

Notice of Licensing Sub-Committee

Date: Tuesday, 21 July 2020 at 10.00 am

Venue: Virtual Skype Meeting



Membership:

Cllr J J Butt

Cllr B Dion

Cllr P Parrish

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 view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?CId=289&MId=4369&Ver=4>

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

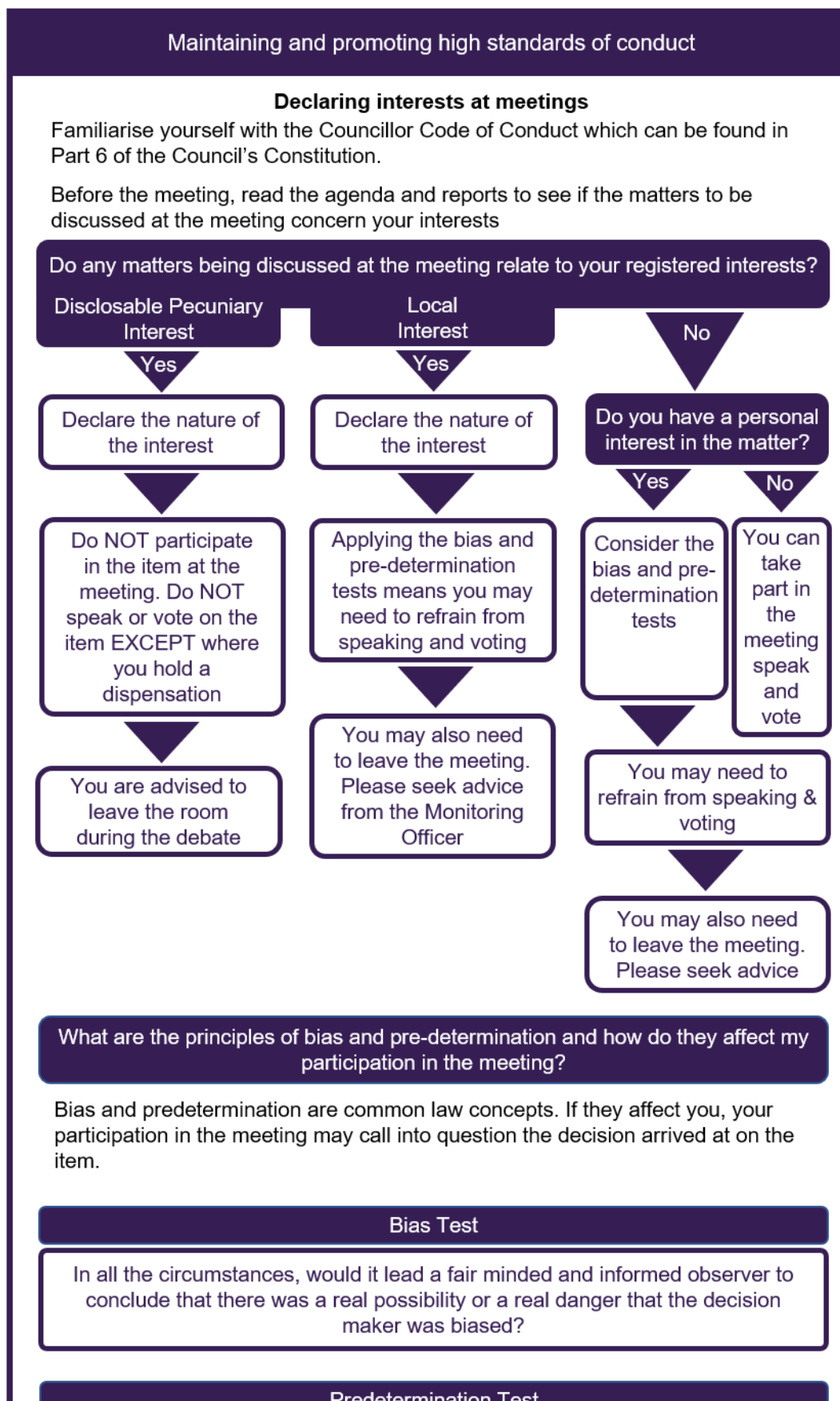
Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpCouncil.gov.uk

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

GRAHAM FARRANT
CHIEF EXECUTIVE

13 July 2020





Selflessness
Councillors should not put themselves or their families or friends in terms of the public interest
Integrity
Councillors must not place themselves under any obligation to private organisations that might inappropriately to influence them in their work. They should not act or take decisions in order to secure financial or other benefits for themselves, their family, or the community. They must declare any interests and resolve any conflicts of interest.
Objectivity
Councillors must not take decisions impartially and on merit. They must take the best evidence and not be influenced by discrimination or bias.
Accountability
Councillors are accountable to the public for their decisions and actions. They must submit themselves to the scrutiny necessary to ensure this.
Openness
Councillors should take decisions in a clear and transparent manner. Information should be withheld from the public unless there are lawful reasons for this.
Honesty & Integrity
Councillors should be honest and integrity. They should not place themselves in situations where their honesty and integrity be questioned.

