[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, ordna	nce survey map reference or description
More the Merrier	
68 Kimberley Road	
Post town Bournemouth	Post code (if known) BH6 5BY
Name of promises licence holder or club hold	ling slub promises contificate (if Imour)

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

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

Please tick ✓ yes	
Mr 🗌 Mrs 🗍 Miss 🗍 M	As Other title (for example, Rev)
Surname	First names
I am 18 years old or over	Please tick ✓ yes
Current postal address if different from premises address	
Post town	Post Code
Daytime contact telephone number	
E-mail address (optional)	

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Drug & Alcohol Harm Reduction Team 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 \checkmark

 \boxtimes

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

Da	ıy	M	ont	h	Y	ear	
1	4	0	9	2	0	0	7

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

T TAMOR CIAIR	Plea	se	tick	\checkmark
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 \boxtimes

- 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) an associated with this application (please read gu Louise Busfield Bournemouth Police Station Madeira Road		
Post town	Post Code	
Bournemouth	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.

yes



Appendix 2

Part A

Premises Licence

Premises licence number

BH083244

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:More The Merrier, 68 Kimberley RoadPost town: BournemouthPost Code: BH6 5BYTelephone number: 01202 427081

Where the licence is time limited the dates: N/A

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

Part 2:

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence: Mr Muzaffer Oksuz 68 Kimberley Road Bournemouth BH6 5BX Tel: 01202 427081

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:

Cengiz Is

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol: BH11804 Bournemouth Borough Council

Annex 1 - Mandatory Conditions (Section 19 LA2003):

- 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.

Annex 2 - Conditions consistent with the Consent Order following review of the premises licence - application ref: 097904

- 2.1 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.
- 2.2 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.
- 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 will take place during day time hours, at present.
- 2.5 No employee under the age of 18 years of age will be responsible for the sale of intoxicating liquor.
- 2.6 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.
- 2.7 The CCTV system will be maintained in working order, with images made available to the Police and Bournemouth Borough Council Licensing Officers on request.
- 2.8 All staff will be trained in the sale of age restricted products under the SWERCOTTS 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 of an authorised officer on request.
- 2.9 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.
- 2.10 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.
- 2.11 The only ID that will be accepted will be those approved by PASS, UK passports and photo driving licenses.
- 2.12 Muzaffer Oksuz will not be responsible for, or authorise, any sale of alcohol at the premises.

- 2.13 An incident book will be kept at the premises and be made available for inspection by an authorised officer on request.
- 2.14 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.

Annex 3 - Conditions attached after a hearing by the Licensing Authority:

N/A

Annex 4 - Plans:

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



Part B

Premises Licence

Premises licence number

BH083244

Postal address of premises, or if none, ordnance survey map reference or description:More The Merrier, 68 Kimberley RoadPost town: BournemouthPost Code: BH6 5BYTelephone number: 01202 427081

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 and (registered) address of holder of premises licence: Mr Muzaffer Oksuz, 68 Kimberley Road, Bournemouth, BH6 5BY

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

Cengiz Is

Issued: 24th November 2005

AS

Head of Public Protection

Revised: 28th October 2008





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

BETWEEN

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

al Adviser/Justice of the Peace

We agree to an Order in these terms

eur

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

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Appendix 4





Licensing Officer Bournemouth Borough Council Town Hall St Stephens Road Bournemouth

Dorset, Gloucestershire and Wiltshire Area

Bournemouth Magistrates' Court The Law Courts Stafford Road Bournemouth BH1 1LA ·

T (01202) 745309 F (01202) 711999

www.hmcourts-service.gov.uk

PUBLIC 0 8 NOV 2007 PROTECTION

> Our ref: CWF/070001628 Your ref:

25th October 2007

Dear Sir,

RE: Muzaffeer Oksuz Bournemouth Magistrates' Court 25th October 2007

The above named defendant appeared before the court today in respect of an offence of persistently selling an alcohol to a child under 18. He pleaded guilty and the Justices fined him £1000, ordered him to pay costs in the sum of £100 and the victim surcharge in the sum of £15. They also ordered under section 129 Licensing Act 2003 that his personal licence be forfeited and that the premises licence for More the Merrier be suspended for a period of 3 months under section 147B of the said Act.

I can advise that his solicitor has this afternoon lodged a notice of appeal against that sentence and has made applications under sections 129(4) and 147(4) to suspend the orders for forfeiture and suspension pending the outcome of the appeal. The court has granted those applications and they are now suspended pending the hearing of the appeal.

I believe there is a review of his premises licence due to be heard by the Licensing committee on Monday 29th October 2007.

Yours faithfully,

Miss C. Flude Legal Adviser

Sarah Rogers - Licensing

From:
Sent:
To:
Subject:

David Ramsay <davidramsay57@gmail.com> 15 October 2019 13:42 Sarah Licensing Fwd: More The Merrier

Hi Sarah,

Below is the condition agreed with the police.

