

Notice of Licensing Sub-Committee

Date: Tuesday, 28 April 2020 at 10.00 am

Venue: Skype Meeting



Membership:

Cllr D A Flagg

Cllr T Johnson

Cllr D Kelsey

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.

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

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

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

20 April 2020



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(tanya.coulter@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

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 Councillors.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Protocol for Public Representation at Skype Meetings

5 - 8

In response to the Government's guidance to limit the spread of Coronavirus and restrictions around the gathering of more than two people, the following items of business will be conducted as virtual hearings in accordance with Government Regulations, using Microsoft Skype. This approach has been taken to ensure the Council is compliant with the current restrictions and is not putting participants and members of the public at risk.

A revised protocol for public representation at formal Skype meetings of the Licensing Sub Committee is included with the agenda sheet for this meeting.

5. Application for Review of Premises Licence - Supermarket Romania, 515 Christchurch Road

9 - 34

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

6. Application for Review of Premises Licence - Capital Pizza and Kebab, 51 Blandford Road

35 - 58

To consider an application by Dorset Police for the review of a Premises Licence for the premises known as, New Capital Pizza and Kebab 51 Blandford Road Poole on the grounds of crime and disorder licensing objective

7. Application for a New Premises Licence - Christchurch Food Festival, High Street Christchurch

The Sub-Committee is asked to formally open and adjourn the above hearing until 7 May 2020, in order to comply with the requirements of the Hearing Regulations, as agreed by the applicant and police.

8. Application for a New Premises Licence - Christchurch Food Festival, Quay Road, Christchurch

The Sub-Committee is asked to formally open and adjourn the above hearing until 7 May 2020, in order to comply with the requirements of the Hearing Regulations, as agreed by the applicant and police.

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.



LICENSING COMMITTEE AND SUB COMMITTEE

PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS

The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

It has been amended in accordance with Article 16 of the Council's Constitution: Covid-19 Interim Decision Making Arrangements, and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal skype meetings.
2. The Chair identifies all parties present and makes introductions.
3. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
4. All persons who have given notice of their intention to speak are identified.
5. Identify if any person who wishes to withdraw a representation or wishes not to speak
6. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
7. Licensing Officer's report is presented.
8. Parties present their representations in the order agreed.
9. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
10. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.

11. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
12. Members will deliberate in private with the clerk and legal representative as appropriate present.
13. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
14. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the Hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate, or be represented at the hearing, or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16: Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link:

<https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democraticservices@bcpCouncil.gov.uk

Proposed procedure and order of speaking for virtual hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
- The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the hearing.

This page is intentionally left blank

LICENSING SUB-COMMITTEE



Report subject	Application for Review of Premises Licence Supermarket Romania – 515 Christchurch Road
Meeting date	28 April 2020
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.
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> (a) Modify the conditions of the licence. (b) Exclude a licensable activity from the scope of the licence. (c) Remove the Designated Premises Supervisor. (d) Suspend the licence for a period not exceeding three months. (e) Revoke the licence. (f) Leave the licence in its current state. <p>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.</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	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Michelle Fletcher – Licensing Officer ☎ (01202) 451560 ✉ michelle.fletcher@bcpcouncil.gov.uk
Wards	Boscombe West
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, was made by Dorset Police on the 10th March 2020. Dorset Police state that the premises are involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer have confidence in the DPS or Premises Licence Holder. A copy of the review 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 has held a licence since 29th December 2016 in the name of Supermarket Romania Limited of which Mr Mazerski is both the Director of this company and the Designated Premises Supervisor. There have been no changes made by means of application to the premises licence in this time. On reviewing our system, the only complaints that have been received relating to the premises are food related and have been dealt with by the Environment Health Department.

Consultation

4. Dorset Police submitted the application on 10 March 2020 and declared that a copy of the application had been served on the other responsible authorities and the licence holder on that day.
5. On 11 March 2020 Michelle Fletcher of the Licensing Authority attended the premises and delivered the site notice 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.
6. On 16 March 2020 comments of support to the review were submitted by Strategic Safeguarding and Quality Manager who is the Responsible Authority for the licensing objective protection of children from harm. A copy is attached at Appendix 3.
7. No other representations were received from any of the other responsible authorities or any other person.