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 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 Virtual 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 and Article 16 of the Council's Constitution. 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 virtual meetings of the Licensing Sub Committee is included with the agenda sheet for this meeting.

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

9 - 66

An application has been received for a full variation of a Premises Licence for the premises known as 'More the Merrier', 68 Kimberley Road, Bournemouth, BH6 5BY. This matter is brought before the Sub-Committee for determination.

6. Exclusion of Press and Public

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

Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, which states that the licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

'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.'

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

67 - 88

An application has been made by Dorset Police to review the Premises Licence relating to the premises known as 'Chicken Express', 144 Old Christchurch Road, Bournemouth, relating to the licensing objective the prevention of crime and disorder. This matter is brought before the Sub-Committee for determination.

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.bcpccouncil.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.

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LICENSING SUB-COMMITTEE



Report subject	Full Variation of a Premises Licence of More the Merrier 68 Kimberley Road.
Meeting date	21 July 2020
Status	Public Report
Executive summary	<p>Mr David Ramsey has made an application on behalf of Mr Ismael Gunduz to vary the Premises Licence for More the Merrier of Kimberley Road Bournemouth on the 26th May 2020. The application seeks to:</p> <p>Remove Condition 2.11 to enable Mr Muzaffer Oksuz once again be be responsible for, or authorise, any sale of alcohol at the premises.</p>
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> a) Grant the variation application as made; b) Refuse the variation application; c) Grant the application subject to additional conditions. <p>Members of the Licensing Sub-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	<p>The Licensing Authority has received a representation from Dorset Police under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Lewis Allison - Tourism, Leisure and Communities
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Ms Michelle Fletcher ☎ (01202) 451560 ✉ Michelle.fletcher@bcpcouncil.gov.uk
Wards	West Southbourne;
Classification	For Decision

Background

1. On the 26th May 2020 an application was submitted to Vary Premises Licence BH083244 for More the Merrier of Kimberley Road Bournemouth under the Licensing Act 2003 as attached at Appendix 1. The application is to:

Remove Condition 2.11 "Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises. "
2. A location plan is attached at Appendix 2.
3. A copy of the current Premise Licence BH823244 is attached at Appendix 3.
4. Mr Muzaffer Oksuz originally obtained Premises Licence BH083244 in July 2005.
5. In September 2007 Dorset Police submitted a review of the Premises Licence under Section 51 of the Licensing Act 2003 because of concerns raised by failed test purchases and underaged sales resulting in the Premises Licence being revoked. This was appealed and later settled by way of a consent order signed between Mr Muzaffer Oksuz and Bournemouth Borough Council in June 2008. This consent order added condition 2.11 to the Premises Licence. The Review Application, Decision Notice and Consent Order are attached at Appendix 4.
6. In September 2019 a further Review of the Premises Licence was submitted by Dorset Police under Section 51 of the Licensing Act 2003 as in despite of condition 2.11 Mr Mustaffer Oksuz had been consistently selling alcohol at the premises since 2008. The review was then heard by the Licensing Committee on the 12th November 2019. It was decided that the Premises Licence be transferred to Mr Ismail Gunduz and Mr Ismail Gunduz was also made the Designated Premises Supervisor, further conditions were also added to the Premises Licence. The Review Application, Decision Notice are attached at Appendix 5.

Consultation

7. On the 8th June 2020 an objection was received from Dorset Police, in response to this application, as the opinion of Dorset Police was that any such variation application should be put before the Licensing Sub-Committee as the review hearing had only just taken place in November 2019 and at that time both Dorset Police and the Licensing Committee felt that removing said condition 2.11 would

not be an appropriate measure. A copy of this representation is attached at Appendix 6.

Options Appraisal

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

Summary of financial implications

9. N/A

Summary of legal implications

10. The applicant has the right of appeal against the decision made by the committee 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 application to vary the premises licence
2. Location Plan

3. Current Premises Licence
4. Review Application, Decision Notice and Consent Order 2007
5. Review Application, Decision Notice 2019
6. Representation from Dorset Police

Application to vary a premises licence 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/We ISMAEL GUNDUZ

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number BH82357

Part 1 – Premises Details

MORE THE MERRIER 68 KIMBERLEY ROAD			
Post town	BOURNEMOUTH	Postcode	BH6 5BY

Telephone number at premises (if any)	<input type="text"/>
Non-domestic rateable value of premises	£6488.00

Part 2 – Applicant details

Daytime contact telephone number	<input type="text"/>		
E-mail address (optional)	<input type="text"/>		
Current postal address if different from premises address	<input type="text"/>		
Post town	BOURNEMOUTH	Postcode	<input type="text"/>

