

[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 Sergeant Gareth Gosling on behalf of the Chief Officer of 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	
Southbourne Sports Club 8 Deans Road	
Post town Bournemouth	Post code (if known) BH5 2DA

Name of premises licence holder or club holding club premises certificate (if known)
Huseyin KOCABAY

Number of premises licence or club premises certificate (if known)
BH183391

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)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Drug & Alcohol Harm Reduction Team
Bournemouth Police Station
5 Madeira Road
Bournemouth
Dorset
BH1 1QQ

Telephone number (if any)

01202 227824

E-mail address (optional)

licensing@dorset.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder. Specifically, that the premises management consistently fail to meet the conditions of the licence intended to promote this licensing objective despite considerable support and engagement. Dorset Police no longer have confidence in the Premises Licence Holder.

Public Safety. Dorset Police have concerns regarding the ability and willingness of the Premises Licence Holder to protect the public through adhering to the conditions of the licence.

The Premises Licence Holder is not exercising the levels of control necessary over the premises to ensure that the Licensing Objectives are being upheld.

Dorset Police and our partners have attempted to engage with the Premises Licence Holder and their representative to achieve improvement, however, the licence holder appear to be unwilling to meet their existing Premises Licence conditions.

Please provide as much information as possible to support the application (please read guidance note 3)

This application for a Review of the Premises Licence for *Southbourne Sports Club, 8 Deans Road, Bournemouth*, is being submitted by Dorset Police on the grounds of the licensing objectives of the *Prevention of Crime & Disorder* and *Public Safety*.

It is and always has been the intention of *Dorset Police Drug & Alcohol Harm Reduction Team* (DAHRT) to engage and support licensees throughout Dorset to promote the four licensing objectives of Preventing Crime & Disorder, Preventing Public Nuisance, Promoting Public Safety and Protecting Children from Harm.

It is our expectation that all licensees will endeavour to meet these objectives and fulfil their duty as licensees with responsibilities to uphold these objectives and meet the conditions of their premises licence.

In this instance, however, Dorset Police have continued to receive several reports of incidents and intelligence that suggest that the operators at *Southbourne Sports Club* are failing to meet these objectives, giving rise to failing to meet existing conditions attached to their Premises Licence.

In advance of providing details of the incidents and concerns that have led to this Application to Review the Premises Licence, I will remind Sub-Committee members how Dorset Police structure our engagement towards attempting to achieve improvements to licensed premises in a collaborative approach to achieve timely improvements to avoid bringing matters before the Licensing Sub-Committee where possible.

Dorset Police are generally advised of an incident or intelligence linked to a specific premise. In the first instance, isolated incidents or intelligence may not be corroborated or may be unreliable and we would therefore consider a premise at this stage to be of *Interest* to us. This might necessitate a letter to be sent to the DPS or indeed a visit from the local Policing Team or a Police Licensing Officer.

If our concerns are heightened in any way, either through corroborating the initial report/intelligence or we receive further reports from Police Officers or the public, then the status of the premises will then be escalated to be of *Concern* to us. At this stage Licensing Officers and the Licensing Sergeant will discuss how it is most appropriate to manage the risk with the DPS and Premises Licence Holder during an arranged meeting. It is made clear at this time to the DPS/Premises Licence Holder that the premises are of Concern.

If the premises continue to underperform or is failing to act on the concerns of Dorset Police, then the Licensing Officer will engage the support of the Licensing Authority and other agencies to determine a collaborative approach towards persuading the DPS/Premises Licence Holder to make improvements to their working practices. Whilst it remains the responsibility of the DPS/Premises Licence Holder to make improvements, suggestions are generally made by Dorset Police Licensing Officers and our partners as to the areas of concern to encourage improvement during this phase which we refer to as the *Multi-Agency Intervention* stage.

Having received significant engagement and having been offered advice by Dorset Police and our partners, where appropriate, if the premises continue to underperform or continues to raise concerns then we will seek to escalate the premises to a phase we refer to as *Target*. This is overseen by the Drug & Alcohol Harm Reduction Team Inspector and is communicated to our partners and will include a period of collating evidence towards a *Review*. We will also meet with the DPS/Premises Licence Holder to ensure that they fully understand the position and that Dorset Police consider that their premises are not upholding the Licensing Objectives.

It is important to note that during any of the phases detailed above, Dorset Police seek to engage the support and co-operation of the DPS/Premises Licence Holder to avoid a Licensing Sub-Committee Hearing. If this is not possible, then the premises will escalate to the final phase, referred to as *Review*, at which point the application is made to seek a Review of the Premises Licence.

There are occasions when the risk or nature of the concern does not allow all phases to be explored. This will generally be in serious cases where the Licensing Act 2003 supports an immediate escalation to a latter phase or where the nature of the incident casts immediate doubt over the ability of the premises to operate safely and lawfully. On these occasions, the evidence produced in support of the Review will generally be relatively current.