Options

8. Before making a decision, Members are asked to consider the following matters:
- The representations made by Dorset Police and the Licensing Authority.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the prevention of crime and disorder.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

9. An appeal may be made against the decision of members by the applicant or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

10. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

11. N/A

Summary of sustainability impact

12. N/A

Summary of public health implications

13. N/A

Summary of equality implications

14. N/A

Summary of risk assessment

15. N/A

Background papers

Bournemouth Borough Council's Statement of Licensing Policy:

<http://www.bournemouth.gov.uk/Business/Documents/StatementofLicensingPolicyLA2003.pdf>

Appendices

1. Copy of the Review Application
2. Copy of Current Premises Licence
3. Comments in support of application Strategic Safeguarding and Quality Manager

This page is intentionally left blank

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Supermarket Romania
515 Christchurch Road

Post town Bournemouth

Post code (if known) BH1 4AG

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

Supermarket Romania Ltd.

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

BH154466

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

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

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

Please tick one or more boxes ✓

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

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

The Prevention of Crime and Disorder. Specifically that the premises is involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer have confidence in the DPS or Premises Licence Holder.

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

This application for a review of the premises licence for *Supermarket Romania*, 515 Christchurch Road, Bournemouth, is being submitted by Dorset Police on the grounds of the licensing objective of the Prevention of Crime & Disorder.

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

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

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

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

On Saturday 7th March 2020 officers from Dorset Police and HMRC conducted an intelligence-led operation in Bournemouth and Poole, visiting a number of premises where we have received prior intelligence that smuggled alcohol and/or tobacco were being offered for sale.

At 11.30am we attended *Supermarket Romani* and upon conducting a search of the premises HMRC located and seized **8,040** cigarettes and **400** grams of hand rolling tobacco (HRT) that were being hidden on top of a fridge cabinet in the store. These products have since been confirmed as being smuggled. The owner and Premises Licence Holder of the premises, Mr Robert Mazerski, confirmed that he does not sell legitimate cigarettes from within the store and stated that the reason that the cigarettes that he sold were so cheap was that they were 'Non Duty Paid' and he did not therefore pay any tax on the products.

During the visit Licensing Officer Louise Busfield spoke with Mr Mazerski and identified that he did not understand the policy to make refusals of sales where it is appropriate to do so. Mr Mazerski confirmed that he did not maintain a Refusals Register, Incident Book (Condition 2.2) or any Training Logs for the staff (Condition 2.1).

Mr Mazerski advised that alcohol was delivered directly from Romania or Russia and whilst there were invoices present, it was difficult to determine whether the alcohol being purchased and offered for sale was legitimate.

Condition 2.5 requires that alcohol products be 'kept/sold from behind the counter and only accessible by staff'. There was a wide range of alcohol on display in fridge cabinets that were within reach of customers entering the store.

Mr Mazerski was unable to recall the Licensing Objectives despite being the nominated DPS for the premises and stated that he had never experienced a drunk or under age person visit his store over the past 3 years.

The Revised Guidance issued under Section 182 of the Licensing Act 2003, published in April 2018, is clear at Section 11.27 where it states that there is '*certain activity that may arise in*

connection with licensed premises which should be treated particularly seriously'. This includes the use of licensed premises *'for the sale or storage of smuggled tobacco and alcohol'*.

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

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

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

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

Please tick ✓ yes

☐

If yes please state the date of that application

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

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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **11th March 2020**

Capacity **Police Sergeant**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Premises Licence Part A

Premises licence number: BH154466

Postal address of premises, or if none, ordnance survey map reference or description:	
Supermarket Romania - 515 Christchurch Road	
Post town: Bournemouth	Post Code: BH1 4AG
Telephone number: 07878 907098	

Licensable activities authorised by the licence:
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Supply of Alcohol Monday - 10:00 to 20:00 Tuesday - 10:00 to 20:00 Wednesday - 10:00 to 20:00 Thursday - 10:00 to 20:00 Friday - 10:00 to 20:00 Saturday - 10:00 to 21:00 Sunday - 10:00 to 20:00

The opening hours of the premises:
Monday - 10:00 to 20:00 Tuesday - 10:00 to 20:00 Wednesday - 10:00 to 20:00 Thursday - 10:00 to 20:00 Friday - 10:00 to 20:00 Saturday - 10:00 to 21:00 Sunday - 10:00 to 20:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed off the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Supermarket Romania Ltd
515 Christchurch Road
Bournemouth
BH1 4AG
Tel: 07878 907098
Email: supermarketromania@hotmail.com

Registered number of holder, for example company number, charity number (where applicable):

10315093

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Robert Mazerski
10 St Georges Gate
43 Norwich Avenue West
Bournemouth
BH2 6AP
Tel: 07878 907098
Email: supermarketromania@hotmail.com

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

BH188335
Bournemouth Borough Council

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 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.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.3.
 1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 3. 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 either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

- 1.4.
 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.
 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 amount 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.