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

REMOVAL OF CONDITION 2.11

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	0001	0000			
Tue	0001	0000			
Wed	0001	0000			
Thur	0001	0000			
Fri	0001	0000			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	0001	0000			
Sun	0001	0000			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NO ENTERTAINMENT OF AN ADULT NATURE IS ENVISAGED</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0001	0000	
Tue	0001	0000	
Wed	0001	0000	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Thur	0001	0000	
Fri	0001	0000	
Sat	0001	0000	
Sun	0001	0000	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 ALL EXISTING CONDITIONS OTHER THAN CONDITION 2.11 ARE STILL FELT TO BE RELEVANT AND WILL REMAIN.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Mr Muzafer OKSUZ, the owner of the premises had his personal licence revoked in 2008 and as a result the condition 2.11 was added to the premises licence.
This condition has caused the applicant serious financial problems by having to hire extra staff and pay for their training and personal licence.
During the past 12 years there have been no problems in relation to age restricted sales and any incidents of potential antisocial behaviour either managed positively or reported to the authorities.
Mr. OKSUZ has re sat his Award for Premises Licence Holders and has been granted his personal licence by BCP council.

b) The prevention of crime and disorder

ALL OTHER CURRENT CONDITIONS APPLY

c) Public safety

ALL OTHER CURRENT CONDITIONS APPLY

d) The prevention of public nuisance

ALL OTHER CURRENT CONDITIONS APPLY

e) The protection of children from harm

ALL OTHER CURRENT CONDITIONS APPLY

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- 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 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<div style="border: 1px solid red; width: 250px; height: 30px;"></div>
Date	12 th May 2020 Y
Capacity	David Ramsay Licensing Consultant on behalf of ISMAEL GUNDUZ

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

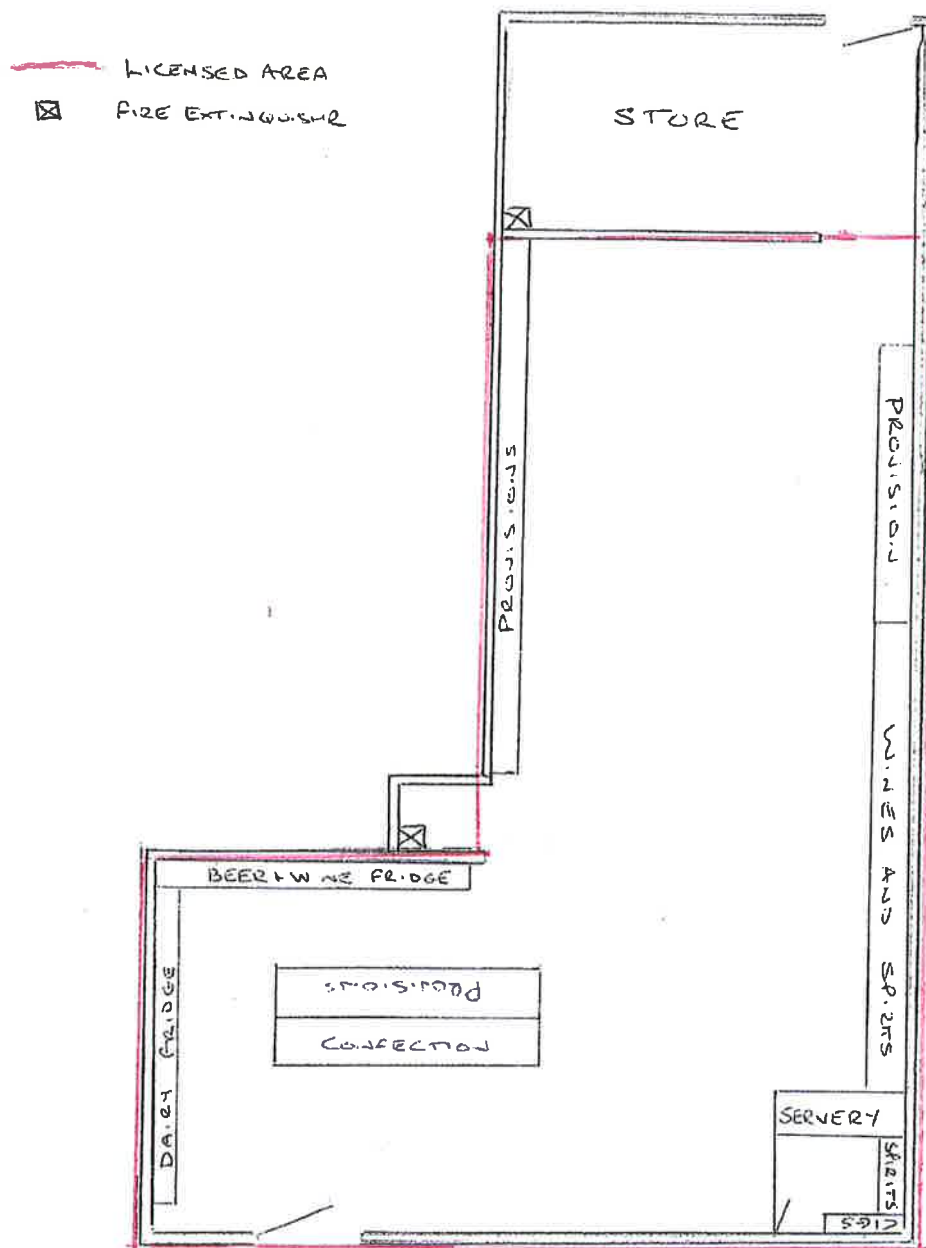
Post town	BOURNEMOUTH	Post code	<div style="border: 1px solid red; width: 80px; height: 15px;"></div>
Telephone number (if any)	<div style="border: 1px solid red; width: 130px; height: 15px;"></div>		

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.