The premises licence holder has agreed to the other recommendations and a meeting will be arranged with the police by mid November to confirm that they have been carried out. Regards Dave

Begin forwarded message:

From: "Busfield, Louise" <Louise.Busfield@dorset.pnn.police.uk> Date: 15 October 2019 at 08:30:26 BST To: David Ramsay <davidramsay57@gmail.com> Subject: RE: More The Merrier

Hi Dave,

Yes, I am in agreement, let's go with the highlighted recommendation as a condition. I would like the opportunity for a follow-up with you and Mr Oksuz once the improvements have been made, could we arrange this for a mutually convenient date say mid November?

The licence to be transferred to Mr Ismail GUNDUZ (dob 01011982).

The DPS to be Mr Ismail GUNDUZ who has previously been DPS at several premises including Best One Poole Hill and Ferndown Food and Wine.

A personal licence holder will be present on the premises at all times when alcohol sales are made.

Presently there is only one personal licence holder at the premises. This is Mr Oksuz wife.

3 personal licence holders are being added to the staff of the premises, Esra OKSUZ, Ismail GUNDUZ and Mr Garip OZCAN.

Mr Oksuz to be allowed to work on premises but at present will not be allowed to be involved in the sale of alcohol due to condition 2.12.

A survey of the premises in relation to the 4 licensing objectives will be carried out by Mr David Ramsay Licensing Consultant and his recommendations implemented in order to meet these objectives.

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: David Ramsay <davidramsay57@gmail.com>
Sent: 14 October 2019 18:30
To: Busfield, Louise <Louise.Busfield@dorset.pnn.police.uk>
Subject: Fwd: More The Merrier

Hi Louise,

Which of these would you be looking at as conditions on the licence.

I would think that my 3rd recommendation would possibly be the only one relevant as a condition, the others being actions taken to ensure no other problems arise.

Regards

Dave

Begin forwarded message:

From: Sarah Rogers - Licensing <<u>sarah.rogers@bcpcouncil.gov.uk</u>> Subject: RE: More The Merrier Date: 14 October 2019 at 12:40:39 BST To: "Busfield, Louise" <<u>Louise.Busfield@dorset.pnn.police.uk</u>>, "David Ramsay (<u>davidramsay57@gmail.com</u>)" <davidramsay57@gmail.com>

Dear Louise and Dave

Thank you for dealing with this and mediating.

Unfortunately, as this is a review application, a hearing must be held.

I will certainly put your mediation into my report but you will need to produce more concise conditions with agreed wording. If you can provide me with this prior to the hearing I can distribute.

Remember it may be that the Members do not agree with what you propose and could make another decision.

If you could let me have the conditions ASAP as my deadline for the report is Wednesday.

Many thanks Sarah Sarah Rogers Senior Licensing Officer Communities T. 01202 454929 sarah.rogers@bcpcouncil.gov.uk bcpcouncil.gov.uk



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From: Busfield, Louise <<u>Louise.Busfield@dorset.pnn.police.uk</u>> Sent: 14 October 2019 12:28 To: David Ramsay (<u>davidramsay57@gmail.com</u>) <<u>davidramsay57@gmail.com</u>> Cc: Licensing Com <<u>licensing@bcpcouncil.gov.uk</u>>; Sarah Rogers - Licensing <<u>Sarah.Rogers@bournemouth.gov.uk</u>> Subject: FW: More The Merrier

Good morning Dave

Thank you for confirming your proposals as outlined below. As such I have cc'd the Licensing Authority for confirmation that the conditions as below will be added to the Premises Licence for More The Merrier and that by so doing, we concur that a hearing will not need to take place.

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: David Ramsay <<u>davidramsay57@gmail.com</u>> Sent: 10 October 2019 22:48 To: Gosling, Gareth <<u>Gareth.Gosling@Dorset.PNN.Police.uk</u>>; Busfield, Louise <<u>Louise.Busfield@dorset.pnn.police.uk</u>> Subject: More The Merrier

Gareth / Louise,

Thank you for taking the time to meet Mr Oksuz and his daughter today and for being so open to considering a solution to the problems that have occurred in recent months.

Below are the points we discussed and I have put them in a form allowing some to be used as conditions:

- The licence to be transferred to Mr Ismail GUNDUZ (dob 01011982).
- The DPS to be Mr Ismail GUNDUZ who has previously been DPS at several premises including Best One Poole Hill and Ferndown Food and Wine.
- A personal licence holder will be present on the premises at all times when alcohol sales are made.
- Presently there is only one personal licence holder at the premises. This is Mr Oksuz wife.
- 3 personal licence holders are being added to the staff of the premises, Esra OKSUZ, Ismail GUNDUZ and Mr Garip OZCAN.
- Mr Oksuz to be allowed to work on premises but at present will not be allowed to be involved in the sale of alcohol due to condition 2.12.
- A survey of the premises in relation to the 4 licensing objectives will be carried out by Mr David Ramsay Licensing Consultant and his recommendations implemented in order to meet these objectives.

If there are any other points that I have missed please let me know.

Regards

Dave Ramsay 07879 027783

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