Annex 2 – Conditions consistent with the operating schedule

Prevention of Crime and Disorder

- 2.1 All staff employed at the premises shall be trained in the legality and procedure of alcohol sales using the SWERCOTS training pack (or any equivalent scheme approved by the government/Trading Standards) prior to undertaking the sale of alcohol. Refresher training shall be given to all staff on a 6 monthly basis or when there is a change in legislation. A record of this training shall be kept at the premises and be available for inspection by an authorised officer on request.
- 2.2 The premises shall maintain an accurate and up to date incident book which shall be kept on the premises and made available to any member of the responsible authority group on request, full entries must be accurate and must contain full details of any incident that occurs and must list the Collar number of Police officer attending.
- 2.3 There shall be no external advertising of drinks promotions. (2 for £10 type deals etc).
- 2.4 There shall be no super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above sold at the premises
- 2.5 All alcohol shall be kept / sold from behind the payment counter and only accessible by staff.

Protection of Children from Harm

- 2.6 The premises shall operate the "Challenge 25" policy, therefore all customers who shall appear to be under the age of 25 shall be asked to provide their photo ID (valid passport, driving license, HM Forces identity card or a PASS accredited identification card) to prove that they are of legal age. Appropriate signage advising customers of the policy shall be displayed at the premises.
- 2.7 Staff shall observe the young people who already attempted to purchase alcohol in case if they are asking someone at legal age to buy alcohol for them. If proxy sale shall be suspected staff shall speak to the customer about the laws and may refuse the sale. This shall be recorded in refusal book.
- 2.8 The refusal register shall be kept at the premises and shall be signed off by DPS at least once a week. It shall be written in english, and shall be made available to police or an authorised officer of the council, immediately, upon request.

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 M154466 dated 29.12.2016, as attached.



**Premises Licence
Part B**

Premises licence number: BH154466

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

Supermarket Romania 515 Christchurch Road

Post town: Bournemouth

Post Code: BH1 4AG

Telephone number: 07878 907098

Licensable activities authorised by the licence:

Supply of Alcohol

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

Supply of Alcohol: Sunday to Friday - 10:00 to 20:00, Saturday - 10:00 to 21:00

The opening hours of the premises:

Sunday to Friday - 10:00 to 20:00, Saturday - 10:00 to 21:00

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

Alcohol will be consumed off the premises.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Supermarket Romania Ltd, 515 Christchurch Road, Bournemouth, BH1 4AG. Tel: 07878 907098

Email: supermarketromania@hotmail.com

Registered number of holder, for example company number, charity number (where applicable):

10315093

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

Mr Robert Mazerski

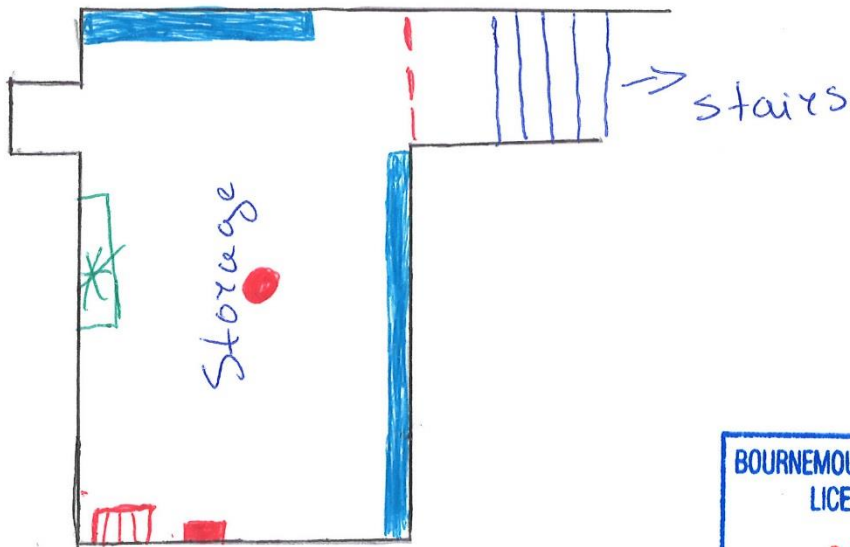
State whether access to the premises by children is restricted or prohibited:

None

Issued: 29 December 2016

Mrs Nananka Randle
Licensing Manager

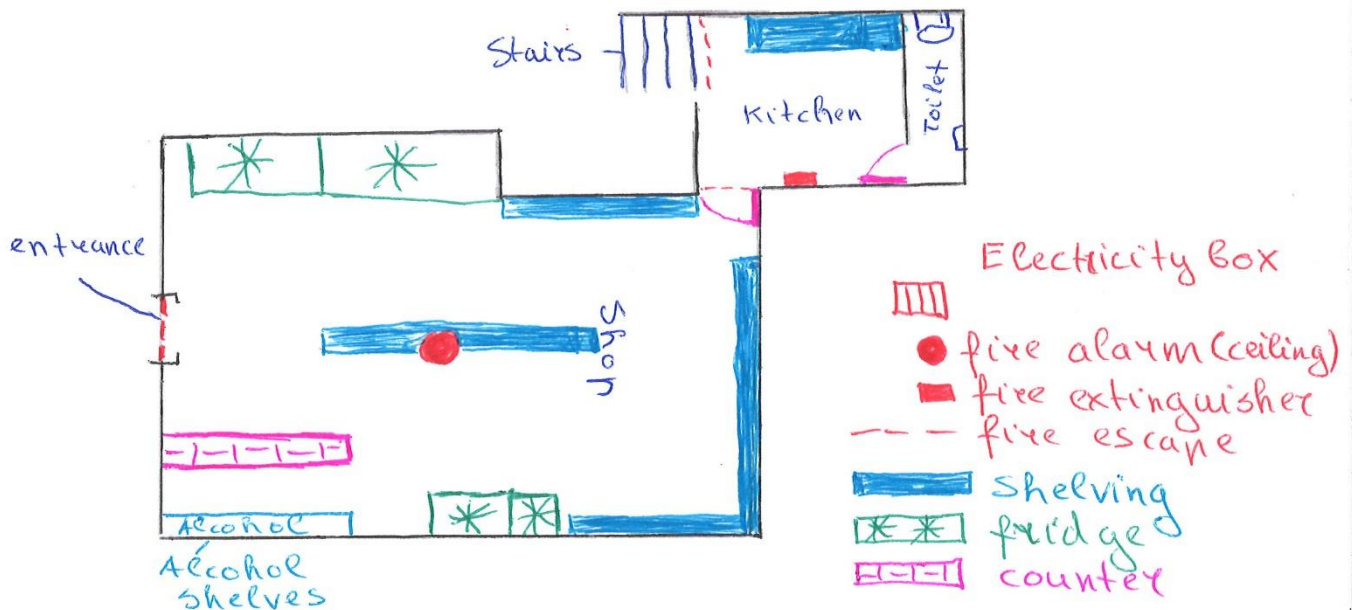
SUPERMARKET ROMANIA LTD



BOURNEMOUTH BOROUGH COUNCIL
LICENSING SECTION

29 DEC 2016

APPROVED
REF. No. M154466



This page is intentionally left blank

From: Jill Aiken (C&I - PS)
Sent: 05 April 2020 16:37
To: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Subject: RE: Review made by Dorset Police

BCP Council Children's Services are concerned by the information shared by Police in relation to smuggled tobacco being on sale and no use of a refusals log or log of training for staff. Children's Services agree licensing requests based on a challenge 25 or equivalent policy being in place and this cannot be shown to be effective if training is not recorded and refusals go unlogged. The sale of smuggled tobacco may be linked to other criminal activities that make young people vulnerable through exploitation and so BCP Children's Services support the concerns raised by the Police.

Michelle – is this enough?



Jill Aiken
Strategic Safeguarding and Quality Manager
Quality and Commissioning Service
M. 07966621175
Jill.aiken@bcpcouncil.gov.uk
secure email address: c.safeguardingchildren@bcpcouncil.gov.uk
bcpcouncil.gov.uk
[Sign up](#) to BCP Council's email news service

I work part-time generally 9-3 Mon-Fri. If I am not available you will receive an out of office email response.

Pan-Dorset safeguarding policies:
https://www.proceduresonline.com/pandorset_scb/index.html
BCP policies: <https://www.proceduresonline.com/bcp/>

From: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Sent: 01 April 2020 09:33
To: Jill Aiken (C&I - PS) <jill.aiken@bcpcouncil.gov.uk>
Subject: RE: Review made by Dorset Police

Hi Jill

Please find attached a copy of the original application. I understand its very difficult, but maybe just explain from your point of view some reasons / concerns why you support the application made by the police relating to the Protection of Children from harm.

Thank you

Michelle

From: Jill Aiken (C&I - PS)
Sent: 01 April 2020 08:53
To: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Subject: RE: Review made by Dorset Police

You will need to send me the paperwork again. However, I have no independent knowledge of the situation or the area, so was only working from the submission by Police.