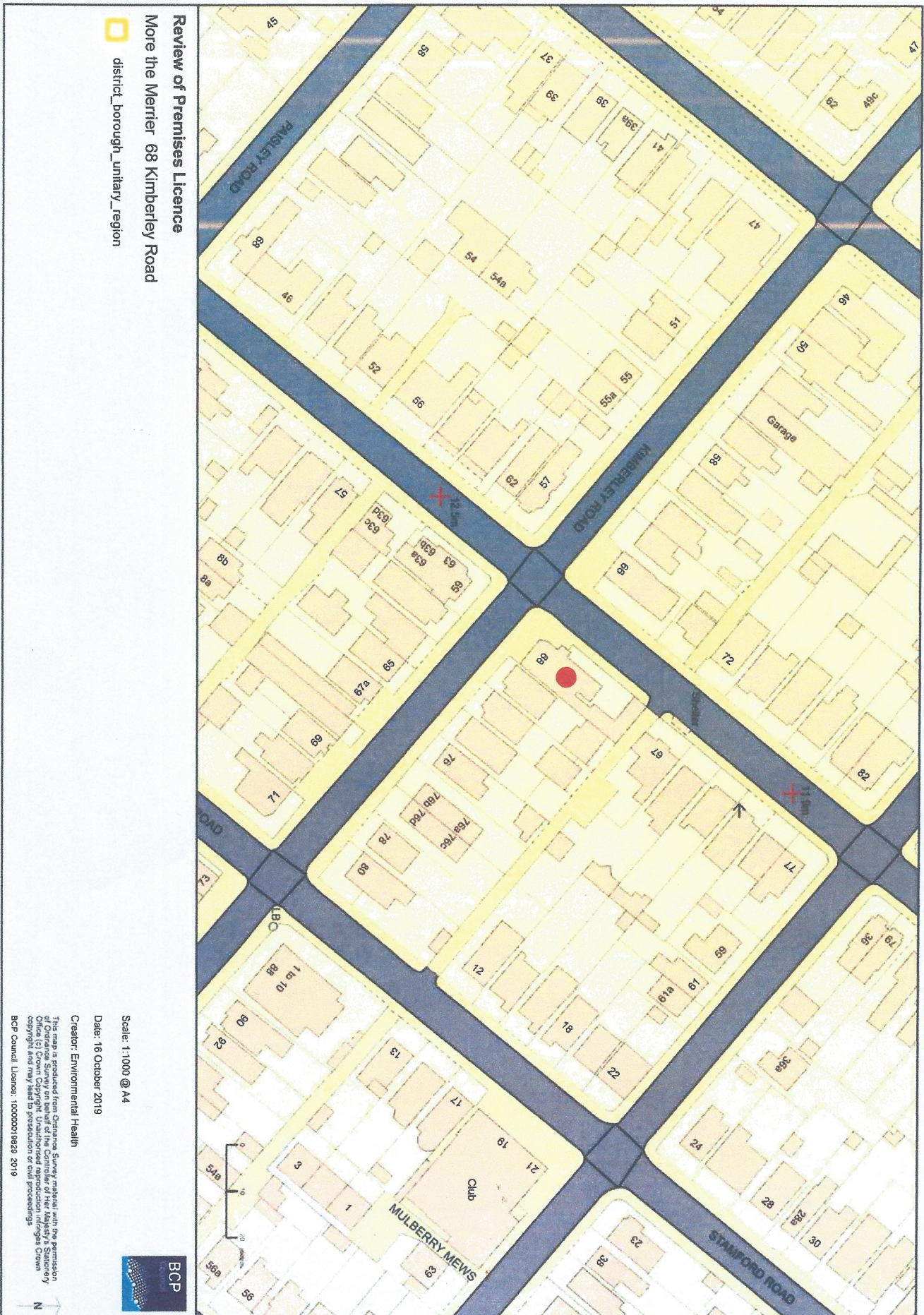
MORE THE MERRIER
 68 KIMBERLEY ROAD
 BOURNEMOUTH
 BH6 5BY

BOURNEMOUTH BOROUGH COUNCIL
 LICENSING SECTION

24 NOV 2005

APPROVED
 REF. No. M 083244

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Licensing Team
Town Hall Annex
St Stephen's Road
Bournemouth BH2 6EA



Mr Ismail Gunduz



Date: 27 January 2020
Our Ref: LEAPv8: Misc. Act.: 083244:
SDB07550
Contact: Mrs S Rogers
Email: sarah.rogers@bcpcouncil.gov.uk
Tel: (01202) 454929

Dear Mr Gunduz

LICENSING ACT 2003 – PREMISES LICENCE & SUMMARY
More The Merrier 68 Kimberley Road Bournemouth BH6 5BY

Further to the recent application by Dorset Police to review the above premises licence, please find enclosed the updated premises licence & summary. This updated licence also includes the recent change of licence holder and DPS to Mr Gunduz as directed by the Licensing Sub-Committee.

