

M172632

[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, 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) 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)

☒

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

☐

(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 ✓

<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 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

Day	Month	Year
1	4	092007

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

yes

Please tick ✓

- 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) and postal address for correspondence associated with this application (please read guidance note 6) Louise Busfield 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) 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.

M172632

Mr D Ramsey

Date: 27 November 2019
Our Ref: LDBv3: Misc. Act.: 172632: SDB07518
Contact: Mrs S Rogers
Email: sarah.rogers@bcpcouncil.gov.uk
Tel: (01202) 454929

Dear Mr Ramsey

Licensing Act 2003 – Notice of Decision
More the Merrier 68 Kimberley Road Bournemouth BH6 5BY

The Licensing Sub-Committee sat on 12th November 2019 to consider a application dated the 3rd September 2019 for the review of a premises licence in respect of More the Merrier, 68 Kimberley Road, Bournemouth, BH6 5BY. I can confirm that Bournemouth, Christchurch and Poole Council has reached the following decision:

Decision

Having considered the written evidence submitted before the hearing along with the verbal submissions at the hearing, and noting the successful outcome of mediation between the premises and Dorset Police, the sub-committee decided to modify the licence as follows:

- 1) The Designated Premises Supervisor shall be Mr Ismail Gunduz.
- 2) The Premises Licence Holder shall be Mr Ismail Gunduz.
- 3) The licence conditions shall be varied to reflect the recommendations as set out in David Ramsay's report dated the 4th November 2019 as follows:-
 - (a) Amend 2.7 to read "A documented check of the CCTV system shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained."
 - (b) New 2.7.1 "A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or an authorised officer of the Council recent data or footage with the absolute minimum of delay when requested."
 - (c) New 2.7.2 "CCTV shall be downloaded on request of the Police or authorised officer of the Council."

- (d) New 2.7.3 "Appropriate signage advising customers of CCTV being in operation shall be prominently displayed in the premises."
 - (e) Amend 2.8 to read "All staff shall be trained in the management of conflict. This could shall enable them to deal effectively with troublesome and abusive customers."
 - (f) New 2.8.1 "A record shall be maintained of all staff training and the person receiving the training, and the trainer, shall sign that record. The records shall be kept for a minimum of 12 months and made available for inspection by Police, Licensing or other authorised officers."
 - (g) New 2.8.2 "Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods."
 - (h) New 2.8.3 "A "No Proof of Age – No Sale" age verification policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Police, Licensing or other authorised officers."
 - (i) New 2.8.4 "Written records of training and subsequent refresher training (including in-house training) shall be kept for all staff involved in the sale of alcoholic beverages."
 - (j) Amend 2.9 to read "A refusals register shall be kept diligently at the premises. All incidents shall be entered with details and descriptions of customers and actions. Records shall be kept for no less than 12 months and shall be available for inspection by an authorised officer on request."
 - (k) New 2.9.1 "The refusal and incident register shall be in book form and checked and signed weekly by the DPS."
 - (l) Amend 2.10 to refer to "Challenge 25" instead of "Challenge 21".
- 4) A Personal Licence Holder will be present on the premises at all times alcohol sales are made.

Reasons for the decision:

In reaching this decision the sub-committee considered that as the premises licence holder, Mr Oksuz, should have been aware of and understood the terms of the licence. The sub-committee also noted that point 4 had been agreed following mediation with Dorset Police. Dorset Police also indicated that if this was adhered to, they would have no further concerns. It was also noted that Mr Oksuz offered the recommendations in Mr Ramsay's report as conditions.

You do have a right of appeal against this decision. Any appeal must be commenced by way of complaint laid by the appellant to the Designated Officer, Dorset Magistrates' Court, Deansleigh Road, Bournemouth, BH7 7DS within the period of 21 days beginning with the date of this Notice.

Yours sincerely

Mrs S Rogers
Senior Licensing Officer

cc. Mr M Oksuz