Jill Aiken
Strategic Safeguarding and Quality Manager
Quality and Commissioning Service
M. 07966621175
jill.aiken@bcpcouncil.gov.uk
secure email address: c.safeguardingchildren@bcpcouncil.gov.uk
bcpcouncil.gov.uk
[Sign up](#) to BCP Council's email news service

I work part-time generally 9-3 Mon-Fri. If I am not available you will receive an out of office email response.

Pan-Dorset safeguarding policies:

https://www.proceduresonline.com/pandorset_scb/index.html

BCP policies: <https://www.proceduresonline.com/bcp/>

From: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Sent: 01 April 2020 08:46
To: Jill Aiken (C&I - PS) <jill.aiken@bcpcouncil.gov.uk>
Subject: RE: Review made by Dorset Police

Good morning Jill

I must apologise as there has been a delay in me receiving the below correspondence and I am now pushed to submit my report to Democratic Services ready for hearing.

Unfortunately, the below statement is not sufficient grounds for me to include in my report for the Committee. Could I ask that you elaborate on why you support the review and how you believe the premises are not upholding the Protection of children from harm licensing objective, as your comments would be extremely valuable to the Licensing Committee.

Kind Regards
Michelle Fletcher

From: Jill Aiken (C&I - PS)
Sent: 15 March 2020 08:47
To: Licensing Com <licensing@bcpcouncil.gov.uk>
Subject: FW: Review made by Dorset Police

I agree with the application to review the licensing based on the report attached.



Jill Aiken
Strategic Safeguarding and Quality Manager
Quality and Commissioning Service
T. 01202 714747 M. 07966621175
Jill.aiken@bcpcouncil.gov.uk
secure email address: c.safeguardingchildren@bcpcouncil.gov.uk
bcpcouncil.gov.uk
[Sign up](#) to BCP Council's email news service

I work part-time generally 9-3 Mon-Fri. If I am not available you will receive an out of office email response.

Pan-Dorset safeguarding policies:

https://www.proceduresonline.com/pandorset_scb/index.html

BCP policies: <https://www.proceduresonline.com/bcp/>

From: C&I - PS - Safeguarding Children <SafeguardingChildren@bcpcouncil.gov.uk>
Sent: 12 March 2020 07:46
To: Jill Aiken (C&I - PS) <jill.aiken@bcpcouncil.gov.uk>
Subject: FW: Review made by Dorset Police

From: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Sent: 11 March 2020 16:43
To: C&I - PS - Safeguarding Children <SafeguardingChildren@bcpcouncil.gov.uk>
Subject: FW: Review made by Dorset Police

From: Michelle Fletcher - Licensing

Sent: 11 March 2020 16:39

To: Children <licensing.socialservices@bournemouth.gov.uk>; 'fire' (fire.safety@dwfire.org.uk)' <fire.safety@dwfire.org.uk>; polut <foodandhealthandsafety@bcpcouncil.gov.uk>; 'Immigration' <alcohol@homeoffice.gsi.gov.uk>; Planning <planning.bournemouth@bcpcouncil.gov.uk>; pollution@bcpcouncil.gov.uk; 'PH' <publichealth-licensing@dorsetcc.gov.uk>; Trading Standards <trading.standards@bcpcouncil.gov.uk>; 'police' <Licensing@dorset.pnn.police.uk>

Subject: Review made by Dorset Police

Dear all

Please find attached a Review that has been submitted by Dorset Police today.

I can confirm the last date for comments is the 08th April 2020.

I will be the officer dealing with this application **but please forward all correspondence to the Licensing@bcpcouncil.gov.uk** as I will be on leave for some of this consultation period and my email box will **not be checked.**

Regards



Michelle Fletcher
Licensing Officer
Communities

T. 01202 45 1560

michelle.fletcher@bcpcouncil.gov.uk

bcpcouncil.gov.uk

[Sign up](#) to BCP Council's email news service

LICENSING SUB-COMMITTEE



Report subject	<p>An application for a Review of a Premises Licence for the premises known as:</p> <p>New Capital Pizza and Kebab 51 Blandford Road Poole BH15 4AT</p>
Meeting date	28 April 2020
Status	Public Report
Executive summary	To consider an application by Dorset Police for the review of a Premises Licence for the premises known as, New Capital Pizza and Kebab 51 Blandford Road Poole on the grounds of crime and disorder licensing objective
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the following options-</p> <ul style="list-style-type: none"> a) Modify the conditions of the licence b) Exclude a licensable activity from the scope of the licence c) Remove the Designated Premises Supervisor (not applicable in this case) d) Suspend the licence for a period not exceeding three months e) Revoke the licence f) Leave the licence in its current state <p>Members of the Licensing Committee 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.</p>
Reason for recommendations	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. The Licensing Authority may only consider aspects relevant to the application that have been raised in the application