Due to the engagement that we undertake, where each or most of the phases of engagement have been explored in advance of the Review being submitted, it may be that some of the evidence being produced is up to 12 months (or in some cases longer) old. This should serve only to confirm that the premises have been underperforming over a sustained period despite structured engagement. We will endeavour to highlight the above phases of engagement chronologically throughout the document.

The licence for this premises was granted on the 23rd June 2021 following an application by Mr Kocabay to change the premises from having a Club Licence to a Premises Licence, which would enable him to broaden the customer base for the premises.

The licence was granted with some input from Dorset Police and it was our expectation that Mr Kocabay will have understood and listened to the concerns raised by local residents in order to ensure that in delivering a successful business he would also uphold the licensing objectives and ensure that the conditions of his licence were met. Despite our engagement and support, we have illustrated below the breaches and failings witnessed by Dorset Police and our partners which evidences that the licence holder has consistently failed to uphold the licensing objectives.

On the 12th July 2021 Dorset Police received the first complaints regarding the premises. In the first instance, given that the licence had been granted only 20 days prior to us receiving the complaints, we contacted his Licensing Consultant, David Ramsay, to advise of the complaints. The following day, on the 13th July 2021, Police Licensing Officer Louise Busfield spoke with Mr Kocabay and advised him to ensure that he was promoting the licensing objectives and meeting the conditions of his premises licence.

Mr Kocabay advised that he was being harassed by residents, however, we established that it was residents complaining that he was not meeting the conditions of his licence that were resulting in complaints being made to him. Licensing Officer Louise Busfield advised him that due to the number of complaints being received, his premise was of *Interest* to the Licensing Team and requested a list of customers that had been present at the premises over the preceeding 7 days. Mr Kocabay maintained that the complaints were unfounded but agreed to provide a list of customers over the past 7 days.

Dorset Police did receive further communication on the 17th July 2021 from [REDACTED] on behalf of Mr Kocabay with details of the customers. She advised, on behalf of Kocabay, that it had proven difficult to control the number of customers gathering at the entrance to his premises and reiterated that Mr Kocabay felt that the neighbours had been making false reports regarding his premises. [REDACTED] also suggested that there had been racial comments made between neighbours which had become known to Mr Kocabay and this caused me concern as I did not wish for the situation between the business and the residents to deteriorate further.

At the earliest opportunity, having received further reports of complaints from neighbours, I escalated the premises to be of *Concern*, however, due to the fact that the premises licence had only recently been granted and that many of the issues being reported appeared to be anti-social behaviour and complaints of noise nuisance, I decided it appropriate to invite both Sarah Rogers of BCP Licensing Department and Matthew Taylor of BCP Environmental Health to a meeting with Mr Kocabay to determine the most appropriate route forward to manage the concerns of the neighbours to the business and seek early improvement in the operating practices, if appropriate, before poor practices or misunderstandings could become established in the working practices of the premises.

This meeting occurred on the 20th July 2021 whereby breaches of the licence conditions were witnessed and evidenced. There was CCTV footage of gatherings of more than 4 outside the premises, the incident book for the premises had been inadequately completed, there was no refusals register and no training records for the only other member of staff at the premises. Additionally, there had been no Risk Assessment for SIA Door Supervisors completed prior to the showing of the Euro 2020 football events and it could not be determined during the meeting whether the premises had indeed submitted membership to the local PubWatch scheme.

Dorset Police had also received information and evidence to suggest that public urination was occurring outside the premises.

It was clear that Mr Kocabay had failed to meet several conditions required by his licence and in doing is likely to have been causing a nuisance to neighbouring premises. Mr Kocabay was provided with a written record of the concerns raised in order that he could make improvements. Matthew Taylor, Sarah Rogers and I collectively agreed at the conclusion of the meeting that the premises would benefit from additional support and guidance through being further escalated to the *Multi-Agency Intervention* stage of the engagement matrix. Significant advice was provided during the meeting which made clear the improvements that were necessary to ensure compliance with the premises licence. The premises would be closely monitored for further complaints and further intervention would be discussed and delivered by all partner agencies.

On the 31st July 2021 further contact was received from Licensing Consultant David Ramsay. Because of our visit of the 20th July 2021, he had been instructed by the licence holder, Mr Kocabay to conduct a detailed survey of the premises and its operation to identify and rectify and shortcomings in relation to the 4 licensing objectives. Mr Ramsay advised that he planned to attend the premises on Tuesday 3rd August 2021 to complete the survey, the results of which would be published to Mr Kocabay and ourselves the following week.