You are reminded that the licence summary, or a certified copy, must be prominently displayed at the premises.

Please note that if there are any changes to the layout of the premises or style of operation/business then it may be necessary to make an application to vary the licence.

If you have any queries, please do not hesitate to contact me as detailed above.

Data Matching

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see www.bournemouth.gov.uk/nfi

Yours sincerely

Mrs S Rogers
Senior Licensing Officer

Premises Licence Part A

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 293739	

Licensable activities authorised by the licence:
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Supply of Alcohol Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 Sunday - 00:01 to 00:00

The opening hours of the premises:
Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 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.

Part 2

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

Mr Ismail Gunduz

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

N/A

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

Mr Ismail Gunduz

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

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

- 2.1 No sale of intoxicating liquor shall be made to persons where there are grounds to believe that the sale shall result in crime and disorder.
- 2.2 The premises licence holder and Designated Premises Supervisor shall 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 shall take place during day time hours.
- 2.5 No employee under the age of 18 years of age shall be responsible for the sale of intoxicating liquor.
- 2.6 The premises licence holder shall 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 A documented check of the CCTV system shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
 - 2.7.1 A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or an authorised Officer of the Council recent data or footage with the absolute minimum of delay when requested.
 - 2.7.2 CCTV shall be downloaded on request of the Police or an authorised Officer of the Council.
 - 2.7.3 Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises.
- 2.8 All staff shall be trained in the management of conflict. This shall enable them to deal efficiently with troublesome and abusive customers.

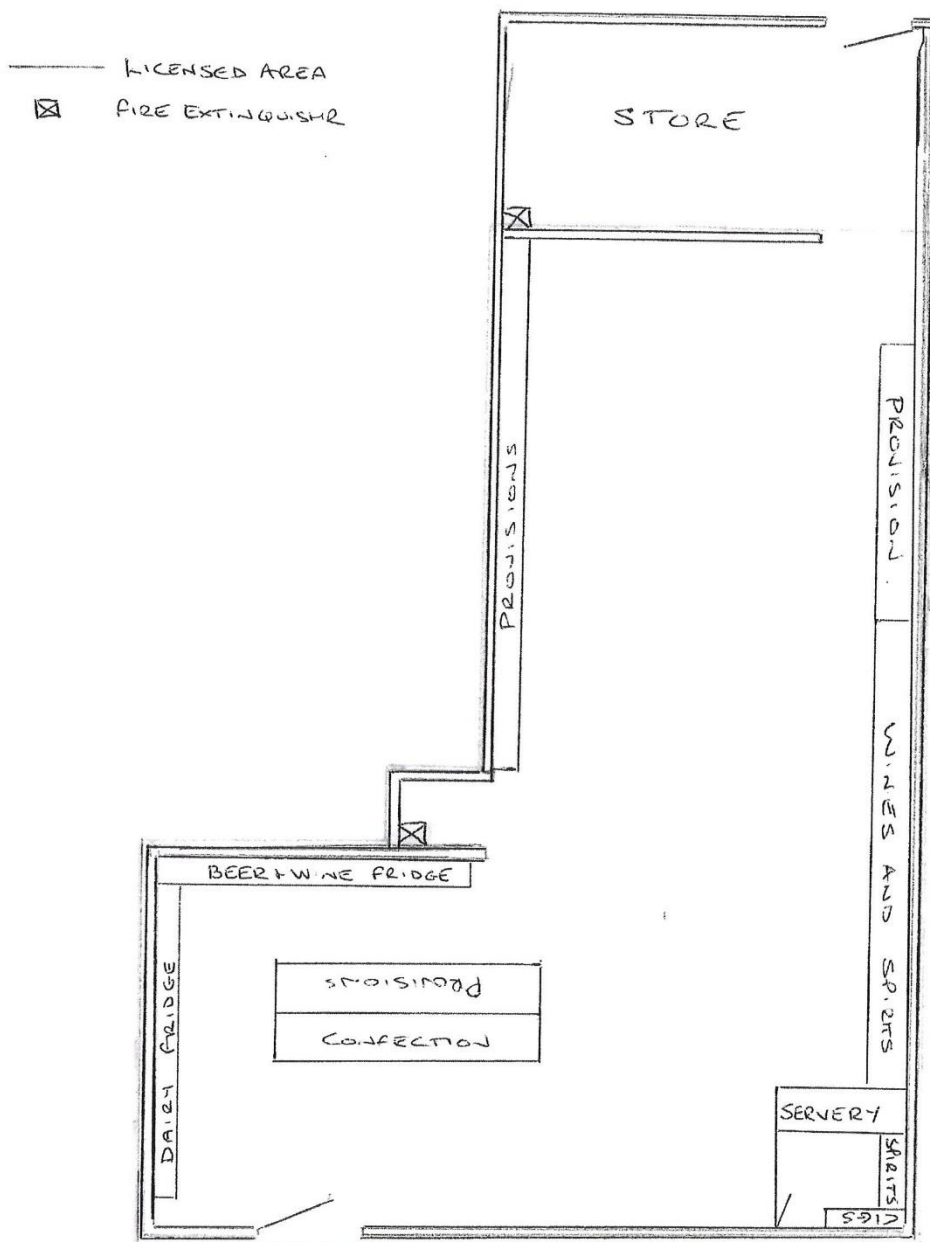
- 2.8.1 Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted products.
- 2.8.2 A "No Proof of Age - No Sale" age verification policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Police, Licensing or other authorised Officers.
- 2.8.3 A record shall be maintained of all staff training and the person receiving the training, and the trainer, shall sign that record. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised Officers.
- 2.8.4 Written records of training and subsequent refresher training (including in-house training) shall be kept for all staff involved in the sale of alcoholic beverages.
- 2.9 The premises shall adopt the 'Challenge 25' policy and appropriate signage such as PASS Scheme signage shall be prominently displayed both at the entrance to and throughout the premises.
- 2.10 The only ID that shall be accepted will be those approved by PASS, UK passports and photo driving licenses.
- 2.11 Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises.
- 2.12 An incident book shall be kept at the premises and be made available for inspection by an authorised officer on request.
- 2.13 As far as is possible, there shall 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.
- 2.14 A refusals register shall be kept diligently at the premises. All incidents shall be entered with details and descriptions of customers and actions. Records shall be kept for no less than 12 months and shall be available for inspection by an authorised Officer on request.
 - 2.14.1 The refusal and incident register shall be in book form and checked and signed weekly by the DPS.

