

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 July 2020 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr N Decent and Cllr B Dion

7. Election of Chairman

RESOLVED that Councillor Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

8. Apologies

Apologies had been received from Councillor Parrish and Councillor Decent attended as the substitute member.

9. Declarations of Interests

There were no declarations received on this occasion.

10. Full Variation of a Premises Licence of More the Merrier, 68 Kimberley Road, Bournemouth

Attendance:

From BCP Council:

Michelle Fletcher - Licensing, Presenting Officer

Linda Cole – Legal Advisor to the Sub Committee

Nicky Hooley – Democratic Services Officer and Clerk to the Sub Committee

David Ramsey – Agent

Mr Ismael Gunduz – Applicant

Louise Busfield and Sgt Gareth Gosling – Dorset Police

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider an application made by Mr David Ramsey, on behalf of Mr Ismael Gunduz to vary the Premises Licence for More the Merrier of Kimberley Road Bournemouth on the 26 May 2020. The application sought to: remove Condition 2.11 to enable Mr Muzaffer Oksuz once again to be responsible for, or authorise, any sale of alcohol at the premises.

The applicant's agent, Mr Ramsey addressed the Sub-Committee.

Sgt Gareth Gosling addressed the Sub-Committee on behalf of Dorset Police.

The Sub-Committee asked various questions of all parties present at the Hearing. All parties were given the opportunity to ask questions of one another. All parties were then able to sum up before the Sub-Committee retired to make its decision.

Right of Appeal

The Legal Advisor reported that all parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

It was RESOLVED that the application to vary the premises licence of More the Merrier, 68 Kimberley Road, Bournemouth namely to remove Condition 2.11 Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises be refused.

Reasons for decision:

The Sub Committee considered all of the documents contained in Agenda Item 5, the witness statement taken by Dorset Police from a local resident and submitted and shared with all parties by Dorset Police on the 20 July 2020 and the verbal submissions made at the hearing by Mr David Ramsey on behalf of the applicant, the applicant Mr Ismail Gundez and Sgt Gosling of Dorset Police.

The Sub Committee were mindful that although Mr Oksuz was the owner of the premises, and the condition added to the expense of running the business, it was not something they could take into consideration when taking their decision.

The Sub Committee were of the view that to remove this condition at this time, to enable Mr Muzaffer Oksuz once again to be responsible for, or authorise, any sale of alcohol at the premises would undermine the licensing objective of crime and disorder. They noted that this condition and others had been added to the licence in 2008 in settlement of an appeal against the revocation of the premises licence after a review hearing requested by Dorset Police due to concerns they had about underage sales taking place at the premises.

The premises had been subject to a further review hearing only on the 12 November 2019, again a review requested by Dorset Police because of continuing concerns of how the premises was being managed and alleged breaches of the conditions added in 2008, leading to the licensing objective of prevention of crime and disorder being undermined. The Sub Committee were mindful that as a result of this review, the then sub-committee hearing the matter, modified the licence by adding further conditions agreed by Dorset Police. It was also agreed that Mr Ismail Gunduz would become the Premises Licence Holder instead of Mr Oksuz and also the Designated Premises Supervisor.

The Sub Committee noted that Dorset Police continued to have concerns about the premises and that the premises were still on their radar and subject to their observations and visits. The recent witness statement taken

by Sgt Gosling only highlighted there was still much for the Police to investigate. This gave the Sub Committee no confidence that the sale of alcohol would be managed responsibly if condition 2.11 was removed from the premises licence at this time. They noted that Sgt Gosling had advised the Sub Committee that there were no current concerns regarding underage sales but they noted that Mr Gundeze has been the PLH and the DPS since November and responsible for the premises in this regard.

The Sub Committee were of the view there had been insufficient time since the premises licence review in November 2019, to be confident that this condition could be removed without risk of undermining licensing objectives. They were pleased to hear that Mr Oksuz had been successful in resitting his Award for Premises Licence Holders and had been granted his personal licence. They were of the view that this knowledge should be beneficial going forward assisting him in managing the sale of alcohol and the premises responsibly, when it became appropriate.

Voting: Unanimous

11. Exclusion of Press and Public

RESOLVED 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.

12. Application for a Review of a Premises Licence Chicken Express, 144 Old Christchurch Road. Bournemouth

The Sub Committee was asked to open and adjourn this application until 19 August 2020, to comply with the Hearing Regulations. This was due to the premises licence holder being unable to attend, due to a family emergency. **It was RESOLVED to open and adjourn this application until 19 August 2020.**

Voting: unanimous

The meeting ended at 11.10 am

CHAIRMAN