

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 02 March 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr J J Butt and Cllr D Kelsey

21. Election of Chair

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

Voting: Unanimous

22. Apologies

Following the publication of the agenda, Councillor S Anderson submitted apologies for this meeting and Councillor D Kelsey, as a reserve member, assumed the role as a Licensing Sub-Committee member.

There were no other apologies for absence.

23. Declarations of Interests

There were no declarations of interest.

24. Southbourne Sports Club, 8 Dean's Road, Bournemouth, BH5 2DA

Present:

From BCP Council:
Sarah Rogers, Senior Licensing Officer
Johanne McNamara, Legal Advisor to the Sub-Committee
Michelle Cutler, Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Clerk asked all members of the Sub-Committee to confirm receipt of additional evidence in the form of an email thread between Sergeant Gosling, representing the applicant, Dorset Police and Mr Day, representing Mr Huseyin Kocabay, the Premise Licence Holder, dated 28th February 2022 and sent out by the clerk on 1st March 2022. The email contained a

copy of the discussion in relation to the mediation that had taken place between both parties on 28th February 2022. All members of the Sub-Committee confirmed that they had received a copy of the email.

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

The Sub-Committee was asked to consider an application for review of the premises licence for the premises known as 'Southbourne Sports Club', 8 Deans Road, Southbourne, Bournemouth, BH5 2DA. The application was submitted by Dorset Police on 18th January 2022 under the prevention of crime and disorder and public safety licensing objectives.

No other representations had been received from any of the other responsible authorities or any other persons.

The premises licence was first reviewed on 28th October 2021 by Dorset Police stating that the licence holder was not exercising the levels of control over the premises necessary to ensure that the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety were being upheld. The Licensing Sub-Committee decided at that hearing to impose 5 further conditions.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Sergeant Gareth Gosling, representing the Applicant, Dorset Police
Louise Busfield, Licensing Officer, Dorset Police

Philip Day, Lacey's Solicitors, representing Mr Huseyin Kocabay
Huseyin Kocabay, Premises Licence Holder

Sergeant Gosling addressed the Sub-Committee on behalf of Dorset Police and outlined the application for a Review.

Mr Day addressed the Sub-Committee and advised that following mediation with Dorset Police, Mr Kocabay was prepared to accept an outcome that the Licensing Sub-Committee determine to remove Mr Kocabay as Designated Premises Supervisor (DPS) and that the licence be amended to include a clause that "no DPS is attached to the Premises Licence until such time as the Premises Licence and lease/business is transferred/conveyed to a person or business which is entirely unconnected with Mr Kocabay or any member of his immediate family (being any parent, child, spouse, civil partner or sibling)".

Mr Day advised that if the Sub-Committee was minded to take some other course of action, he would ask that they adjourn the hearing to allow a detailed response to the review application (with supporting documents) to be prepared by himself and submitted to them in advance of the adjourned hearing date.

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED:- That having considered the Application submitted by Dorset Police to Review the premises licence for the premises known as 'Southbourne Sports Club', 8 Deans Road, Southbourne, Bournemouth, BH5 2DA, the Sub-Committee agrees that Mr Kocabay be removed as the DPS with immediate effect and that the licence be amended to include a clause that "no DPS is attached to the Premises Licence until such time as the Premises Licence and lease/business is transferred/conveyed to a person or business which is entirely unconnected with Mr Kocabay or any member of his immediate family (being any parent, child, spouse, civil partner or sibling)". This agreement has been reached by Dorset Police and Mr Kocabay via mediation in advance of the Hearing.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the written information which had been submitted before the hearing, including that contained in the report for Agenda Item 5, including the representations made by the applicant Dorset Police and Mr Philip Day of Lacey's Solicitors on behalf of the premises licence holder, Mr Kocabay. The Sub-Committee considered the verbal submissions made at the hearing by all parties attending and the responses given by all parties to questions asked at the hearing.

The Sub-Committee had regard to the significant amount of engagement and support offered by Dorset Police and was grateful for the mediation that took place in advance of the Hearing between Dorset Police and Mr Philip Day, representing Mr Kocabay.

The Sub-Committee was advised by Mr Day that Mr Kocabay intended to sell his business at the earliest opportunity and that during the 21 day appeal period, the Police would monitor the premises.

The Sub-Committee was informed by Dorset Police that the residents in the locality of the premises were also happy with the agreement reached between both parties and the Chair wished to express thanks on behalf of the Sub-Committee for their co-operation in this matter.

The Legal Adviser explained 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, and that the decision would not come into effect until the expiry of said 21 days.

Voting: Unanimous

25. EX Rowlands Chemist, 128 Charminster Road, Bournemouth

This item was withdrawn due to all representations being withdrawn in advance of the hearing.

The meeting ended at 10.40 am

CHAIRMAN