

# Notice of Licensing Sub-Committee



Date: Tuesday, 29 October 2019 at 10.00 am

Venue: Royal Hampshire Committee Room, Town Hall, Bournemouth BH2 6DY

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## Membership:

### Chairman:

### Vice Chairman:

Cllr J Bagwell

Cllr J J Butt

Cllr D A Flagg

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All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

There is a [Protocol for Public Speaking at Licensing Committee and Sub Committees](#)

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services or email [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpcouncil.gov.uk](mailto:press.office@bcpcouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](http://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

21 October 2019



Available online and  
on the Mod.gov app



# AGENDA

Items to be considered while the meeting is open to the public

**1. Election of Chairman**

To elect a Chairman of this meeting of the Licensing Sub-Committee.

**2. Apologies**

To receive any apologies for absence from Members.

**3. Declarations of Interests**

Councillors are required to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct regarding Disclosable Pecuniary Interests.

Councillors are also required to disclose any other interests where a Councillor is a member of an external body or organisation where that membership involves a position of control or significant influence, including bodies to which the Council has made the appointment in line with the Council's Code of Conduct.

Declarations received will be reported at the meeting.

**4. Application for Review of Premises Licence - More the Merrier, 68 Kimberley Road BH6 5BY**

5 - 32

To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder and the protection of children from harm.

**5. Exclusion of Press and Public**

In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -

'That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.'

**6. Hackney Carriage Drivers Licence Application**

33 - 42

To consider whether the applicant is considered a fit and proper person to hold a hackney carriage drivers licence.

**7. Hackney Carriage Drivers Licence Application**

43 - 54

To consider whether the applicant is considered a fit and proper person to hold a hackney carriage drivers licence.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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## LICENSING SUB COMMITTEE

|                            |   |
|----------------------------|---|
| Report subject             | <b>Application for Review of Premises Licence<br/>More the Merrier, 68 Kimberley Road, BH6 5BY</b>  |
| Meeting date               | 29 October 2019   |
| Status                     | Public Report   |
| Executive summary          | To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder and the protection of children from harm.   |
| Recommendations            | <p><b>Members are asked to decide whether to:-</b></p> <ul style="list-style-type: none"> <li><b>(a) Modify the conditions of the licence</b></li> <li><b>(b) Exclude a licensable activity from the scope of the licence</b></li> <li><b>(c) Remove the Designated Premises Supervisor</b></li> <li><b>(d) Suspend the licence for a period not exceeding three months</b></li> <li><b>(e) Revoke the licence</b></li> <li><b>(f) Leave the licence in its current state</b></li> </ul> <p><b>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</b></p> |
| Reason for recommendations | <p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>  |

|                      |   |
|----------------------|---|
| Portfolio Holder(s): | Councillor Lewis Allison – Tourism, Leisure and Communities |
| Corporate Director   | Kelly Ansell – Environment & Community                      |
| Contributors         | Sarah Rogers – Senior Licensing Officer                     |
| Wards                | West Southbourne  |
| Classification       | For Decision  |

## Background

1. An application to review the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on 4<sup>th</sup> September 2019 following a breach of licence condition 2.12 “Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.”. Dorset Police believe the premises are not upholding the prevention of crime and disorder and protection of children from harm licensing objectives. A copy of the application is attached at Appendix 1.
2. A copy of the current premises licence and plan showing the location of the premises is attached at Appendix 2.
3. The premises have been licensed since 24 November 2005 when they successfully converted and varied their licence under the Licensing Act 2003.
4. On the 14 September 2007 the premises were previously reviewed by Dorset Police following one failed test purchase to a child in 2006 and three in 2007. There was also a breach of three conditions on the licence, namely conditions relating to CCTV and to underage sales. As a result, a decision was made to revoke the premises licence.
5. On 20 October 2008 an appeal against the decision to revoke the premises licence was allowed, subject to the conditions set out in the Consent Order. A copy of this Consent Order is attached at Appendix 3.
6. At the same time of the 2007 review Dorset Police also took a prosecution against Mr Muzaffeer Oksuz for the offence of persistently selling alcohol to a child under 18. After pleading guilty the court fined Mr Oksuz, forfeited his personal licence and suspended the premises licence for a period of 3 months. A copy of the letter from the Magistrates’ Court is attached at Appendix 4.

