall | St Giles Square | Northampton | NN1 1DE  
t: 01604 837812 | e: [Ksharma@northampton.gov.uk](mailto:Ksharma@northampton.gov.uk)

Customer Feedback



Mr Nusret Semsoglu  
32 The Haystack  
Daventry  
Northants  
NN11 5NZ

Our Ref: E/2016/0694  
Contact: James Willoughby  
Telephone No: 01604 837847  
Email: [jwilloughby@northampton.gov.uk](mailto:jwilloughby@northampton.gov.uk)  
Date: 4 November 2016

Dear Mr Semsoglu,

**Re: Millennium Kebab, 8 Abington Square, Northampton, NN1 4AA**

It has been brought to my attention from my colleagues in the Licencing Department that you are operating the takeaway business at the above premises outside of the hours permitted in planning approval N/2002/1571.

Condition (3) of planning approval N/2002/1571 states:

***The premises shall not remain open to customers between the hours of 01:00 and 08:00 Monday to Friday mornings and between the hours of 03:00 and 08:00 Saturday and Sunday mornings.***

I would advise you to comply with the above condition forthwith and take this opportunity to advise you that should you continue to breach this condition the Council as Local Planning Authority will have no other alternative but to consider formal enforcement action.

Your urgent attention to this matter is required.

Yours sincerely

**James Willoughby**  
Principal Planning Enforcement Officer

**Cc Police Constable 1432 Chris Stevens, Northamptonshire Police Licensing Officer,  
Prevention and Community Protection, The Guildhall, St Giles Square, Northampton,  
NN1 1DE**

## Louise Faulkner

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**From:** Liz McCarthy  
**Sent:** 01 November 2016 13:36  
**To:** Louise Faulkner  
**Subject:** FW: Millennium, Abington Square  
**Attachments:** Simple Caution Signed.pdf; Simple Caution file.doc

Hi Louise,

As an officer of a responsible authority namely Northampton Borough Council's Environmental Health department, I wish to raise a representation on the grounds of the Licensing Objective of Public Safety.

The representation stems from the issuing of a simple caution failing to comply with three Hygiene Improvement Notices all dated the 3<sup>rd</sup> March 2016. The caution was issued to Milopiz Ltd and was accepted by the Premises Licence Holder and sole director of Milopiz Ltd, Nusret SEMSOGLU on the 27<sup>th</sup> August 2016 following an investigation into this.

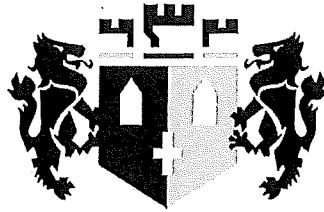
Having taken note of the representation made by the Police regarding the poor management of the premises and the apparent disregard they have for the premises licence, it is the opinion of this department that our investigation gives further weight to this argument.

I intend to serve a copy of the Simple Caution file and a signed copy of the caution for the hearing as evidence that I shall be relying on, please see attached.

Regards,

Liz McCarthy  
Senior Environmental Health Officer  
Northampton Borough Council  
Tel: 01604 837660

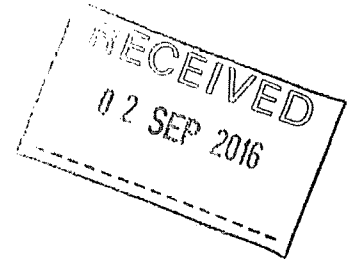




**NORTHAMPTON  
BOROUGH COUNCIL**

Tel: 0300 330 7000  
Minicom: (01604) 838970

**SIMPLE CAUTION**



**OFFENDER'S NAME:** MILOPIZ LTD  
**ADDRESS:** The Haystack, Daventry,  
**DATE OF OFFENCE(s):** 31 March 2016 and 27 April 2016  
**LOCATION OF OFFENCE(s):** Millenium Pizza, 8 Abington Square, Northampton,  
NN1 4AA  
**STATUTE(s) CONTRAVENED:** The Food and Hygiene (England) Regulations 2013

**DETAILS OF OFFENCE(s):**

Failure to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of carrying out a thorough deep clean of the kitchen.

