

Supplementary Papers for Licensing Sub-Committee

Date: Tuesday, 12 November 2019



4. Application for Review of Premises Licence - More the Merrier, 68 Kimberley Road BH6 5BY

To consider an application by Dorset Police to review the premises licence relating to the prevention of crime and disorder and the protection of children from harm.

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**‘More The Merrier’
68 Kimberley Road
Bournemouth
BH6 5BY**

*Review &
Recommendations*

4th November 2019

Introduction

My name is David Ramsay and I am a self-employed licensing consultant and trainer working regularly with the licensing trade in the United Kingdom.

I have been asked to use my expertise to review and assess the operation known as 'More The Merrier' 68 Kimberley Road Bournemouth in relation to its responsibility under the Licensing Act 2003, and its stance as a responsible alcohol retailer.

Prior to taking up my current profession as a Licensing Consultant I had a successful career as a police officer both in Strathclyde and Dorset completing my career in the post of Poole Division Licensing Sergeant in January 2007.

I was also an expert drugs witness for the Crown Court until my recent retirement.

The latter part of my police career was concentrated on the implementation of the Licensing Act 2003 within the county of Dorset.

In anticipation of this Act I implemented the 'Poole Safe' licensing initiative. This initiative improved the standard of operation within local licensed premises and won National recognition as 'best practice' in relation to the 'Night Time Economy'.

The ethos of 'Poole Safe' was to encourage the licensed trade to work closely with the Police and other agencies, thus improving safety and standards within and around their premises.

The initiative also included the very prestigious 'Safe & Sound Awards' that recognised and awarded good practice within licensed premises.

I also gained vast experience representing Dorset Police at Licensing Reviews, mediation and Magistrates court.

Since leaving Dorset Police I have represented numerous licensed premises throughout the country in licensing matters and have delivered training on behalf of the British Institute of Innkeeping to both the licensed trade and Responsible Authorities.

I now have my own training centre delivering courses for the Highfield Awarding Body for Compliance (HABC).

The Licensing Act 2003 places a responsibility on licensed premises to reach certain standards to satisfy licensing objectives.

It was my experience that these standards are often not met. This is usually due to a lack of expertise or understanding as to the requirements of the police and/or other interested parties.

In reviewing this premises I have endeavoured to identify failings and/or shortcomings in the operation and recommend methods, training and equipment that will ensure the standards required under the Licensing Act 2003.

Premises

'More The Merrier' is a small convenience store situated on the junction of Kimberley Road and Beaufort Road in the residential Boscombe East area of Boscombe. The store is surrounded by residential properties.

The shop premises is attached to the home of the premises licence holder **Mr. Muzaffer OKSUZ** who lives at the address with his wife **Hatice OKSUZ** and three daughters.

The main entrance to the shop is directly onto Kimberley Road.

The Layout of the shop is similar to most convenience stores. It is of 'L' shaped design with two islands containing mostly groceries and the serving counter to the immediate right of the shop entrance.

The alcoholic beverages are displayed mostly on the right hand wall with the spirits behind the serving counter next to the cigarettes and tobacco. There is also a refrigerator unit against the far wall that contains a quantity of beers and wines.

Although the shop caters for many essential shopping requirements, much of its trade relies on the sale of alcoholic beverages

On examining the shop floor the vast majority of alcoholic beverages were responsibly displayed but I observed several case of beer piled unnecessarily on the shop floor near the rear of the premises.

The position of the displays of the alcoholic beverages allowed them to be covered from the serving counter and/or CCTV cameras.

Due to the position of the shop within a densely populated area, the staff are required to deal with a diverse class of customer. This in turn requires them at times to deal with difficult and intimidating customers.

There is a refusals register in existence and on examination this register has been maintained in English and has been done so satisfactorily. My observations are that more detail as to the description of customers is necessary. The staff member who is refusing the sale should always make the entries and each page of the register should be examined and signed by the Designated Premises Supervisor or shop manager. The current refusals register is also loose leaf and this increases the possibility of pages being lost or removed. A register in book form would be more beneficial.

Staff

Until a review hearing in 2008 the shop was primarily a family run business with **Muzaffer** and his wife **Hatice** serving in the shop.

As a result of the subsequent variation of the premises licence on 28th October 2008 an added condition 2.12 prevents **Muzaffer OKSUZ** from being responsible for or authorizing any alcohol sales.

This condition has resulted in **Hatice** having to be present to deal with all alcohol sales.

Despite added expense, putting the shop under greater financial strain, new staff members have had to be hired.

Currently the additional staff members are as follows:

Ismail GUNDUZ

Esra OKSUZ

Garip OZCAN

These additional members of staff will work on a shift basis along with **Hatice OKSUZ** but allowing **Hatice** the time to also look after her disable daughter.

Esra OKSUZ will only be available at weekends and holidays as she attends university during the week.

Muzaffer OKSUZ will also be working in the shop but will not be responsible for or authorize alcohol sales.

On examining for policy documents and training documents I observed that there were no documented in-house training including TSSW training and no Age Verification Policy relevant to the store.

