

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 28 April 2020 at 10.00 am

Present:-

– Chairman

– Vice-Chairman

Present: Cllr G Farquhar, Cllr D A Flagg and Cllr D Kelsey

124. Election of Chairman

**RESOLVED that Councillor D Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.**

Voting: Unanimous

125. Apologies

Apologies for absence were received from Cllr T Johnson. Cllr G Farquhar as the nominated reserve stepped up to be a member of the Sub Committee.

Cllr R Burton was present as an observer, having agreed to be the new reserve.

126. Declarations of Interests

There were no declarations of interest.

In order to allow connections to be made by all participants for today's meeting, the Sub-Committee agreed to change the running order of the agenda so that items 7 and 8 would be heard prior to item 6.

127. Application for a New Premises Licence - Christchurch Food Festival, High Street Christchurch

The Chairman introduced the item and informed the Sub-Committee that they were being asked to formally open and adjourn the above hearing until 7 May 2020 in order to comply with the requirements of the Hearing Regulations.

**RESOLVED that**

the Sub-Committee agreed unanimously to formally open and adjourn the hearing for the Application for a New Premises Licence - Christchurch Food Festival, High Street Christchurch until the 7 May 2020.

128. Application for a New Premises Licence - Christchurch Food Festival, Quay Road, Christchurch

The Chairman introduced the item and informed the Sub-Committee that they were being asked to formally open and adjourn the above hearing until 7 May 2020 in order to comply with the requirements of the Hearing Regulations.

RESOLVED that  
the Sub-Committee agreed unanimously to formally open and adjourn the hearing for the Application for a New Premises Licence - Christchurch Food Festival, Quay Road, Christchurch until the 7 May 2020.

129. Application for Review of Premises Licence - Supermarket Romania, 515 Christchurch Road

In Attendance:

From BCP Council:

Nananka Randle – Senior Licensing Officer  
Michelle Fletcher – Licensing Technician  
Linda Cole – Senior Solicitor  
Jill Aiken - Strategic Safeguarding and Quality Manager  
Joseph Tyler –Democratic and Overview & Scrutiny Officer and Clerk

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team  
Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Robert Mazerski – Premises Licence Holder  
Jon Payne – LSL Solicitors, representing Mr Mazerski

The Chairman made introductions and the procedure to be followed in considering the review was outlined and agreed by all parties.

The Licensing Technician presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Sub-Committee was asked to consider an application by Dorset Police to review the premises licence for Supermarket Romania, 515 Christchurch Road, Bournemouth, on the grounds that the premises is not upholding the prevention of crime and disorder. Specifically, that the premises is involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer had confidence in the DPS or Premises Licence Holder.

A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided additional witness statements from Police Officer Alice Fay, Boscombe Police Hub and Officer Huw Morgan Dyer of H M Revenue and Customs, which had been circulated to all parties in advance of the hearing. Following the publication of the agenda, Mr Jon Payne provided additional documentation, in the form of commercial receipts and supporting information, which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Robert Mazerski – Premises Licence Holder
- Jon Payne – LSL Solicitors, representing Mr Mazerski

**RESOLVED that:** having considered the application, the supporting documentation and the representations from Dorset Police, BCP Council's Children's Services and those on behalf of the premises, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub-Committee decided to revoke the premises licence for Supermarket Romania, 515 Christchurch Road, on the grounds that the premises was not upholding the Licensing Objectives of the prevention of crime and disorder, public safety and the protection of children.

Reasons for Decision:

The Sub-Committee considered the options available as set out in the recommendations of the report. The Sub-Committee did not consider that any of the other options would be appropriate in upholding the Licensing Objectives. The Sub Committee had no confidence in the current management of the premises. They were of the view that the use of the premises for criminal activity had only stopped because the premises licence holder had been caught by HMRC and Dorset Police. The Sub-Committee agreed that the premises licence holder did not appear to realise how serious it was to sell illicit cigarettes and tobacco.

The Sub-Committee were concerned that simply modifying the conditions from those set out in the original licence dated 29 December 2016, would not result in the premises being managed responsibly and the Licensing Objectives being upheld. Members heard that conditions 2.5 and 2.8, had not been complied with, so did not want to add further conditions that may be difficult to enforce.

The Sub-Committee were advised that the current Designated Premises Supervisor (DPS) was to be changed from the Mr Mazerski to his wife. Again, the Sub-Committee had no confidence that this would resolve their concerns as Mr Mazerski would remain the sole director of the limited company, the manager of the premises and have significant role in running the premises.