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Lesley Johnson Licensing Officer Tel:- 01202 261765 lesley.johnson@bcpcouncil.gov.uk
Wards	Hamworthy;
Classification	For Decision

Background

1. Dorset Police submitted a review of the premises licence for New Capital Pizza, 51 Blandford Road, Poole on 12/3/20 following a visit to the premises which resulted in the discovery of illegal tobacco for the second time. This is considered to be a breach of the crime and disorder licence objective and has resulted in a lack of confidence in the Premises Licence Holder.
2. The current licence has been held by Mr Mahmut Gilgil since 22/7/2013. The licence issued does not include the sale of alcohol, as such there is no Designated Premises Supervisor.
3. A map showing the location of the premises is attached as Appendix 1.
4. The application for review by Dorset Police is attached as Appendix 2.
5. The current premises licence is attached as Appendix 3.
6. No letters of representation from a responsible authority or other person has been received.

Consultation

7. Dorset Police submitted the application on 12/3/20 and declared that a copy of the application had been served on the other responsible authorities and the licence holders on that day.
8. On 12/3/20, an Out of Hours Environmental Health Officer displayed a site notice on the window at 51 Blandford Road, Poole.
9. Further notices were placed in the reception area of Environmental Services Office at Newfield's Business Park. A notice was also published on the BCP Council's website.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:-
 - The application made by Dorset Police
 - The submissions made by or on behalf of the licence holder

- The relevant licensing objectives, namely the prevention of crime and disorder.

Summary of financial implications

11. An appeal may be made against the decision of Members by the applicant or the licence holder to the Magistrates' Court which could have a financial impact on the Council

Summary of legal implications

12. Following the outcome of the committee hearing, all parties to the application have the right to appeal to the magistrate's court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
13. The determination of the application for review will not have effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is determined

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. Not applicable

Background papers

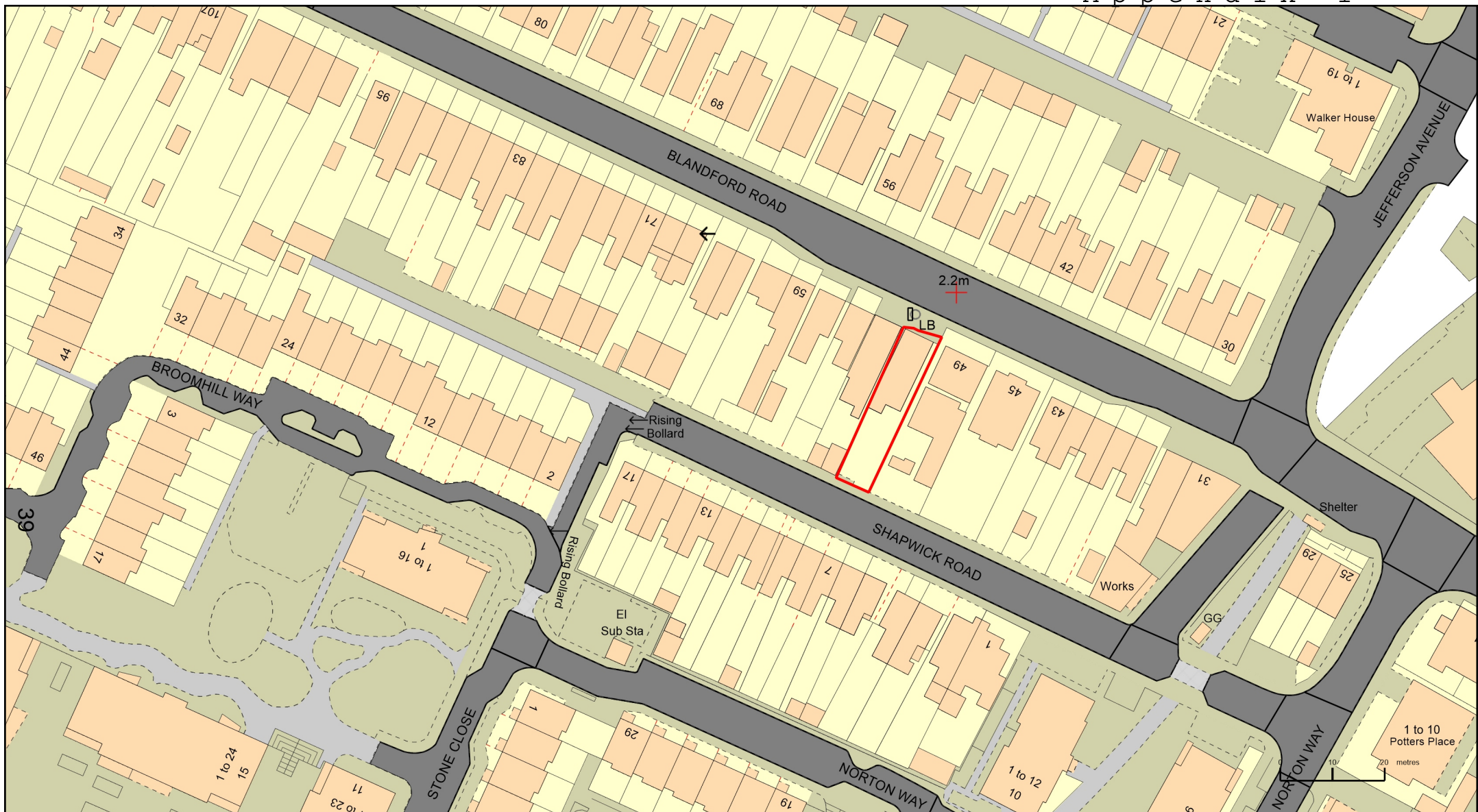
Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Appendices