Failure to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of cleaning the microwave.

Failure to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of replacing missing/damaged tiles on the walls in the basement/preparation room to leave in a sound, easy to clean condition.

**Contrary to The Food and Hygiene (England) Regulations 2013 Part 2 Regulation 6 (2)**

I hereby declare that I admit the offence(s) described above and agree to accept a caution. It has been explained to me that a record will be kept of this Caution and that it may influence a decision to prosecute if I offend again in relation to any related matter. I further understand that this caution may be referred to in Court if I am subsequently found guilty of a related offence within the next five years. The record of the accepted formal caution may be made publicly available for a period of five years.

SIGNED: .. POSITION: *DIRECTOR*

NAME: *NUSRET SEMSOGLU*  
(Block Capitals)

DATE: *27/8/16*

Signed ..... [Officer offering the caution]

Date *7 September 2016*



**Northampton Borough Council  
V  
Milopiz Ltd**

**CONTENTS OF FILE CHECKLIST-SIMPLE CAUTION FILE**

1. Contents of File Checklist	
2. Managers recommendation	
3. Managers checklist	
4. Top Sheet	
5. Evidential Test Checklist	
6. Case Summary and log of events	
7. Alleged Offences	
8. Evidence of admission of guilt	
9. Council check confirming defendants address	
10. Simple Caution acceptance form	



**PART A** Investigating Officer to complete

Case Reference No: WK2016 Last Date for Laying of Information(s): 31<sup>st</sup> March 2017

Defendant(s): Milopiz Ltd  
Investigating Officer: Liz McCarthy Disclosure Officer Liz McCarthy

Progress Records:

Date file submitted by Investigating Officer to Senior EHO...

Received by / Passed to: ..... Date: .

Received by / Passed to: ..... Date

**PART B** Team Manager to complete

I have scrutinised the attached file in relation to the Department’s Enforcement Policy; Code for Crown Prosecutors and Home Office Circular 18/1994 [Cautioning of Offenders]:

I recommend:-

- |                       |                      |
|-----------------------|----------------------|
| (a) No Further Action | (b) Informal Caution |
| (c) Formal Caution    | (d) Prosecution*     |

\*Team Managers must complete ‘Evidential / Public Interest form

Any specific comments on the case:

.....  
.....  
.....

Date Submitted to Legal Proceedings Team: .....

Date received by LP Team: ..... Signature:.....

**Case Ref No.  
Evidential Test**

WK201110347

Is there a prima facie offence?	
Is all the evidence likely to be accepted by the courts?	
Is there any hearsay evidence in any of the witness statements?	
If yes, should it be highlighted and referred to solicitors?	
Is there sufficient evidence to prove beyond reasonable doubt and is there a 'realistic prospect of conviction' (i.e. >70%)?	
Have all statutory defences been examined and negated?	
Has due regard been given to relevant statutory guidance/codes of practice?  If yes, which ones? .....	
Do witnesses properly introduce all exhibits and are all exhibits properly identified?	
Is the continuity of evidence satisfactory?	
Are there any problems in identifying the defendant(s)?	
If the defendant is a limited company, are we sure we have the correct party?	
Has all the evidence been gathered in accordance with PACE, RIPA and the Human Rights Act?	
Have there been any undue delays in submitting the file?	
If yes, are they adequately explained in the Officer's log?	

**Public Interest Test**

[tick box]

Is conviction likely to result in a significant sentence? {Put N/A if not applicable}	
Were any officers obstructed or threatened?	
Has the health and/or safety of the public put at risk?	
Did any form of discrimination motivate the offence?	
Is the Team Manager satisfied that the recommendation to prosecute is in line with other such decisions, regardless of ethnicity, gender, religion or sexual orientation?	