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

- 3.1 A Personal Licence holder shall be present on the premises at all times alcohol sales are made.

Annex 4 – Plans

This licence is issued in accordance with the plan M083244, dated 24.11.05, submitted with the application, as attached.



MORE THE MERRIER
 68 KIMBERLEY ROAD
 BOURNEMOUTH
 BH6 5BY

BOURNEMOUTH BOROUGH COUNCIL
 LICENSING SECTION

24 NOV 2005

APPROVED
 REF. No. M 083244

Premises Licence Part B

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 293739	

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

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

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

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

Issued: 24 November 2005
Revised: 12 November 2019 (Review)
13 December 2019 (Transfer & Vary DPS)


Mrs Nananka Randle
Licensing Manager

Received 14/09/2007

M097904

**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 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) Muzaffer Oksuz	
Number of premises licence or club premises certificate (if known) BH11804	

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|-------------------------------------------------------------------------------------|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

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

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

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

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Dorset Police Bournemouth Police Station Madeira Road Bournemouth BH1 1QQ
Telephone number (if any)
E-mail address (optional)

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

Please tick one or more boxes

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

<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 1)

1. Prevention of crime and disorder
2. Protection of children from harm

On the following 3 occasions, the premises sold alcohol to a child:

31st May 2007
23rd June 2007
3rd July 2007

There were also breaches of certain conditions of the current premises licence, specifically 2.1, 2.2 and 2.3 (detailed overleaf)

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

Below is a brief summary of the application, supporting/additional evidence will be forwarded prior to the hearing.

Between 4th May and 15th July 2007, the Home Office via the Police Standards Unit led a campaign throughout England and Wales named TUSAC (Tackling Underage Sales to Children). The campaign consisted of a police BCU (Basic Command Unit) one of which was Bournemouth, carrying out a series of test purchase operations at twenty licensed premises within their area, these premises being chosen between Bournemouth Police and Bournemouth Trading Standards as being identified through local information/intelligence as giving cause for concern.

More the Merrier was one of the chosen premises.

On the 11th May 2007, Muzaffer OKSUZ, premises licence holder and designated premises supervisor of More The Merrier, was visited by PS WILSON and PC MANN of Bournemouth ALE Team. They warned him regarding the sale of alcohol to underage children and also that Bournemouth Police were taking part in the TUSAC campaign and that if subject to three sales, this could lead to suspension or revocation of the premises licence.

On 31st May 2007, the premises was subject to a test purchase where a 14 year old girl purchased alcohol at the premises. The sales assistant was identified as Eyyup KILNIC and he was issued a PND (Penalty Notice for Disorder) which has been paid. A request was made of KILNIC to produce a copy of the stores CCTV, he was unable to do so. He had received no training to sell alcohol.

On 23rd June 2007, another test purchase was carried out at the premises and alcohol was sold to a 15 year old boy. This sale was actually made by Muzaffer OKSUZ, the premises licence holder and DPS. He was again asked for a copy of the CCTV for both sales and again was unable to produce either.

On 3rd July 2007, the final test purchase was carried out and alcohol was sold to a 14 year old girl. The sales assistant was identified as Hatice OKSUZ and she was issued a PND, which has been paid. She had received no training in the sale of alcohol. Muzaffer OKSUZ was also present at this time and he was again asked to produce copies of the stores CCTV for all three sales, yet again, he was unable to do so.

