

# LICENSING SUB-COMMITTEE



Report subject	<b>More the Merrier, 68 Kimberley Road</b>
Meeting date	9 June 2021
Status	Public Report
Executive summary	Application has been made by David Ramsey Licensing Consultant, on behalf of the premises licence holder Esra Oksuz, to remove condition 2.11 imposed on the licence which states:- “Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises.”.
Recommendations	<b>It is RECOMMENDED that:</b>  <b>Members are asked to decide whether to:-</b> <b>a) Grant the application for variation as made;</b> <b>b) Refuse the application for variation;</b> <b>c) Grant the variation subject to additional conditions.</b>  <b>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.</b>
Reason for recommendations	<p>The Licensing Authority has received a representation from Dorset Police to the removal of this condition as they remain concerned that Mr Oksuz is unable to commit to the promotion of the licensing objectives and therefore undermine them.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representations.</p> <p>Where representations have been received from 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 May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	West Southbourne
Classification	For Decision

### **Background**

1. An application for variation to the premises licence under the Licensing Act 2003 was made on the 12<sup>th</sup> March 2021. Details of the reasons for the application are set out at section M(a) of the variation application form. A copy of the application is attached at Appendix 1.
2. A plan showing the location of the premises is attached at Appendix 2.
3. The current premises licence is attached at Appendix 3.

### **Consultation**

4. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.
5. The application prompted a representation by Dorset Police citing their concern over Mr Oksuz's ability to promote and uphold the licensing objectives. A copy of their representation is attached at Appendix 4.
6. No representations were received from any of the other responsible authorities or any other person.

### **Options Appraisal**

7. Before making a decision, Members are asked to consider the following matters:
  - The representation made by Dorset Police.
  - The submissions made by, or on behalf of, the applicant.
  - The relevant licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.
  - The Licensing Act 2003 (Section 35), appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 – April 2018 and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

8. N/A

### **Summary of legal implications**

9. If Members decide to refuse the application or attach conditions to the licence which the applicant does not agree to, the applicant may appeal 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**

10. N/A

### **Summary of sustainability impact**

11. N/A

### **Summary of public health implications**

12. N/A

### **Summary of equality implications**

13. N/A

### **Summary of risk assessment**

14. N/A

### **Background papers**

BCP Council – Statement of Licensing Policy –

<https://www.bcpCouncil.gov.uk/Business/Licencesandpermits/Documents/Licensing/solp2020.pdf>

Hearing Regulations – <https://www.legislation.gov.uk/uksi/2005/44/contents/made>

Licensing Act 2003 Guidance –

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

### **Appendices**

Appendix 1 – Copy application for a variation to the premises licence

Appendix 2 – Copy of location plan

Appendix 3 – Copy current premises licence

Appendix 4 – Representation by Dorset Police