The Sub Committee took particular account of paragraphs 11.23, 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2005

and agreed that revocation of the premises licence was the only effective action that could be taken given the particularly serious nature of the criminal activity, in order to deter irresponsible trading and to promote the Licensing Objectives.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

130. Application for Review of Premises Licence - Capital Pizza and Kebab, 51 Blandford Road

In Attendance:

From BCP Council:

Nananka Randle – Senior Licensing Officer  
Lesley Johnson – Consumer Protection Officer  
Linda Cole – Senior Solicitor  
Joseph Tyler –Democratic and Overview & Scrutiny Officer and Clerk

On behalf of the Applicant, Dorset Police:

Louise Busfield – Drug and Alcohol Harm Reduction Team  
Sergeant Gareth Gosling – Drug and Alcohol Harm Reduction Team

On behalf of the Premises:

Mahmut Gilgil – Premises Licence Holder  
Gulsen Hinchley – Bournemouth Interpreters Group, translating for Mr Gilgil

The Chairman made introductions and, following a short adjournment, the procedure to be followed in considering the review was outlined and agreed by all parties.

The Consumer Protection Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub-Committee was asked to consider an application by Dorset Police to review the premises licence for Capital Pizza and Kebab, 51 Blandford Road, Poole on the grounds that the premises was not upholding the prevention of crime and disorder licensing objective. Specifically, that the premises was involved in criminal activity that the Licensing Act 2003 considers particularly serious, namely the sale and storage of smuggled tobacco. Dorset Police no longer had confidence in the DPS or Premises Licence Holder.

A copy of the application was attached to the covering report and provided detailed reasons for why the Police were seeking the review. The options available to the Sub Committee in determining the review were set out in the report's recommendation.

Following the publication of the report Dorset Police provided additional witness statements from Philip Briaris Civil Servant, H M Revenue and Customs and Officer Huw Morgan Dyer of H M Revenue and Customs, which had been circulated to all parties in advance of the hearing.

The following persons gave verbal evidence at the hearing:

- Sergeant Gareth Gosling and Louise Busfield, on behalf of the Chief Officer of Dorset Police, the applicant.
- Mahmut Gilgil – Premises Licence Holder

**RESOLVED that:** having considered the application, the supporting documentation and the representations made by Dorset Police and those on behalf of the premises at the meeting, and having regard for the 2003 Licensing Act and accompanying guidance, the Sub-Committee decided to revoke the premises licence for Capital Pizza and Kebab, 51 Blandford Road, Poole on the grounds that the premises was not upholding the Licensing Objective of the prevention of crime and disorder.

Reasons for Decision:

The Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003. The Sub-Committee did not consider that any of the other available options would be appropriate in upholding the Licensing Objectives. The Sub Committee had no confidence in the premises licence holder who is also the owner and manager of the business run from these premises. They were of the view he took no responsibility in how he managed the premises and was quick to blame others for the alleged offences that took place in it.

The Sub-Committee noted that a condition attached to the licence, namely condition 2 of annex 2, about making CCTV recordings available to the Police when requested had not been complied with and were very concerned that Mr Gilgil when questioned, stated he was never told of the conditions, that they were on the licence or what he was required to do in relation to them.

The Sub-Committee were extremely concerned that the seizure of illegal tobacco, dated 7 March 2020 was the second intelligence-led seizure recorded within a 12-month period at the premises. Despite the premises licence holder stating that the premises had been rented out when the first offence took place on the 18 June 2019, he remained the premises licence holder during this period and had been on the premises on the 18 June 2019 when a large volume of illicit tobacco had been seized. As licence holder he remained responsible for the premises and upholding the licensing objectives.

The Sub Committee noted that when the second seizure of illicit tobacco took place on the 7 March 2020, Mr Gilgil, was extremely obstructive and

became increasingly threatening and abusive to the officers who attended. This is in contradiction to the type of behaviour expected from a premises licence holder. It calls into question if he would be able to deal with a stressful situation appropriately and whether he is supportive of working in collaboration with the Responsible Authorities such as Dorset Police in order to uphold the Licensing Objectives.

The Sub Committee took particular account of paragraphs 11.23, 11.27 and 11.28 of the Guidance issued under section 182 of the Licensing Act 2005 and agreed that revocation of the premises licence was the only effective action that could be taken given the particularly serious nature of the criminal activity, in order to deter irresponsible trading and to promote the Licensing Objectives.

The Legal Advisor to the Sub Committee advised all parties of the right of appeal against the decision, which may be made to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified in writing of the decision.

The meeting ended at 1.30 pm

CHAIRMAN