

Licensing Team
Town Hall Annex
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Bournemouth BH2 6EA



Dorset Police
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Date: 3 November 2021
Our Ref: LDBv3: Misc. Act.: 189083: NKR03790
Contact: Mrs N Randle
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Via email

Dear Dorset Police

Licensing Act 2003 – Notice of Decision
Southbourne Sports Club 8 Dean's Road Bournemouth BH5 2DA

The Licensing Sub- Committee sat on 28th October 2021 to consider the review application dated the 14th September 2021 in respect of Southbourne Sports Club, 8 Dean's Road Bournemouth BH5 2DA. I can confirm that BCP Council has reached the following decision:

Decision

That having considered the application to review the premises licence, the Sub Committee agrees that the premises licence should be modified by adding the following new conditions:

- A CCTV camera shall be installed in the function room within 28 days of the decision notice being issued, and until such time as it has been installed the door to the function room shall be sealed shut.
- No more than 2 persons at any one time will be permitted outside the premises in the smoking area. Signage advising customers of this condition will be displayed on the premises. The smoking area will be monitored on CCTV by staff at all times and a member of staff will check the area in person on a regular basis. If at any time more than two persons are monitored using the area or any person is monitored having taken a drink outside into this area, a member of staff will attend the area immediately to enforce the conditions of the licence. This condition will replace condition 2.28
- All persons with the exception of the Premises Licence Holder and staff employed at the premises will be required to vacate the premises between the hours of midnight and 10:00hours the following day.
- The function room will not be used for 'low level' poker games as defined by the Gambling Commission guidance. Conditions 2.10 and 2.10.1 can be deleted and Condition 2.9 amended to read: Any provision of poker at the premises shall be restricted to 'low level' as defined by the Gambling Commission guidance and when such an activity is taking place the Designated Premises Supervisor shall be the responsible person and shall be conversant with and comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence.

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- Condition 2.5 shall be amended to A refusals book shall be maintained and be fully completed to include names, dates and times, in an accurate and legible manner and shall be checked and signed by one of the management staff on a weekly basis.

Reasons for the decision:

The Sub Committee gave detailed consideration to all of the written information which had been submitted before the hearing, including that contained in the report for Agenda Item 5, including the representations made by Environmental Health as a Responsible Authority and nine 'other persons' living in the locality in support of the review, together with the supplementary information provided by the applicant Dorset Police and Mr Day of Lacey's Solicitors on behalf of the premises licence holder. The Sub Committee considered the verbal submissions made at the hearing by all parties attending and the responses given by all parties to questions asked at the hearing.

The Sub Committee looks to Dorset Police as the main source of advice on crime and disorder. Following complaints received from local residents, Dorset Police had undertaken engagement visits to the premises and had found that 55% of conditions under the prevention of crime and disorder licensing objective had been breached, some on multiple occasions. These breaches included lack of staff training, failure to produce a refusals register, issues with the operation of the CCTV system, and no risk assessment undertaken for showing major sports events.

The Sub Committee had regard to the significant amount of engagement and support repeatedly offered by Dorset Police and other partners to the Premises Licence Holder, Mr Kocabay, and his then representative to assist them in achieving improvements at the premises. Despite this stepped approach to intervention and the advice provided at each stage, which included recommendations from his own representative, Mr Kocabay had consistently failed to comply with the conditions of his licence, and as a consequence had failed to uphold the licensing objectives. It was noted that Dorset Police no longer had confidence in Mr Kocabay to exercise the levels of control necessary as Premises Licence Holder to manage the premises responsibly

The Sub Committee had regard to the written and verbal assurances provided by Mr Kocabay and his legal representative, Mr Day, that the breaches of conditions had now been addressed. These assurances did not alter the Sub Committee's view that the failure to comply with conditions and prevent problems arising was a serious matter, particularly when Mr Kocabay had been made aware on a number of occasions and had failed to act. It appeared to them it had taken facing this review, for Mr Kocabay to show any desire to want to comply with his licence conditions and manage the premises responsibly and it appeared he had a habit of just saying what he thought those in authority wanted to hear. In addition, the Sub Committee did question some of the responses given by Mr Kocabay at the hearing, including his account of why smoke detectors in the premises had been covered over, an action which the Sub Committee felt could have had serious consequences to public safety and was totally irresponsible. There was also uncertainty from what was said over whether Mr Kocabay was now a member of the local Pubwatch scheme and whether he would be prepared to take an active part going forward.

The Sub Committee also had regard to the issues raised in the representations made by local residents regarding their experiences since the premises was granted a licence in April 2021. Although it was confirmed that these issues did not constitute a statutory public nuisance, the disorder, nuisance and anti-social behaviour associated with customers using the premises was recognised as an ongoing cause of disturbance for those living in the immediate vicinity. It appeared that Mr Kocabay had not been encouraging patrons to be considerate to neighbours and that Mr Kocabay had allowed people to enter and leave his premises into the early hours without much regard for those close neighbours.

In considering the steps available in determining the review the Sub Committee gave serious consideration to revoking or suspending the premises licence but concluded that these would not be appropriate options at the present time, nor would the removal of the designated premises supervisor have the desired effect. The Sub Committee considered that the addition of the four conditions offered by Mr Kocabay/Mr Day and the amendment to Condition 2.5, alongside full compliance with all existing conditions was the most expedient response in the current circumstances to the concerns raised in the review.

In order to address concerns about Mr Kocabay's ability and commitment to sustain compliance with the conditions and manage the premises responsibly, prior to confirming its decision the Sub Committee sought and received written confirmation from Mr Kocabay that he understands and is prepared to comply with the conditions on his licence and to work with the Police and the Council going forward. They also sought and received confirmation that he has now joined the Pubwatch scheme and is prepared to take an active part. The Sub Committee also requested and received copies of the staff training certificates, which comprised licensing law, drug awareness and an introduction to conflict management. This additional information has given them some confidence that the licensing objectives will not be further undermined, so long as this training is put into practice.

In addition the Sub Committee requested that the Licensing Authority arranges a visit to the premises at an appropriate time to ensure that all conditions are being complied with. In order to progress the concerns around the range of anti-social behaviour reported to the Sub Committee, the Sub Committee asked that the Licensing Authority advises BCP Council's Anti-Social Behaviour team of the concerns raised by the neighbours in responding to this review. The Sub Committee also requested that Dorset Police be asked to confirm what if any action is being taken in response to the allegations of drug use in the premises.

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 faithfully

Mrs N Randle

cc. Any Persons making a relevant representation and Mr Phillip Day representing the licence holder