

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
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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

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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

MO97904
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

~~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