It was also to be noted that bearing in mind the possibility of intimidation from difficult customers in this built up residential area, there has been no training of staff in dealing with conflict or confrontation.

CCTV

The store has invested in a modern CCTV system and ensured that it is maintained on a regular basis.

The system is multiplex and at present carries out all necessary functions satisfactorily.

In order to ensure that all areas are covered the premises licence holder has increased the number of cameras to 8 (eight) within the shop, 1 (one) outside the front entrance, 1 (one) in the stockroom and (1) one at the rear of the premises.

The additional cameras include a camera giving the required image of persons entering through the main door.

There are 2 (two) monitors, one in the shop beside the serving counter, positioned towards the server ensuring that members of the public do not easily view the images, and another monitor in the private

accommodation of **Mr & Mrs Oksuz**.

The main hard drive system is situated behind the serving counter out of reach from any customers.

As yet none of the staff have received training in working and downloading from the system.

No CCTV register is in existence.

Training

Muzaffer OKSUZ

Had his Personal Licence revoked in 2008 and due to condition 2.12 of the premises licence can no longer be responsible for or authorize the sale of alcohol. There is no documented evidence of him having in-house training.

Hatice OKSUZ

Does not hold a personal licence and there is no documented evidence of her having in-house training

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Is the Designated Premises Supervisor and holds a personal licence. Due to living in Eastleigh he does not visit the premises regularly but is in day to day control and contactable by telephone.

This is, in my opinion, an unsatisfactory arrangement.

Ismail GUNDUZ

Is a personal licence holder and has vast experience in the sale of alcohol including experience as a DPS. There is no documented evidence of in-house training.

Esra OKSUZ

Has recently obtained a personal licence and has experience of working in the family store. There is no documented evidence of in-house training.

Garip OZCAN

Has recently sat and passed his Award for Personal Licence Holders (APLH) exam but has not yet got a personal licence. There is no documented evidence of in-house training.

Recommendations

Having carried out my survey of the premises and its operation, I have identified various shortcomings and failings primarily in relation to training.

This training, I believe is essential when operating a premise trading in alcoholic beverages in a somewhat difficult residential neighbourhood such as Boscombe East.

I have no doubt that many of the incidents that have led to historical problems at this store could have been avoided if it had not been for these shortcomings.

As there has been evidence of recent incidents where the staff have encountered difficult and antisocial customers it is essential that the management and staff act in a responsible manner.

The lack of training in respect of dealing with confrontation and underage sales could give rise to breaches in the law due to intimidation and ignorance of the law.

It is also essential that there are no 'language barriers' in relation to the

necessary training of all staff at the premises.

Premises

1. Review of alcoholic beverages on display. Any unpopular or excessive numbers of cans/bottles removed from the shop floor in order to reduce amount on shop floor.
2. Aisles to be kept clear of obstruction (no cases of beer etc. to be stored in the aisles).
3. Refusal and incident books to be kept diligently. All incidents must be entered with details and descriptions of customers and actions (actual abusive language spoken).
4. Refusal and incident register to be in book form (suggest A4 desk diary) and checked and signed weekly by DPS/manager.
5. Premises to adopt an **Under 25** policy in respect of alcohol sales.
6. Written Age Restriction Policy required.
7. Consideration of a change of the Designated Premises Supervisor to a member of staff who is regularly working at the premises.
8. Notice requesting customers to leave the premises quietly and respect surrounding residents to be prominently within the premises.

CCTV

1. A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.

2. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able

to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

3. CCTV shall be downloaded on request of the Police or authorised officer of the council.
Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

Training

1. All staff to be trained in the management of conflict. This course will enable them to deal effectively with troublesome and abusive customers.
2. A record shall be maintained of all staff training and the person receiving the training and the trainer shall sign that record. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
3. Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods.
4. A “No Proof of Age – No Sale” Age Verification Policy will be adopted and records kept of that training at the premises. Such records will be kept and made available to Licensing, Police or other authorised officers.
5. ‘Challenge 25’ signage will be displayed prominently on the premises.
6. Written records of training and subsequent refresher training (including in-house training) will be kept for all staff involved in the sale of alcoholic beverages.

Conclusion

There is no doubt that **Mr and Mrs OKSUZ** are under no illusion as to the

severity of the position their business is under at the moment.

They are aware that the loss of the premises licence will also mean the loss of their business and possibly their home that is attached to the shop.

During my time with **Mr and Mrs OKSUZ** and their daughter **Esme** they were freely open to the fact that improvements need to be made in the running of the convenience store if their licence is to continue. These improvements they are determined to make.

The revocation of the licence will also have serious repercussions on their family, the two daughters that they are supporting through university and their disabled daughter looked after at home.

It is also my opinion and experience that the revocation of the premises licence could prove counterproductive, as the high demand for licensed convenience stores would attract another operator to open in close proximity.

There is no guarantee that this would be a responsible retailer and this could bring further problems to this residential area.

It is my opinion and recommendation that Mr. Oksuz is allowed to continue operating his business under strict conditions including the recommendations listed above, ensuring a high standard of training and operation.

This, I believe, would be the best course of action to ensure that the 4 (four) licensing objectives are met.

David Ramsay
Licensing Consultant