On 26th July 2007, PC MANN together with two Dorset Police video technicians attended More The Merrier. Darren HALLET, one of the technicians, inspected the shops new CCTV and discovered that it was not recording and held no images whatsoever. In fact when he attempted to switch the system on to record, it would not record. He then inspected the shops old CCTV and downloaded images of the first sale on 31st May 2007.

In light of the above it is apparent that in addition to the three underage sales, there are three breaches of conditions that are currently on the premises licence, specifically:

2.1. The premises will comply with the reasonable requirements contained in the current Crime Prevention Report of the Dorset Police Crime Prevention Officer.

2.2 recordings will be retained for 31 days, which will be delivered to the police on request (subject to the Data Protection Act 1998).

2.3 Persons who look under 18 will be asked for ID before they will be sold alcohol.

It is clear from what has occurred at the premises, i.e. the persistent sales of alcohol to children (in spite of prior warning and repeated warnings after the sales), the fact that one of the sales was made by the Premises Licence Holder and DPS, and the breaches of conditions, that those concerned in the running of the premises, and their employees, have shown a blatant disregard for both the law and their responsibilities and are in no position to run a licensed premises. Dorset Police believe that the only appropriate sanction available to the Licensing Committee is revocation of the premises licence as we have absolutely no confidence in either the management, owners or employees of the premises.

Have you made an application for review relating to this premises before ☐

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date 14.09.07

Capacity Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Gail Wade - Licensing Officer Bournemouth Police Station Madeira Road	
Post town Bournemouth	Post Code BH1 1QQ
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

TC

m097904

Tanya Coulter
Tanya.coulter@bournemouth.gov.uk

451172

DECISION LETTER

30th October 2007

Dear Mr Oksuz,

More the Merrier, 68 Kimberly Road, Bournemouth BH6 5BY
Review of Premises Licence - Hearing on 29th October 2007

I write further to the hearing of Dorset Police's application for a Review of the Premises Licence of More the Merrier made pursuant to section 51 of the Licensing Act 2003. This application was considered by the Statutory Licensing (Act 2003) Board on the 29th October 2007.

Dorset Police requested a Review of the Premises Licence and submitted witness statements in support of the application. In addition Trading Standards and Bournemouth & Poole Local Safeguarding Board (as Responsible Authority in regard to protection of children from harm) made relevant representations. These parties were in attendance along with Mr Oksuz, the Premises Licence holder, who had a friend with him to act as interpreter when required. All parties gave evidence to the Board in addition to their written statements. In addition the Board took into account the written evidence of David Ramsey on behalf of Mr Oksuz although he himself was not present.

Mr Oksuz
More the Merrier
68 Kimberly Road
Bournemouth
BH6 5BY

The Board, having considered the evidence, both oral and written, and bearing in mind the serious harm that can be caused by the sale of alcohol to children, has decided that it is necessary and proportionate to revoke the licence for the following reasons:-

1. On four occasions sales were made to children following test purchases - one in 2006 and three in 2007.
2. There has been a breach of three conditions of the Licence, namely conditions relating to CCTV and to underage sales.
3. The Board has no confidence in the premises licence holder's ability to prevent such underage sales happening again in the future. It particularly notes that Trading Standards officers provided Mr Oksuz with guidance on underage sales in Turkish in 2006; that he was prosecuted by the Council following the test purchase carried out by Trading Standards in 2006 which should have acted as a clear warning to him of the requirements of the Act; that he was again warned on 11th May 2007 about the sale of alcohol to children and then following each occasion where underage sales have been made in 2007. He has not it appears provided adequate training to persons who serve in the premises when he is not there and he himself accepts that the persons he left in charge of the premises on a number of occasions were not experienced and had not had training. Mr Oksuz does not appear to be familiar with the requirements of the law in spite of the information and warnings given to him and has not been able to prevent underage sales in spite of the clear advice and warnings given. The Board therefore has not confidence that were it to impose additional conditions and/or suspend the licence this would be effective to prevent future sales to children. Accordingly it has decided to revoke the licence.

The Premises Licence holders, Dorset Police, Trading Standards and Bournemouth and Poole Local Area Safeguarding Board all have the right to appeal against this decision. Any such appeal must be made to the Magistrates' Court within 21 days of the date of this letter.

Yours sincerely,

Tanya Coulter
Principal Solicitor

m097904

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.

20 October 2008

M172632

[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)

☐

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Drug & Alcohol Harm Reduction Team Dorset Police Bournemouth Police Station Madeira Road Bournemouth BH21 1QQ
Bournemouth
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="" 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.