## Consultation

7. Dorset Police submitted the application on the 4 September 2019 and declared that a copy of had been submitted to all other responsible authorities and the licence holder on that day.
8. On 5 September Sarah Rogers of the Licensing Authority attended the premises and delivered site notices for display. Two further notices were placed in the

main offices of the Town Hall (Customer Services Reception at St Stephen's Road and the main public noticeboard in Bourne Avenue). A notice was also published on the BCP Council website.

9. No representations have been received from any other responsible authority or other person.
10. Dorset Police have been in mediation with the premises and their agent and have kept the Licensing Authority up to date with progress. On the 15th October 2019 an email was received confirming that one additional condition has been agreed which states "A personal licence holder will be present on the premises at all times when alcohol sales are made.". A copy of the email conversation between all parties is attached at Appendix 5.
11. No other conditions are proposed to ensure that the other measures highlighted in the email thread are implemented and therefore enforceable.

#### **Summary of financial implications**

12. An appeal may be made against the decision of members by the applicant or the holder of the premises licence to the Magistrates' Court within a period of 21 days beginning with the day that the licence holder and applicant are notified, in writing, of the decision.

#### **Summary of legal implications**

13. None

#### **Summary of human resources implications**

14. None

#### **Summary of environmental impact**

15. None

#### **Summary of public health implications**

16. None

#### **Summary of equality implications**

17. None

#### **Summary of risk assessment**

18. None

#### **Background papers**

Bournemouth's Statement of Licensing Policy

<https://www.bournemouth.gov.uk/Business/Licensing/documents/StatementofLicensingPolicyLA2003.pdf>

## Section 182 Guidance to the Licensing Act 2003

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

### **Appendices**

- 1 - Application for Review
- 2 – Current Premises Licence and Location Plan
- 3 - Consent Order dated October 2008
- 4 - Magistrates' Court letter dated 25 October 2007
- 5 – Email thread with confirmation of agreed condition.



*[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 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**

**Postal address of premises or, if none, ordnance survey map reference or description**

More the Merrier  
68 Kimberley Road

**Post town** Bournemouth

**Post code (if known)** BH6 5BY

**Name of premises licence holder or club holding club premises certificate (if known)**

Mustaffer OKSUZ

**Number of premises licence or club premises certificate (if known)**

BH11804

**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**

|  |
|--|
| Name and address<br><br>Drug & Alcohol Harm Reduction Team<br>Dorset Police<br>Bournemouth Police Station<br>Madeira Road<br>Bournemouth<br>BH21 1QQ |
| Bournemouth  |
| E-mail address (optional)<br><a href="mailto:licensing@dorset.pnn.police.uk">licensing@dorset.pnn.police.uk</a>                                      |

**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 checked="" type="checkbox"/> |

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

Prevention of Crime and Disorder

Protection of Children from Harm

There were also breaches of certain conditions of the current premises licence

2.12: Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises

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

**Following Revocation of the Premises Licence and subsequent appeal to the Magistrates Court, a Consent Order was issued, and the following condition attached to the licence dated 2008:**

**2.12 Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.**

We can evidence that the Premises Licence holder Mustaffer OKSUZ has consistently sold alcohol at the premises since 2008

An incident was reported by Mr OKSUZ on 11.06.19 whereby he reported that 2 youths whom he estimated to be 15-16 years old were attempting to shoplift alcohol. Mr OKSUZ made a statement in which he said 'I was the only person working in the shop....the male took one bottle of vodka from the shelf. He walked out of the off licence with the vodka'.

The suspects were subsequently arrested and their ages confirmed as 15 years and 17 years.