Appendix 1 - Location map

Appendix 2 – Review application



New Capital Pizza
51 Blandford Road, Poole

Scale: 1:1000 @ A4
Date: 15 April 2020
Creator: Environmental Health



This map is produced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown Copyright Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
BCP Council. Licence: 100000019829. 2019



This page is intentionally left blank

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

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

Number of premises licence or club premises certificate (if known) BOP_M004222
--

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

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

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

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

Please tick ✓ yes

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

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

Please tick one or more boxes ✓

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

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

The Prevention of Crime and Disorder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day		Month		Year	

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 **11th March 2020**Capacity **Police Sergeant**

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

Borough of Poole
PREMISES LICENCE SUMMARY ISSUED
UNDER THE LICENSING ACT 2003

Premises licence Number:	BOP_M004222
---------------------------------	--------------------

Premises Details	
Postal Address of premises, or if none, ordnance survey map reference or description	New Capital Kebab House
Address	51 Blandford Road
Post town	POOLE
Post code	BH15 4AT
Telephone number	

Where the Licence is time limited the dates	Not applicable
--	----------------

Licensable activities authorised by the licence	Late night refreshment, supply of alcohol
--	---

The times the Licence authorises the carrying out of licensable activities														
Licensable Activity		A	B	C	D	E	F	G	H	I	J	K	L	M
Mon	Start												23:00	12:00
	Finish												02:00	00:00
Tue	Start												23:00	12:00
	Finish												02:00	00:00
Wed	Start												23:00	12:00
	Finish												02:00	00:00
Thur	Start												23:00	12:00
	Finish												02:00	00:00
Fri	Start												23:00	12:00
	Finish												02:00	01:00
Sat	Start												23:00	12:00
	Finish												02:00	01:00
Sun	Start												23:00	12:00
	Finish												02:00	00:00

Key to Licensable Activities:

- A. Performance of Play
- B. Exhibition of Film
- C. Indoor Sporting Events
- D. Boxing or Wrestling
- E. Performance of live music
- F. Playing of recorded music
- G. Performance of dance
- H. Anything similar to (e) (f) or (g)
- I. Provision of facilities for making music
- J. Provision of facilities for dancing
- K. Facilities for similar to (i) or (j)
- L. Late night refreshment – indoors only
- M. Supply of Alcohol – off only

The opening hours of the Premises	Day	Time of opening	Time of closing
	Monday	12:00	02:00
	Tuesday	12:00	02:00
	Wednesday	12:00	02:00
	Thursday	12:00	02:00
	Friday	12:00	02:00
	Saturday	12:00	02:00
	Sunday	12:00	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies	Not applicable
--	----------------

Name, (registered) address of holder of premises licence	Mr Mahmut Gilgil
Address	Flat 25,
	3 Avenel Way
Post town	POOLE
Post code	BH15 1YT

Registered number of holder, for example company number, charity number (where applicable)	Not applicable
---	----------------

Name of Designated Premises Supervisor where the premises licence authorises for the supply of alcohol	
---	--

State whether access to the premises by children is restricted or prohibited	No restrictions
---	-----------------

This licence is granted subject to the statutory provisions and regulations.