Officers Name **Liz McCarthy**

**ACT: THE FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013**

AGAINST:

Name: **MILOPIZ LTD**

Home Address: **N/A**

Registered Office: **32 THE HAYSTACK, DAVENTRY, NN11 0NZ**

Trading as: **MILLENNIUM PIZZA**

Date of Offences: **31 MARCH 2016 AND 27 APRIL 2016**

Address of Offence: **8 ABINGTON SQUARE, NORTHAMPTON, NN1 4AA**

Statutory Notices Served (if relevant to the alleged offences)

**Hygiene Improvement Notice WK/201514828** in respect of carrying out a thorough deep clean of the kitchen

**Hygiene Improvement Notice WK/201514831** in respect of cleaning the internal surface of the microwave.

**Hygiene Improvement Notice WK/201514833** in respect of replacing missing/damaged tiles on the walls in the basement/preparation room from the ceiling and redecorating to leave in a sound, easy to clean condition

Last Day for Laying Information: 31<sup>st</sup> March 2017

## **CASE SUMMARY**

On 3 March 2016 Hygiene Improvement Notices were served on Milopiz Ltd, in relation to a business trading as Millennium Pizza, 8 Abington Square, Northampton requiring the following:

- A deep clean of the kitchen
- Repair work to the ceiling
- Repair work to the walls
- Cleaning of the microwave
- A documented food safety management system to be implemented based on the principles of HACCP

On 31 March 2016 following the expiry of the two cleaning Notices a visit was made to the premises to check for compliance with these Notices. During this visit, the following issues were noted:

- There was still a build up of dirt and debris at low levels in the downstairs kitchen area and on the floor of the walk in freezer.
- The microwave was still in a dirty condition

On 27 April 2016, a further visit was made to the premises to check on compliance with the two disrepair Notices. During the visit it was noted that although the ceiling had been repaired, the tiles were still missing from the wall.

Following a telephone call from Mr Semsoglu, an additional visit was made to the premises on the 27 June 2016, it was noted that all the outstanding Notices had been complied with and standards found were generally satisfactory

## **LOG OF SIGNIFICANT EVENTS**

- 3 – 03 - 16 Hygiene Improvement Notices served on Milopiz Ltd with a Schedule of Works
- 30 – 03 – 16 Visit made to check compliance with the cleaning Notices. Notices not complied with.
- 30 – 03 – 16 Visit made to check compliance with the disrepair Notices. One of the Notices not complied with.
- 27 – 06 – 16 Further visit made to the premises following a telephone call from Mr Semsoglu to say that the works had been completed. Notices now complied with and conditions found were satisfactory.

## **ALLEGED OFFENCES**

Against: Milopiz Ltd

Registered Office: **32 THE HAYSTACK, DAVENTRY, NN11 0NZ**

Trading As: Millennium Pizza, 8 Abington Square, Northampton, NN1 4AA

### **Alleged offences**

Northampton Borough Council by Mrs Liz McCarthy, Senior Environmental Health Officer who states that on the 31 March 2016 you at the time being the food business operator at Millennium Pizza, 8 Abington Square, Northampton, NN1 4AA failed to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of carrying out a thorough deep clean of the kitchen.

Northampton Borough Council by Mrs Liz McCarthy, Senior Environmental Health Officer who states that on the 31 March 2016 you at the time being the food business operator at Millennium Pizza, 8 Abington Square, Northampton, NN1 4AA failed to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of cleaning the microwave.

Northampton Borough Council by Mrs Liz McCarthy, Senior Environmental Health Officer who states that on the 27 April 2016 you at the time being the food business operator at Millennium Pizza, 8 Abington Square, Northampton, NN1 4AA failed to comply with a Hygiene Improvement Notice dated 3 March 2016 in respect of replacing missing/damaged tiles on the walls in the basement/preparation room to leave in a sound, easy to clean condition.

**Evidence of admission of guilt**

Discussion with the director of Milopiz Ltd