The Licensing Authority was made aware of the breach of condition 2.12 and as a result Mr. OKZUS was sent a warning letter as below;

**Further to a recent shoplifting incident at the above premises, it has been brought to the Licensing Authority's attention that at the time of the incident, you were the only person at the premises.**

**Following Revocation of your Premises Licence and subsequent appeal to the Magistrates Court, a Consent Order was issued, and the following condition attached to your licence: -**

**2.12 Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.**

**It is an offence under Section 136 of the Licensing Act 2003 to carry on, or attempt to carry on, a licensable activity otherwise than under and in accordance with your licence, or knowingly allow it to be so carried on. The maximum penalty if found guilty of such an offence is six months imprisonment and/or an unlimited fine.**

**On this occasion, we have decided to issue you a written warning and would ask that you take all reasonable efforts to ensure you and your staff have complied with your licensing conditions and all sections of the Licensing legislation. I also take this opportunity to make you aware that should you fail to comply with your licensing conditions, you may be prosecuted and will lose your due diligence defence.**

**Should you wish to discuss this matter further please do not hesitate to contact me as detailed above.**

**Yours sincerely**

**Mrs Tania Jardim  
Licensing Officer**

Dorset Police Drug & Alcohol Harm Prevention Team (Dorset Police Licensing) Sergeant and Licensing Officer subsequently visited the premises on 02.09.19 in relation to emails from a local resident that the premises may be selling stolen goods.

We noted several bottles of wine with TESCO labels thereon, and other bottles where the paper label bearing the high street retailer's name had been scraped off. There were also a number of

jars of coffee bearing ASDA labels behind the till.

Mr OKSUZ stated that he often purchased wines and coffee from ASDA and TESCO when they were on offer, and sold them from his premises as he said they were cheaper than from a Cash & Carry. Mr OKSUZ was not able to show us any receipts for these items. Whilst not illegal, it is certainly unusual for an independent retailer to sell products from supermarket chains, and to attempt to disguise their provenance by tampering with the labels is suspicious.

Mr OKSUZ stated that he was the sole member of staff, he did not have any employees and he sold alcohol to customers. Mr OKSUZ explained that without the ability to sell alcohol then the store would be unviable.

While we were on the premises, it was visited by an unusually high number of youngsters who appeared put out by the presence of police and proceeded to 'kill time' by hanging around the vegetable and grocery aisle before leaving, having not made any purchases. We also noted that after we left, these youngsters went back into the premises.

Given that this premises is, by Mr OKSUZ' own admission, an alcohol-led business, it is not appropriate that youngsters are being encouraged to frequent this premises, especially if they are not making purchases.

There were also 5 or 6 other customers who visited the premises during the period of our visit, and it seemed that they were deterred from buying what they come in for due to our presence as they also mostly left without making a purchase.

Another customer was heard asking Mr OKSUZ for a product, however when Mr OKSUZ was asked what the male had requested, Mr OKZUS stated he was confused and didn't understand what the male had asked for.

It is clear from what has occurred at the premises, and evidenced by our recent visit that those concerned in the running of the business show a blatant disregard for both the law and their responsibilities and should not be in a position of running a licenced premises.

Dorset Police believes that the only appropriate action available to the Licensing Committee is revocation of the Premises Licence as we have absolutely no confidence in the owner, management and Premises Licence Holder of the premises.

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   |
|-----|-------|--------|
| 1   | 4     | 092007 |

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 **03.09.19**

.....

Capacity **Licensing Officer**

.....

|  |                             |
|--|-----------------------------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)<br>Louise Busfield<br>Bournemouth Police Station<br>Madeira Road |                             |
| <b>Post town</b><br>Bournemouth  | <b>Post Code</b><br>BH1 1QQ |
| <b>Telephone number (if any)</b>   |                             |
| <b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> licensing@dorset.pnn.police.uk   |                             |

**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.



**Part A**

**Premises Licence**

**Premises licence number**

**BH083244**

**Part 1 - Premises details:**

|  |                           |
|--|---------------------------|
| <b>Postal address of premises, or if none, ordnance survey map reference or description:</b> |                           |
| More The Merrier, 68 Kimberley Road  |                           |
| <b>Post town:</b> Bournemouth  | <b>Post Code:</b> BH6 5BY |
| <b>Telephone number:</b> 01202 427081  |                           |

|   |
|---|
| <b>Where the licence is time limited the dates:</b> |
| N/A   |

|   |
|---|
| <b>Licensable activities authorised by the licence:</b> |
| Supply of Alcohol                                       |

|  |
|--|
| <b>The times the licence authorises the carrying out of licensable activities:</b> |
| Supply of Alcohol: Monday to Sunday - 00:01 to 00:00                               |

|   |
|---|
| <b>The opening hours of the premises:</b> |
| Monday to Sunday - 00:01 to 00:00         |

|  |
|--|
| <b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:</b> |
| Alcohol will be consumed off the premises  |