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
1	4	092007

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

yes

Please tick ✓

- 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**

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

M172632

Mr D Ramsey

Date: 27 November 2019
Our Ref: LDBv3: Misc. Act.: 172632: SDB07518
Contact: Mrs S Rogers
Email: sarah.rogers@bpcouncil.gov.uk
Tel: (01202) 454929

Dear Mr Ramsey

Licensing Act 2003 – Notice of Decision
More the Merrier 68 Kimberley Road Bournemouth BH6 5BY

The Licensing Sub-Committee sat on 12th November 2019 to consider a application dated the 3rd September 2019 for the review of a premises licence in respect of More the Merrier, 68 Kimberley Road, Bournemouth, BH6 5BY. I can confirm that Bournemouth, Christchurch and Poole Council has reached the following decision:

Decision

Having considered the written evidence submitted before the hearing along with the verbal submissions at the hearing, and noting the successful outcome of mediation between the premises and Dorset Police, the sub-committee decided to modify the licence as follows:

- 1) The Designated Premises Supervisor shall be Mr Ismail Gunduz.
- 2) The Premises Licence Holder shall be Mr Ismail Gunduz.
- 3) The licence conditions shall be varied to reflect the recommendations as set out in David Ramsay's report dated the 4th November 2019 as follows:-
 - (a) Amend 2.7 to read "A documented check of the CCTV system shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained."
 - (b) New 2.7.1 "A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or an authorised officer of the Council recent data or footage with the absolute minimum of delay when requested."
 - (c) New 2.7.2 "CCTV shall be downloaded on request of the Police or authorised officer of the Council."

- (d) New 2.7.3 "Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises."
 - (e) Amend 2.8 to read "All staff shall be trained in the management of conflict. This could shall enable them to deal effectively with troublesome and abusive customers."
 - (f) New 2.8.1 "A record shall be maintained of all staff training and the person receiving the training, and the trainer, shall sign that record. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers."
 - (g) New 2.8.2 "Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods."
 - (h) New 2.8.3 "A "No Proof of Age – No Sale" age verification policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Police, Licensing or other authorised officers."
 - (i) New 2.8.4 "Written records of training and subsequent refresher training (including in-house training) shall be kept for all staff involved in the sale of alcoholic beverages."
 - (j) Amend 2.9 to read "A refusals register shall be kept diligently at the premises. All incidents shall be entered with details and descriptions of customers and actions. Records shall be kept for no less than 12 months and shall be available for inspection by an authorised officer on request."
 - (k) New 2.9.1 "The refusal and incident register shall be in book form and checked and signed weekly by the DPS."
 - (l) Amend 2.10 to refer to "Challenge 25" instead of "Challenge 21".
- 4) A Personal Licence Holder will be present on the premises at all times alcohol sales are made.

Reasons for the decision:

In reaching this decision the sub-committee considered that as the premises licence holder, Mr Oksuz, should have been aware of and understood the terms of the licence. The sub-committee also noted that point 4 had been agreed following mediation with Dorset Police. Dorset Police also indicated that if this was adhered to, they would have no further concerns. It was also noted that Mr Oksuz offered the recommendations in Mr Ramsay's report as conditions.

You do have a right of appeal against this decision. Any appeal must be commenced by way of complaint laid by the appellant to the Designated Officer, Dorset Magistrates' Court, Deansleigh Road, Bournemouth, BH7 7DS within the period of 21 days beginning with the date of this Notice.

Yours sincerely

Mrs S Rogers
Senior Licensing Officer

cc. Mr M Oksuz

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Michelle Fletcher - Licensing

From: Busfield, Louise <Louise.Busfield@dorset.pnn.police.uk>
Sent: 08 June 2020 16:32
To: Licensing Com; Michelle Fletcher - Licensing
Cc: David Ramsay
Subject: RE: M177373 Full Variation

Dear all,

Further to the application to vary the Premises Licence for More the Merrier, and on behalf of the Chief Officer of Dorset Police I wish to object to the variation to remove Condition 2.11 :-

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

This premises was subject to a review in November 2019, and this time the Licensing Sub-Committee was of the opinion that Mr Oksuz should have been aware of, and understood the terms of his licence.

The Licensing Sub Committee did not consider that removing said condition 2.11 would be an appropriate measure, and in fact further modified the Premises Licence by including additional conditions after lengthy mediation between Dorset Police and Mr Oksuz' Licensing Consultant.

It is therefore the considered opinion of Dorset Police that any such variation should be put before the Licensing Sub-Committee, especially given the recent nature of the hearing.

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 T: 01202 222445 M: 07912 899315



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From: Michelle Fletcher - Licensing <michelle.fletcher@bcpcouncil.gov.uk>
Sent: 27 May 2020 10:38
To: C&I - PS - Safeguarding Children <SafeguardingChildren@bcpcouncil.gov.uk>; 'fire' <fire.safety@dwfire.org.uk>; Pollution <environmentalhealth@bcpcouncil.gov.uk>; 'Immigration' <alcohol@homeoffice.gsi.gov.uk>; Planning <planning.bournemouth@bcpcouncil.gov.uk>; 'PH' <publichealth-licensing@dorsetcc.gov.uk>; Trading Standards <trading.standards@bcpcouncil.gov.uk>; .Licensing <Licensing@Dorset.PNN.Police.uk>; FoodandHealthandSafety

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