

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 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
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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.p
df](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