**Part 2:**

|  |
|--|
| <b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>  |
| Mr Muzafer Oksuz<br>68 Kimberley Road<br>Bournemouth<br>BH6 5BX<br>Tel: 01202 427081   |
| <b>Registered number of holder, for example company number, charity number (where applicable):</b>   |
| N/A  |
| <b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>   |
| Cengiz Is  |
| <b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:</b> |
| BH11804<br>Bournemouth Borough Council   |

## **Annex 1 - Mandatory Conditions (Section 19 LA2003):**

- 1.1 There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## **Annex 2 - Conditions consistent with the Consent Order following review of the premises licence - application ref: 097904**

- 2.1 No sale of intoxicating liquor will be made to persons where there are grounds to believe that the sale will result in crime and disorder.
- 2.2 The premises licence holder and Designated Premises Supervisor will contribute to alleviate public nuisance on and in the vicinity of the premises during the times when the premises are open to members of the public.
- 2.3 Notices shall be displayed asking clients to have consideration for local residents when leaving the premises, reinforced by management and staff.
- 2.4 All deliveries and collections of refuse will take place during day time hours, at present.
- 2.5 No employee under the age of 18 years of age will be responsible for the sale of intoxicating liquor.
- 2.6 The premises licence holder will comply with the recommendations of the Police Crime Prevention Officer and co-operate and partake in any initiatives aimed at reducing anti social behaviour.
- 2.7 The CCTV system will be maintained in working order, with images made available to the Police and Bournemouth Borough Council Licensing Officers on request.
- 2.8 All staff will be trained in the sale of age restricted products under the SWERCOTTS guidance issued by Trading Standards (or under any new guidance that may supersede it). Training records for all staff will be maintained at the premises for a period of not less than 12 months and these records will be made available for the inspection of an authorised officer on request.
- 2.9 A refusals register will be maintained at the premises. Records of this will be kept for no less than 12 months and will be available for inspection by an authorised officer on request.
- 2.10 The premises will adopt the 'Challenge 21' policy and appropriate signage such as PASS Scheme signage will be prominently displayed both at the entrance to and throughout the premises.
- 2.11 The only ID that will be accepted will be those approved by PASS, UK passports and photo driving licenses.
- 2.12 Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.

- 2.13 An incident book will be kept at the premises and be made available for inspection by an authorised officer on request.
- 2.14 As far as is possible, there will be no single can sales of alcohol, especially where it is suspected that the purchaser is intoxicated or likely to engage in anti-social behaviour, crime or disorder.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority:**

N/A

**Annex 4 - Plans:**

This licence is issued in accordance with the plan submitted with the application, as attached.

**Part B**

**Premises Licence**

**Premises licence number**

**BH083244**

**Postal address of premises, or if none, ordnance survey map reference or description:**

More The Merrier, 68 Kimberley Road

**Post town:** Bournemouth

**Post Code:** BH6 5BY

**Telephone number:** 01202 427081

**Licensable activities authorised by the licence:**

Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Supply of Alcohol:** Monday to Sunday - 00:01 to 00:00

**The opening hours of the premises:**

Monday to Sunday - 00:01 to 00:00

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:**

Alcohol will be consumed off the premises.

