

LICENSING SUB COMMITTEE



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

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

Background

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

Consultation

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

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

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

Summary of financial implications

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

Summary of legal implications

13. None

Summary of human resources implications

14. None

Summary of environmental impact

15. None

Summary of public health implications

16. None

Summary of equality implications

17. None

Summary of risk assessment

18. None

Background papers

Bournemouth's Statement of Licensing Policy

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

Section 182 Guidance to the Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

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