On the 4th August 2021, Licensing Officers Louise Busfield, Matthew Taylor and I visited the premises. Further breaches were again identified during a brief visit, which had only been intended to clarify any issues raised by Mr Ramsay the previous day. Mr Kocabay was advised that evidence had been received which clearly suggested that drugs were being taken inside the toilets at the premises. Mr Kocabay denied that this was taking place, however, pledged to deal with any such activity if he was to be made aware in the future. Mr Kocabay was advised to also ensure that a copy of his Premises Licence was on display at all times. CCTV footage at 8.16pm on 30th July 2021 showed a male leaving the premises with a bottle of beer that had been served to him a short time prior to him leaving. Mr Kocabay stated that he had not seen the male leave with the alcoholic drink as he was playing Pool at the time. CCTV captured three further occasions where there had been mismanagement of the outside space where the numbers either exceeded those permitted or customers were consuming their drinks outside. Mr Kocabay, in response, stated that it was a 'lot of pressure' to manage the premises.

A letter was sent to Mr Kocabay on 6th August 2021 confirming the breaches that were identified, though we anticipated that these would also have been identified by Mr Ramsay in his report that would soon follow.

The report following the survey completed by Mr Ramsay was received on 11th August 2021. Mr Ramsay confirmed that he would be meeting with Mr Kocabay to discuss the findings in detail and to suggest a way forward to achieve necessary improvements. It was also proposed that Mr Kocabay invite concerned local residents to a meeting at the premises to discuss proposed improvements and provide feedback in the near future.

The report prepared by Mr Ramsay broadly supported the findings of Dorset Police and listed several areas of concern that should be immediately addressed by Mr Kocabay.

On the 19th August 2021 a meeting occurred at the premises with invited residents and a member of the Neighbourhood Policing Team who attended impartially as an observer and to receive any feedback that would be useful for the purposes of supporting all involved to achieve improvements.

Further reports continued to be received by Dorset Police from local residents regarding incidents of anti-social behaviour emanating from the premises. On the 7th September 2021 I completed a further visit along with Licensing Officer Louise Busfield to understand the improvements that had been implemented following the previous visits and the report provided independently on instruction from Mr Kocabay.

I will now summarise the shortfalls identified which included several breaches of the licence that continue to occur at the premises.

On viewing the Incident Book all entries except one relate to contact with the local residents. The one relevant entry, written, we were told, by a customer of the premises, related to a customer who had failed to pay for a drink and had therefore been excluded from the premises. The note read, "He naughty boy". When asked about the time of the incident, Mr Kocabay was unable to provide any further details which prevented the incident being corroborated by CCTV. Mr Kocabay confirmed that he had no formal Banning/Exclusion Policy in place, something which had been suggested as necessary by Mr Ramsay.

Despite Condition 2.5 requiring that the Refusals Book be 'checked and signed by one of the management staff on a weekly basis', there were only two signatures in the book which started on 21st July 2021 and were apparently signed by one of the bar staff, Vicky.

Once we had established that Vicky was not a member of management at the premises, Mr Kocabay was unable to provide details of the staff training in respect of Vicky, instead stating words to the effect, "she worked in hotels", which we explained did not adequately meet condition 2.3 of the premises licence.

During the visit Mr Kocabay was once again made aware of a covering over a Fire Alarm which appeared to be a plastic carrier bag. On a previous visit Mr Kocabay had removed a latex glove from the same Fire Alarm when his attention was drawn to the hazard.

Upon attempting to review the CCTV it became apparent that Mr Kocabay had not been reviewing the function of the CCTV on a weekly basis (required by Condition 2.16) as he was unable to immediately operate the system, instead needing to speak with an engineer who provided him with remote support. There was no documentary evidence demonstrating that weekly checks had been completed (Condition 2.16) and the date 'stamp' on the CCTV was incorrect by 1 hour.

Mr Kocabay was reminded of the requirement to record any discrepancies with the timings of the CCTV for future reference.

Despite Mr Kocabay being advised during a prior visit that the CCTV had failed to record footage beyond 19 days prior to the visit (20th August 2021 being earliest day of footage available), a further check identified that this issue had not been rectified and continued to record for the preceding 19 days and not 31 days as required by condition 2.12.3.

Once we had accessed the CCTV system with the support of the engineer, a review of CCTV footage for 4th September 2021 we identified a small number of customers entering the premises at 12.10am, beyond the time that the premises are permitted to remain open to the public. The customers were served alcohol at 12.11am by a member of staff whilst Mr Kocabay was sat some 2 metres away talking with a friend at the Bar.

Mr Kocabay informed us that he had simply 'lost track of time' whilst talking to his friend, which demonstrated that he was not effectively managing the premises. These customers were seen to leave the premises at approximately 12.40am, despite Mr Kocabay being adamant that he consistently leaves the premises at midnight each night.