**Name and (registered) address of holder of premises licence:**

Mr Muzafer Oksuz, 68 Kimberley Road, Bournemouth, BH6 5BY

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Cengiz Is

**Issued:** 24<sup>th</sup> November 2005

**Revised:** 28<sup>th</sup> October 2008



**Head of Public Protection**

BEAUFORT ROAD

KIMBERLEY ROAD

Footpath

Forecourt

Access to flat over

Entrance 68

Forecourt

SHOP

SHOP

STORE

STORE

WC

Rear Entrance

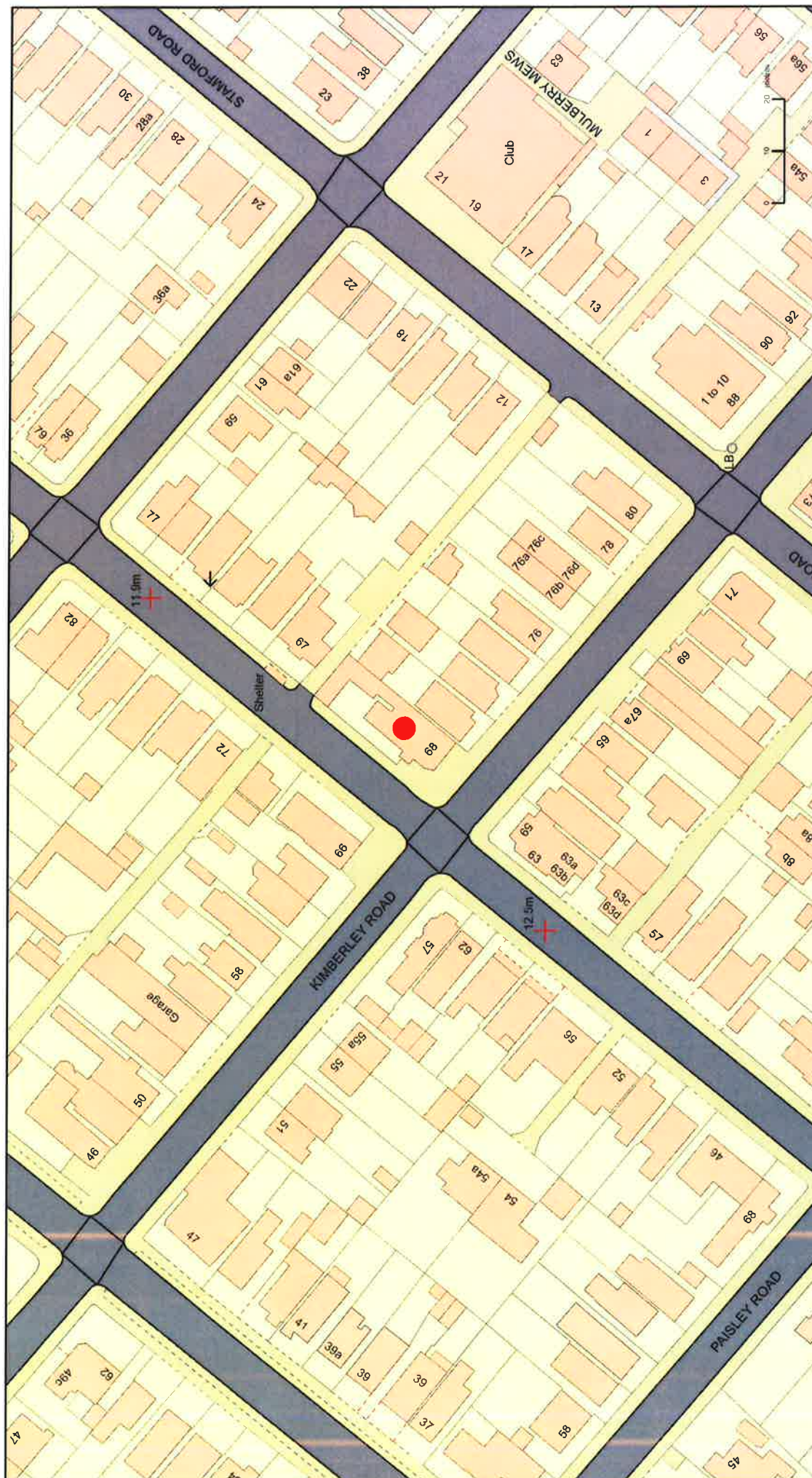
- Extent of the Premises
- Licensed activities area (including liquor)
- CCTV monitor
- CCTV camera at ceiling level
- Convex mirror at high level
- Fire extinguisher - Water
- Smoke detector - optical
- Property alarmed