Date Signed: 2nd November 2005



S. Robson
Head of Environmental and Consumer Protection Services

Borough of Poole

PREMISES LICENCE ISSUED UNDER THE LICENSING ACT 2003

Premises licence Number:	BOP_M004222
---------------------------------	--------------------

Part 1 – Premises Details	
Postal Address of premises, or if none, ordnance survey map reference or description	New Capital Kebab House
Address	51 Blandford Road
Post town	POOLE
Post code	BH15 4AT
Telephone number	

Where the Licence is time limited the dates	Not applicable
--	----------------

Licensable activities authorised by the licence	Late night refreshment, supply of alcohol
--	---

The times the Licence authorises the carrying out of licensable activities														
Licensable Activity		A	B	C	D	E	F	G	H	I	J	K	L	M
Mon	Start												23:00	12:00
	Finish												02:00	00:00
Tue	Start												23:00	12:00
	Finish												02:00	00:00
Wed	Start												23:00	12:00
	Finish												02:00	00:00
Thur	Start												23:00	12:00
	Finish												02:00	00:00
Fri	Start												23:00	12:00
	Finish												02:00	01:00
Sat	Start												23:00	12:00
	Finish												02:00	01:00
Sun	Start												23:00	12:00
	Finish												02:00	00:00

Key to Licensable Activities:

- A. Performance of Play
- B. Exhibition of Film
- C. Indoor Sporting Events
- D. Boxing or Wrestling
- E. Performance of live music
- F. Playing of recorded music
- G. Performance of dance
- H. Anything similar to (e) (f) or (g)
- I. Provision of facilities for making music
- J. Provision of facilities for dancing
- K. Facilities for similar to (i) or (j)
- L. Late night refreshment – indoors only
- M. Supply of Alcohol – off only

The opening hours of the Premises	Day	Time of opening	Time of closing
	Monday	12:00	02:00
	Tuesday	12:00	02:00
	Wednesday	12:00	02:00
	Thursday	12:00	02:00
	Friday	12:00	02:00
	Saturday	12:00	02:00
	Sunday	12:00	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies	Off only
---	----------

Part 2	
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence <div> <div>Address</div> <div>Post town</div> <div>Post code</div> <div>Telephone number</div> <div>email</div> </div>	Mr Mahmut Gilgil Flat 25, 3 Avenel Way POOLE BH15 1YT

Registered number of holder, for example company number, charity number (where applicable)	Not applicable
--	----------------

Name, address and telephone number of Designated Premises Supervisor where the premises licence authorises the supply of alcohol <div> <div>Address</div> <div>Post town</div> <div>Post code</div> <div>Telephone number</div> </div>	
--	--

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises for the supply of alcohol	
---	--

This licence is granted subject to the statutory provisions and regulations.

Date Signed: 2nd November 2005



S. Robson
Head of Environmental and Consumer Protection Services

Annex 1 – Mandatory conditions

1. 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.

2. Supply of alcohol for consumption off the premises:

- (1) The supply must be made at a time when the premises are open for the purposes of supplying alcohol.
- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.

Annex 2 – Conditions consistent with the operating Schedule

1. CCTV will be installed to specifications provided by the Police.
2. All CCTV recordings will be made available to the Police when requested.
3. A refusals register will be kept at the premises at all times, and will be made available to the Police when requested.
4. No sale of alcohol will be made to persons where there are grounds to believe that the sale will result in crime and disorder.
5. Customers who behave in a disorderly manner shall be refused service.
6. The Licence holder will ensure the premises are kept safe both for staff and members of the public.
7. The premises will be adequately protected against any fire risk in compliance with the requirements of the Fire Authority.
8. In the case of a fire occurring at the premises, adequate arrangements will be made to ensure the safe evacuation of disabled persons.
9. The Licence holder will seek to minimise the occurrence of public nuisance on and in the vicinity of the premises.
10. Staff will be trained on all aspects of under age sales, using methods recognised by the Police and/or Trading Standards. Proof of age ID will be restricted to photo driving licence, valid passport or PASS card.
11. Staff compliance in regards to under age sales restrictions will be monitored through the refusals register.
12. PASS card scheme signage will be prominently displayed on the premises.
13. The designated premises supervisor will instruct and supervise staff on the restrictions of under age sales.
14. Employees under the age of 18 years old will not be allowed to serve, sale or supply alcohol.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 – Plans

Attached