On the 7th September, the day in which the visit was completed, Mr Kocabay had advised that he had closed at midnight the previous evening. Mr Kocabay was challenged as to why customers had been leaving the premises at 4.13am. A review of the CCTV confirmed that there had been a small group of males predominantly using the poker room, which is not covered by CCTV. Mr Kocabay became defensive and stated that he had been playing games with some friends and that no alcohol had been served during this time.

Mr Kocabay was advised that whilst it was difficult to prove that licensable activity had taken place, the adverse effects of individuals leaving the premises at such a late hour would undoubtedly serve only to fuel the ongoing issues between him and his neighbours. In order to demonstrate the adverse effects that the licence is attempting to avoid, Licensing Officer Louise Busfield identified from the CCTV footage that Mr Kocabay was seen to deposit a waste bag in the wheeled bin outside the premises, which would potentially cause a disturbance and is prevented by condition 2.19 which does

not permit waste to be deposited outside after 10pm each evening as to avoid public nuisance from being caused.

Mr Kocabay once again became defensive when I attempted to summarise the concerns that remain regarding his apparent inability to meet some of the most basic conditions of his licence. Mr Kocabay maintained that he had been making every possible effort to meet the conditions, which does cause me concern as I would expect these conditions to be met regardless of the experience of the licence holder.

The shortfalls and failings were heard by the Licensing Sub-Committee during the Sub-Committee hearing on the 28th October 2021 when Dorset Police submitted an application to Review the Premises Licence. This was supported by several of the residents that live nearby who provided written submissions detailing their concerns.

The Licensing Sub-Committee decided to allow Mr Kocabay to retain the Premises Licence subject to the addition of a small number of conditions and a written undertaking that he would improve his operating standards at the premises.

Dorset Police visited the premises 40 days following the publication of the decision and identified that a several failings remain at the premises, most notably highlighted on the 13th November 2021 when Mr Kocabay hosted an 18th Birthday Party at the premises. The full details of the failings are identified within the Supplementary Evidence (attached) and highlight that Mr Kocabay is unwilling or unable to operate the premises in promotion of the licence objectives, the conditions of the licence and to the satisfaction of the residents nearby who often suffer the effects of these failings.

The Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 states at 11.24 that in cases such as this the Licensing Authority should '*ensure the promotion of the crime prevention objective*'.

In doing this, Section 182 Guidance states at 11.26 that it is the Licensing Authority's role to solely '*determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective*'.

Consideration should also be given to circumstances where activity has taken place '*despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence*'. We have illustrated above that it is indeed the Premises Licence Holder that is in daily control of the business with oversight over all aspects of the business. There is also concern that it is indeed the Premises Licence Holder that is encouraging the breaches to the conditions and failing to uphold the licensing objectives.

There can be no excuse for licensees failing to act to meet their licence conditions and promote the licensing objectives within their premises. When considering the relevance of the review and the potential sanctions, if any, that the Sub-Committee may choose, it should be emphasised that Dorset Police and other partner agencies are working tirelessly to engage positively and improve standards within our licensed community and consider that the operating standards at *Southbourne Sports Club* are falling far short of the level expected.

Further to this visit, Dorset Police requested that CCTV be produced which captured several key failings. The footage seen by Dorset Police showed drugs being openly taken at the entrance to the premises, unlicensed staff acting in the capacity of Door Supervisors, uncontrolled gatherings in the street on egress at midnight and untrained staff serving customers within the premises. Despite this request being made in person, Dorset Police were later informed that the CCTV was no longer available as it had been overwritten.

I accept that there have once again been no significant incidents of violence at the premises. The breaches to the licence, whilst some may appear trivial, have all contributed to a clear indication of mismanagement and it is our concern that this documented mismanagement will place the safety of the public at risk. The premises clearly do not enjoy a large customer base, however, despite the apparent lack of large numbers of customers, Dorset Police continue to receive a significant number of complaints regarding this premises, which is entirely disproportionate when compared to other similar sized premises. Dorset Police will continue to act impartially when investigating reports of apparent breaches,

however, on this occasion I have demonstrated that despite our support, the support of our partners and the support of an independent Licensing Consultant and Licensing Solicitor, Mr Kocabay seems unable to make the necessary improvements to become compliant.

Dorset Police invite the Sub-Committee to consider all the options available to them under the Licensing Act 2003 with consideration to be given to revocation of the Premises Licence as we do not consider at this time that the other options available to the Sub-Committee would sufficiently meet the concerns that we have regarding this premises.

Have you made an application for review relating to the premises before



If yes please state the date of that application

Day		Month		Year		
1	4	0	9	2	0	2

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

Previous representations are detailed in this application.

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, 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

[Redacted Signature]

Date **17th January 2022**

Capacity **Police Sergeant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

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. 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.