FLOOR PLAN 1:100



|   |       |  |            |          |         |
|---|-------|--|------------|----------|---------|
| <div>Fire extinguisher - Water</div> <div>Smoke detector - optical</div> <div>Property alarmed</div>                        | NOTES | PREMISES LICENCE APPLICATION<br>MORE THE MERRIER<br>68 KIMBERLEY ROAD<br>SOUTHBOURNE<br>BOURNEMOUTH<br>BH6 5BY | FLOOR PLAN |          |         |
|   |       |  | TITLE      |          |         |
|   |       |  | SCALE      | 1:100    |         |
|   |       |  | DATE       | May 2006 |         |
|   |       | for  | Mr M Ouse  | REF      | MO 1620 |
| ALLEN D. PALMER<br>POTTERNE FARM COTTAGE POTTERNE WAY<br>THREE LEGGED CROSS WIMBORNE<br>DORSET BH21 6RS<br>Tel 01202 824143 |       |  |            |          |         |





## Review of Premises Licence

More the Merrier 68 Kimberley Road



district\_borough\_unitary\_region



Scale: 1:1000 @ A4

Date: 16 October 2019

Creator: Environmental Health

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IN THE BOURNEMOUTH MAGISTRATES' COURT

IN THE MATTER OF A COMPLAINT BY WAY OF APPEAL

AND IN THE MATTER OF a grant of a Premises Licence for More the Merrier, 68  
Kimberley Road, Bournemouth

B E T W E E N

Muzaffer Oksuz

Complainant

And

Bournemouth Borough Council

Respondent

---

CONSENT ORDER

---

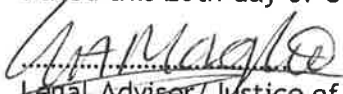
It is Ordered, by Consent

1. That the appeal of the Complainant against the grant as restricted of the application for a premises licence for More the Merrier, 68 Kimberley Road, Bournemouth be allowed as follows:

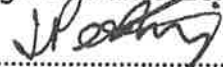
That the said application be granted subject to the conditions set out in the attached schedule.

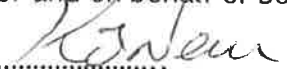
2. That there be no order as to costs.

Dated this 20th day of October 2008

  
.....  
Legal Adviser/ Justice of the Peace

We agree to an Order in these terms

  
.....  
Solicitor for and on behalf of Bournemouth Borough Council Respondent

  
.....  
Keith O'Neill, Andrews McQueen Solicitor for and on behalf of the Complainant



**MORE THE MERRIER  
68 KIMBERLEY ROAD, BOURNEMOUTH**

**SCHEDULE OF CONDITIONS**

1. No sale of intoxicating liquor will be made to persons where there are grounds to believe that the sale will result in crime and disorder.
2. The premises licence holder and Designated Premises Supervisor will contribute to alleviate public nuisance on and in the vicinity of the premises during the times when the premises are open to members of the public.
3. Notices shall be displayed asking clients to have consideration for local residents when leaving the premises, reinforced by management and staff.
4. All deliveries and collections of refuse will take place during day time hours, as at present.
5. No employee under the age of 18 years of age will be responsible for the sale of intoxicating liquor.
6. That the premises licence holder will comply with the recommendations of the Police Crime Prevention Officer and co-operate and partake in any initiatives aimed at reducing anti social behaviour.
7. The CCTV system will be maintained and in working order with images made available to the police and Bournemouth Borough Council Licensing Officers on request.
8. That all staff will be trained in the sale of age restricted products under the SWERCOTS guidance issued by Trading Standards (or under any new guidance that may supersede it) Training records for all staff will be maintained at the premises for a period of not less than 12 months and these records will be made available for the inspection by an authorised officer on request.
9. A refusals register will be maintained at the premises. Records of this will be kept for no less than 12 months and will be available for inspection by an authorised officer on request.
10. The premises will adopt the "Challenge 21" policy and appropriate signage such as PASS Scheme signage will be prominently displayed both at the entrance to and throughout the premises.
11. The only ID that will be accepted will be those approved by PASS, UK passports and photo driving licenses.

12. Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.
13. An incident book will be kept at the premises and be made available for inspection by an authorised officer on request.
14. As far as is possible, there will be no single can sales of alcohol, especially where it is suspected that the purchaser is intoxicated or likely to engage in anti-social behaviour, crime or disorder.

