

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 28 October 2021 at 10.00 am

Present:-

Cllr J J Butt – Chair

Present: Cllr A Hadley and Cllr T Johnson

31. Election of Chair

RESOLVED that Councillor JJ Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

32. Apologies

There were no apologies for this meeting.

The Chair advised the two reserve members, Cllr L Williams and Cllr D Kelsey, that they were not required and thanked them for their attendance.

33. Declarations of Interests

There were none.

34. Review of Premises Licence - Southbourne Sports Club, 8 Dean's Road, Bournemouth, BH5 2DA

Present:

From BCP Council:

Nananka Randle, Licensing Manager

Linda Cole, Legal Advisor to the Sub Committee

Jill Holyoake, Clerk to the Sub Committee

Sergeant Gareth Gosling, representing the applicant, Dorset Police

Louise Busfield, representing the applicant, Dorset Police

Matthew Taylor, BCP Council Environmental Health as Responsible Authority

Huseyin Kocabay, Premises Licence Holder

Philip Day, Laceys Solicitors, representing Mr Kocabay

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Manager presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book together with two supplementary packs containing supporting information submitted by the Police and Mr Day respectively in advance of the hearing.

The Sub Committee was asked to consider an application for review of the premises licence for the premises known as Southbourne Sports Club, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA. The application was submitted by Dorset Police on 14 September 2021 on the grounds that the Premises Licence Holder was not exercising the levels of control necessary over the premises to ensure that the licensing objectives are being upheld.

The application had resulted in one representation from Environmental Health as a Responsible Authority and nine representations from 'Other Persons', all of which were in support of the review application.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in their written submissions:

Sergeant Gareth Gosling and Louise Busfield, Dorset Police
Matthew Taylor, BCP Council Environmental Health
Huseyin Kocabay, Premises Licence Holder
Philip Day, Laceys Solicitors, representing Mr Kocabay

The Sub Committee asked various questions of all parties present and were grateful for responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the hearing the Legal Advisor advised all parties of the right of appeal.

RESOLVED:- That having considered the application to review the premises licence for the premises known as Southbourne Sports Club, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA, 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.**
- **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 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.

Voting: Unanimous

Note: The Sub Committee adjourned for a comfort break between 12.20pm to 12.30pm.

The meeting ended at 1.10 pm

CHAIR

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