

POLICE REPORT	URN : 34NA0778016
Defendant :	Anticipated Plea: Guilty
Defendant :SEMSOGLU NUSRET	Anticipated Plea: Guilty

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 4th 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 defenfant 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 4th, 10th and 11th 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 17th 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: 27th 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 27th 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 4th 10th and 11th 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:



9. Other: MG18 (TICs)? <input type="checkbox"/>	Pre-cons/cautions attached? <input type="checkbox"/>	MG6? <input checked="" type="checkbox"/>
<p>10. Officer's certification: 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 & rank/job title: PC 34P1432 C STEVENS Date: 28/09/2016</p>		
<p>11. Supervisor's certification: 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 & 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.		