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20 October 2008



HER MAJESTY'S  
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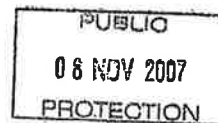
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Town Hall  
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Bournemouth Magistrates' Court  
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Our ref: CWF/070001628  
Your ref:

25<sup>th</sup> October 2007

Dear Sir,

**RE: Muzaffeer Oksuz Bournemouth Magistrates' Court 25<sup>th</sup> October 2007**

The above named defendant appeared before the court today in respect of an offence of persistently selling an alcohol to a child under 18. He pleaded guilty and the Justices fined him £1000, ordered him to pay costs in the sum of £100 and the victim surcharge in the sum of £15. They also ordered under section 129 Licensing Act 2003 that his personal licence be forfeited and that the premises licence for More the Merrier be suspended for a period of 3 months under section 147B of the said Act.

I can advise that his solicitor has this afternoon lodged a notice of appeal against that sentence and has made applications under sections 129(4) and 147(4) to suspend the orders for forfeiture and suspension pending the outcome of the appeal. The court has granted those applications and they are now suspended pending the hearing of the appeal.

I believe there is a review of his premises licence due to be heard by the Licensing committee on Monday 29<sup>th</sup> October 2007.

Yours faithfully,

Miss C. Flude  
Legal Adviser

**Sarah Rogers - Licensing**

---

**From:** David Ramsay <davidramsay57@gmail.com>  
**Sent:** 15 October 2019 13:42  
**To:** Sarah Licensing  
**Subject:** Fwd: More The Merrier

Hi Sarah,

Below is the condition agreed with the police.

The premises licence holder has agreed to the other recommendations and a meeting will be arranged with the police by mid November to confirm that they have been carried out.

Regards

Dave

Begin forwarded message:

**From:** "Busfield, Louise" <Louise.Busfield@dorset.pnn.police.uk>  
**Date:** 15 October 2019 at 08:30:26 BST  
**To:** David Ramsay <davidramsay57@gmail.com>  
**Subject:** RE: More The Merrier

Hi Dave,

Yes, I am in agreement, let's go with the highlighted recommendation as a condition.  
 I would like the opportunity for a follow-up with you and Mr Oksuz once the improvements have been made, could we arrange this for a mutually convenient date say mid November?

The licence to be transferred to Mr Ismail GUNDUZ (dob 01011982).  
 The DPS to be Mr Ismail GUNDUZ who has previously been DPS at several premises including Best One Poole Hill and Ferndown Food and Wine.  
 A personal licence holder will be present on the premises at all times when alcohol sales are made.

Presently there is only one personal licence holder at the premises. This is Mr Oksuz wife.  
 3 personal licence holders are being added to the staff of the premises, Esra OKSUZ, Ismail GUNDUZ and Mr Garip OZCAN.

Mr Oksuz to be allowed to work on premises but at present will not be allowed to be involved in the sale of alcohol due to condition 2.12.

A survey of the premises in relation to the 4 licensing objectives will be carried out by Mr David Ramsay Licensing Consultant and his recommendations implemented in order to meet these objectives.

Kind regards,  
 Louise

Louise Busfield 8952  
 Licensing Officer  
 Drug and Alcohol Harm Reduction Team  
 Prevention Department Bournemouth Police Station Dorset Police  
 E: [louise.busfield@dorset.pnn.police.uk](mailto:louise.busfield@dorset.pnn.police.uk) T: 01202 222445 M: 07912 899315

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Dorset Police



**From:** David Ramsay <davidramsay57@gmail.com>  
**Sent:** 14 October 2019 18:30  
**To:** Busfield, Louise <Louise.Busfield@dorset.pnn.police.uk>  
**Subject:** Fwd: More The Merrier

Hi Louise,

Which of these would you be looking at as conditions on the licence.

I would think that my 3rd recommendation would possibly be the only one relevant as a condition, the others being actions taken to ensure no other problems arise.

Regards

Dave

Begin forwarded message:

**From:** Sarah Rogers - Licensing <[sarah.rogers@bcpcouncil.gov.uk](mailto:sarah.rogers@bcpcouncil.gov.uk)>  
**Subject:** RE: More The Merrier  
**Date:** 14 October 2019 at 12:40:39 BST  
**To:** "Busfield, Louise" <[Louise.Busfield@dorset.pnn.police.uk](mailto:Louise.Busfield@dorset.pnn.police.uk)>, "David Ramsay" ([davidramsay57@gmail.com](mailto:davidramsay57@gmail.com))" <[davidramsay57@gmail.com](mailto:davidramsay57@gmail.com)>

Dear Louise and Dave

Thank you for dealing with this and mediating.

Unfortunately, as this is a review application, a hearing must be held.

I will certainly put your mediation into my report but you will need to produce more concise conditions with agreed wording. If you can provide me with this prior to the hearing I can distribute.

Remember it may be that the Members do not agree with what you propose and could make another decision.

If you could let me have the conditions ASAP as my deadline for the report is Wednesday.

Many thanks  
Sarah

**Sarah Rogers**  
**Senior Licensing Officer**  
**Communities**  
T. 01202 454929  
[sarah.rogers@bcpcouncil.gov.uk](mailto:sarah.rogers@bcpcouncil.gov.uk)  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)



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**From:** Busfield, Louise <[Louise.Busfield@dorset.pnn.police.uk](mailto:Louise.Busfield@dorset.pnn.police.uk)>  
**Sent:** 14 October 2019 12:28  
**To:** David Ramsay ([davidramsay57@gmail.com](mailto:davidramsay57@gmail.com)) <[davidramsay57@gmail.com](mailto:davidramsay57@gmail.com)>  
**Cc:** Licensing Com <[licensing@bcpcouncil.gov.uk](mailto:licensing@bcpcouncil.gov.uk)>; Sarah Rogers - Licensing <[Sarah.Rogers@bournemouth.gov.uk](mailto:Sarah.Rogers@bournemouth.gov.uk)>  
**Subject:** FW: More The Merrier

Good morning Dave

Thank you for confirming your proposals as outlined below.  
As such I have cc'd the Licensing Authority for confirmation that the conditions as below will be added to the Premises Licence for More The Merrier and that by so doing, we concur that a hearing will not need to take place.

Kind regards,  
Louise

Louise Busfield 8952  
Licensing Officer  
Drug and Alcohol Harm Reduction Team  
Prevention Department Bournemouth Police Station Dorset Police  
E: [louise.busfield@dorset.pnn.police.uk](mailto:louise.busfield@dorset.pnn.police.uk) T: 01202 222445 M: 07912 899315

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**From:** David Ramsay <[davidramsay57@gmail.com](mailto:davidramsay57@gmail.com)>

**Sent:** 10 October 2019 22:48

**To:** Gosling, Gareth <[Gareth.Gosling@Dorset.PNN.Police.uk](mailto:Gareth.Gosling@Dorset.PNN.Police.uk)>; Busfield, Louise <[Louise.Busfield@dorset.pnn.police.uk](mailto:Louise.Busfield@dorset.pnn.police.uk)>

**Subject:** More The Merrier

Gareth / Louise,

Thank you for taking the time to meet Mr Oksuz and his daughter today and for being so open to considering a solution to the problems that have occurred in recent months.

Below are the points we discussed and I have put them in a form allowing some to be used as conditions:

- The licence to be transferred to Mr Ismail GUNDUZ (dob 01011982).
- The DPS to be Mr Ismail GUNDUZ who has previously been DPS at several premises including Best One Poole Hill and Ferndown Food and Wine.
- A personal licence holder will be present on the premises at all times when alcohol sales are made.
- Presently there is only one personal licence holder at the premises. This is Mr Oksuz wife.
- 3 personal licence holders are being added to the staff of the premises, Esra OKSUZ, Ismail GUNDUZ and Mr Garip OZCAN.
- Mr Oksuz to be allowed to work on premises but at present will not be allowed to be involved in the sale of alcohol due to condition 2.12.
- A survey of the premises in relation to the 4 licensing objectives will be carried out by Mr David Ramsay Licensing Consultant and his recommendations implemented in order to meet these objectives.

If there are any other points that I have missed please let me know.

Regards

Dave Ramsay  
07879 027783

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